

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 24.183.404 fee schedule,)
24.183.408 certificate of)
authorization, 24.183.502 and)
24.183.503 application, 24.183.510)
grant and issue licenses, and)
24.183.1104 and 24.183.1107)
uniform standards)

NOTICE OF PUBLIC HEARING ON
PROPOSED AMENDMENT

TO: All Concerned Persons

1. On September 1, 2011, at 9:00 a.m., a public hearing will be held in B-07, 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 August 26, 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 dlibsdpel@mt.gov.

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

24.183.404 FEE SCHEDULE (1) through (3)(g)(v) remain the same.
(vi) FE exam score retrieval 50
(4) remains the same.

AUTH: 37-1-134, 37-67-202, 37-67-311, MCA

IMP: 37-1-134, 37-1-141, 37-1-319, 37-67-303, 37-67-311, 37-67-312, 37-67-313, 37-67-320, 37-67-321, MCA

REASON: The board determined it is reasonably necessary to add an exam score retrieval fee for engineer interns who do not complete the application process, but request their score. It is the board's responsibility to maintain the national exam score records of the National Council of Examiners for Engineers and Surveyors (NCEES). The board staff will maintain such scores in a holding file and will need to

search for a particular score when requested by an individual. This fee will affect approximately 67 applicants and generate \$3,350 in additional annual revenue.

24.183.408 CERTIFICATE OF AUTHORIZATION (1) Applications received by the department must be on a ~~board-approved~~ board-approved form and accompanied by the 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.

(a) through (2) remain the same.

(3) A professional engineer or professional land surveyor in responsible charge who leaves the employment of a sole proprietorship, firm, partnership, or corporation (who has obtained the required certificate of authorization from the board), for whatever reason, must provide written notification to the board office of that fact, within ~~ten~~ 45 working days. The sole proprietorship, firm, partnership, or corporation must provide the board office within ~~ten~~ 45 working days, on a prescribed form, the change of the professional engineer and/or professional land surveyor in responsible charge. Failure to name another professional engineer and/or professional land surveyor in responsible charge within ~~ten~~ 45 working days ~~shall~~ may be cause for suspension of the certificate of authorization and cause for revocation.

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

IMP: 37-1-131, 37-67-320, MCA

REASON: The board is amending this rule to expand the time in which licensees must notify the board when the professional engineer or professional land surveyor designated as the firm's licensee in responsible charge leaves a firm and a replacement is appointed. The board concluded that 45 days is a much more reasonable timeframe for firms to accomplish this notification. The board is also amending this rule to allow the board more discretion to consider mitigating and aggravating circumstances when deciding whether or not to suspend a firm's certificate of authorization.

24.183.502 APPLICATIONS (1) Applications received 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 deemed incomplete. Fees will be deposited as received.

(2) through (4)(b) remain the same.

(c) advise the applicant of the ~~application's rejection~~ status of the application in accordance with provisions of the law.

~~(5) A rejected applicant may request reconsideration under the section originally applied for, within one year of the date of notification, without additional fees. Additional evidence pertaining to the application must be furnished. However, reconsideration does not take into account experience or education subsequent to the date of application.~~

~~(6) An applicant who applies under a different section than that previously submitted shall submit a new complete application accompanied by the appropriate fee.~~

(7) and (8) remain the same, but are renumbered (5) and (6).

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

IMP: 37-1-104, 37-67-303, 37-67-306, 37-67-307, 37-67-308, 37-67-309, 37-67-310, 37-67-311, 37-67-312, 37-67-313, MCA

REASON: The board is amending this rule to address applicant questions and confusion regarding the application process. The board determined it is reasonably necessary to clearly set forth current application process by deleting provisions that no longer apply to current department policies and procedures. Implementation cites are being amended to accurately reflect all statutes implemented through the rule.

