

BEFORE THE BOARD OF PROFESSIONAL ENGINEERS  
AND PROFESSIONAL LAND SURVEYORS  
DEPARTMENT OF LABOR AND INDUSTRY  
STATE OF MONTANA

In the matter of the amendment of )  
ARM 24.183.502 and 24.183.504 )  
application processes for professional )  
engineers and professional land )  
surveyors )

NOTICE OF PUBLIC HEARING ON  
PROPOSED AMENDMENT

TO: All Concerned Persons

1. On April 4, 2011, at 2:00 p.m., a public hearing will be held in room 439, 301 South Park Avenue, Helena, Montana, to consider the proposed amendment 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 Professional Engineers and Professional Land Surveyors (board) no later than 5:00 p.m., on March 30, 2011, to advise us of the nature of the accommodation that you need. Please contact Brooke Jasmin, Board of Professional Engineers and Professional Land Surveyors, 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 dlibsdpels@mt.gov.

3. The rules proposed to be amended provide as follows, stricken matter interlined, new matter underlined:

24.183.502 APPLICATIONS (1) Applications received ~~by the department~~ must be on a ~~board approved~~ form provided by the department and accompanied by appropriate fees. An application not accompanied by the appropriate fees or not completed in its entirety with all required information shall be ~~returned to the applicant with instructions~~ deemed incomplete. Fees will be deposited as received.

(2) through (8) remain the same.

AUTH: 37-1-131, 37-67-202, MCA

IMP: 37-1-104, 37-67-303, 37-67-306, MCA

REASON: The board determined it is reasonably necessary to amend this rule to facilitate 37-1-104, MCA, which requires the department to adopt standardized forms to streamline and expedite application processes. Implementation cites are being amended to accurately reflect all statutes implemented through this rule.

24.183.504 DISPOSAL EXPIRATION OF APPLICATIONS (1) An application will ~~be on file~~ expire one year from the date of receipt. ~~If no action is taken by the applicant~~ has not successfully completed all application and examination requirements within one year, ~~the application fee will be forfeited and reapplication will be required this period, and still desires to pursue licensure, the applicant must submit a new, original application and appropriate fees, with supporting documents.~~ The year begins for the exam applicants on the date the applicant has been approved by the board or designated board staff to take the exam.

AUTH: 37-1-131, 37-67-202, MCA  
IMP: 37-67-303, MCA

REASON: The board is amending this rule to clearly set forth the timeline for licensure applications. The board determined the current rule is confusing and does not adequately explain the requirements for applicants and staff. A one-year time limit will ensure that the board considers the most current application information.

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 Professional Engineers and Professional Land Surveyors, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2309, or by e-mail to [dlibsdpels@mt.gov](mailto:dlibsdpels@mt.gov), and must be received no later than 5:00 p.m., April 12, 2011.

5. An electronic copy of this Notice of Public Hearing is available through the department and board's site on the World Wide Web at [www.engineer.mt.gov](http://www.engineer.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 Professional Engineers and Professional Land Surveyors, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; faxed to the office at

(406) 841-2309; e-mailed to [dlibsdpels@mt.gov](mailto:dlibsdpels@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. Mary Tapper, attorney, has been designated to preside over and conduct this hearing.

BOARD OF PROFESSIONAL ENGINEERS  
AND PROFESSIONAL LAND SURVEYORS  
DAVID ELIAS, PRESIDING OFFICER

/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 February 28, 2011