

BEFORE THE BOARD OF ARCHITECTS AND LANDSCAPE ARCHITECTS
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the repeal of) NOTICE OF PUBLIC HEARING ON
24.114.403 business entity practice) PROPOSED REPEAL
and 24.114.405 branch offices)

TO: All Concerned Persons

1. On April 1, 2010, at 1:30 p.m., a public hearing will be held in room 430, 301 South Park Avenue, Helena, Montana, to consider the proposed repeal of the above-stated rules.

2. The Department of Labor and Industry (department) will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Architects and Landscape Architects (board) no later than 5:00 p.m., on March 26, 2010, to advise us of the nature of the accommodation that you need. Please contact Brooke Jasmin, Board of Architects and Landscape Architects, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2351; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2309; e-mail dlibsdark@mt.gov.

3. The rules proposed to be repealed are as follows:

GENERAL STATEMENT OF REASONABLE NECESSITY: The board determined it is reasonably necessary to repeal ARM 24.114.403 and 24.114.405 that deal with business entity practice and branch offices. The board has the statutory authority to issue licenses to individuals but not firms, and therefore the board lacks the authority to enforce these rules against entities. The board recognizes that the issue of enforcement of these rules may be questioned during an audit and decided to repeal these rules.

24.114.403 ARCHITECT BUSINESS ENTITY PRACTICE found at ARM page 24-8024.

AUTH: 35-4-301, 35-8-1304, 37-1-131, 37-65-204, MCA
IMP: 35-4-205, 35-4-207, 35-4-208, 35-4-209, 35-4-301, 35-8-1301, 35-8-1304, 37-65-101, 37-65-302, MCA

24.114.405 QUALIFICATIONS REQUIRED FOR MONTANA BRANCH OFFICE found at ARM page 24-8024.

AUTH: 37-1-131, 37-65-204, MCA
IMP: 37-65-303, MCA

4. Concerned persons may present their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to the Board of Architects and Landscape Architects, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; by facsimile to (406) 841-2309; or by e-mail to dlibsdark@mt.gov; and must be received no later than 5:00 p.m., April 9, 2010.

5. An electronic copy of this Notice of Public Hearing is available through the department and board site on the World Wide Web at www.architect.mt.gov. The department strives to make the electronic copy of this notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the department strives to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems, and that technical difficulties in accessing or posting to the e-mail address do not excuse late submission of comments.

6. The board maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this board. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies the person wishes to receive notices regarding all board administrative rulemaking proceedings or other administrative proceedings. The request must indicate whether e-mail or standard mail is preferred. Such written request may be sent or delivered to the Board of Architects and Landscape Architects, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; faxed to the office at (406) 841-2309; e-mailed to dlibsdark@mt.gov; or made by completing a request form at any rules hearing held by the agency.

7. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

8. Colleen White, attorney, has been designated to preside over and conduct this hearing.

BOARD OF ARCHITECTS AND
LANDSCAPE ARCHITECTS
BAYLISS WARD, PRESIDENT

/s/ DARCEE L. MOE
Darcee L. Moe
Alternate Rule Reviewer

/s/ KEITH KELLY
Keith Kelly, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State March 1, 2010