24.183.503 APPLICATION REFERENCES (1) remains the same.

~~(2) No reference will be accepted by the board, unless the reference form is fully completed and bears the signature of the reference. Until such time as the required reference forms are received, the board will not take action on the application. If the required reference forms are not received within a period of three months after the date of receipt of the application in the office of the board, the application shall be rejected and the application fees forfeited.~~

AUTH: 37-67-202, MCA

IMP: 37-67-303, 37-67-305, 37-67-308, MCA

REASON: The board is amending this rule to remove the three-month deadline for applicants to submit references. The board concluded that this abbreviated window for submission is unnecessarily restrictive and burdensome for applicants.

24.183.510 GRANT AND ISSUE LICENSES (1) remains the same.

~~(2) The engineer intern license will be valid for six years. Upon termination of the license, the board will dispose of the application according to department policy. Pursuant to an agreement with the National Council of Examiners for Engineering and Surveying (NCEES), the board has agreed to retain examination scores. Upon request, the individual may obtain the national exam score and verification for a fee prescribed by the board.~~

(2) remains the same, but is renumbered (3).

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

IMP: 37-67-305, 37-67-306, 37-67-307, 37-67-308, 37-67-309, 37-67-320, MCA

REASON: The board determined it is reasonably necessary to amend this rule and clarify the termination date for engineer intern licenses. This amendment will facilitate the retention of exam scores and the maintenance and disposition of

terminated application records according to the department's records retention schedule. Implementation cites are being amended to accurately reflect all statutes implemented through this rule.

24.183.1104 UNIFORM STANDARDS FOR CERTIFICATES OF SURVEY

(1) A certificate of survey may not be filed by a county clerk and recorder, unless it complies with the following requirements:

(a) A certificate of survey must be legibly drawn with permanent ink or printed or reproduced by a process guaranteeing a permanent record and must be 18 inches by 24 inches, or 24 inches by 36 inches, overall to include a 1 1/2 inch margin on the binding side.

(b) and (c) remain the same.

(d) A certificate of survey must show or contain on its face or on separate sheets referred to on its face the following information. The surveyor may, at his or her discretion, provide additional information regarding the survey.

(i) A title or title block including the quarter-section, section, township, range, principal meridian, and county, and, if applicable, city or town in which the surveyed land is located. Except as provided in (1)(f)(v), a certificate of survey must not bear the title "plat," "subdivision," or any title other than "Certificate of Survey."

(ii) The name(s) of the person(s) who commissioned the survey, the name(s) of the owner of the land to be subdivided, if other than the person(s) commissioning the survey, and the names of any adjoining platted subdivisions and the numbers of any adjoining certificates of survey previously filed.

(iii) The date the survey was completed and a brief explanation of why the certificate of survey was prepared, such as to create a new parcel, retrace a section line, or retrace an existing parcel of land.

(iv) and (v) remain the same.

(vi) The location of, and other information relating to all monuments found, set, reset, replaced, or removed as required by ARM 24.183.1101(1)(c).

(A) through (viii) remain the same.

(ix) The bearings, distances, and curve data of all boundary lines. If the parcel surveyed is bounded by an irregular shoreline or a body of water, the bearings and distances of a meander traverse generally paralleling the riparian boundary must be given.

(A) remains the same.

(B) For purposes of this rule, a line that indicates a fixed boundary of a parcel is not a "meander" or "meander line" and may not be designated as one.

(x) Data on all curves sufficient to enable the reestablishment of the curves on the ground. For circular curves, these data must at least include radius and arc length. For nontangent curves, which must be so labeled, the certificate of survey must include the bearings of radial lines or chord length and bearing.

(xi) through (xii)(A) remain the same.

(B) If the survey depicts the retracement or division of a one or more parcels ~~parcel or lot~~ lots that is shown on a filed certificate of survey or subdivision plat, the information required by this subsection is the number or name of the certificate of survey or plat and the parcel or lot number of the parcel surveyed.

(C) remains the same.

(D) If the certificate of survey establishes the boundary of a parcel containing one or more interior parcels not shown on the filed certificate of survey or plat, the information required by this subsection is the legal description of the encompassing parcel.

(E) remains the same.

(xiii) Except as provided by (1)(f)(iv), all parcels created by the survey, designated by number or letter, and the dimensions, ~~and~~ area of each parcel, and the acreage of each parcel. (Excepted parcels must be marked "Not included in this survey.") If a parcel created by the survey is identifiable as a 1/32 or larger aliquot, part of a U.S. government section, or as a U.S. government lot, it may be designated by number or letter or by its aliquot part or government lot identification.

(xiv) remains the same.

(xv) The dated signature and the seal of the surveyor responsible for the survey. The affixing of this seal constitutes a certification by the surveyor that the certificate of survey has been prepared in conformance with Parts 1 through 4 of the Montana Subdivision and Platting Act (76-3-101 through ~~76-3-625~~ 76-3-411, MCA) and the regulations adopted under that Act.

(xvi) through (f) remain the same.

(i) A certificate of survey of a division of land that would otherwise be a subdivision, but that is exempted from subdivision review under 76-3-207, MCA, may not be filed by the county clerk and recorder, unless it bears the acknowledged certificate of the property owner stating that the division of land is exempt from review as a subdivision and citing the applicable exemption.

(ii) If the exemption relied upon requires that the property owner enter into a covenant running with the land, the certificate of survey may not be filed, unless it bears or is accompanied by a signed and acknowledged recitation of the covenant signed and acknowledged by all parties to the agreement.

(iii) If a certificate of survey invokes the exemption for gifts and sales to members of the landowner's immediate family:

(A) the The certificate must indicate the name of the proposed grantee, the relationship of the grantee to the landowner, and the parcel to be conveyed to the grantee; and

(B) The certificate must be accompanied by the documents transferring ownership to the grantee.

(iv) and (A) remain the same.

(B) The certificate of survey must show the boundaries of the area that is being removed from one parcel and joined with another parcel. The certificate of survey may, but is not required to, establish the exterior boundaries of the resulting parcels. However, the certificate of survey must show portions of the existing unchanged boundaries sufficient to clearly identify both the location and the extent of the boundary relocation; and

(C) If a boundary line will be completely eliminated, the certificate must establish the boundary of the resulting parcel. The certificate must be accompanied by the documents transferring ownership of the area being joined to the adjacent parcel.

(v) If a boundary line will be completely eliminated pursuant to 76-3-207(1)(f), MCA, the certificate must clearly distinguish the prior boundary location (shown, for

example, by a dashed or broken line or a notation number) and establish the boundary of the resulting parcel.

~~(v)~~ (vi) A survey document that modifies lots in a platted and filed subdivision and invokes an exemption from subdivision review under 76-3-201 or 76-3-207(1)(d) or (e), MCA, must be entitled "amended plat of the (name of subdivision)," but for all other purposes is to be regarded as a certificate of survey and comply with all other requirements of ARM 24.183.1104 as applicable. ~~The document must contain a statement signed by the property owner that approval of the local government body is not required and citing the applicable exemption.~~

~~(vi)~~ (vii) If the certificate of survey invokes an exemption from subdivision review under 76-3-207, MCA, the certificate of survey:

(A) must Must bear, or be accompanied by, a certification by the county treasurer that all taxes and special assessments assessed and levied on the surveyed land have been paid;

(B) Must be accompanied by a certificate of a title abstractor showing the names of the owners of record of the land to be divided and the names of any lien holders or claimants of record against the land, and the written consent to the division by the owners of the land, if other than the person commissioning the survey, and any lien holders or claimants of record against the land; and

(C) If applicable, lots less than 20 acres in size must be accompanied by a certification from the Montana Department of Environmental Quality stating that it has approved the plans and specifications for water supply and sanitary facilities pursuant to 76-4-104(2), MCA.

~~(vii)~~ (viii) For purposes of (1)(f), when the parcel of land for which an exemption from subdivision review is claimed is being conveyed under a contract-for-deed, the terms "property owner", "landowner," and "owner" mean the seller of the parcel under the contract-for-deed.

(g) Procedures for filing certificates of survey of divisions of land entirely exempted from the requirements of the Act. The divisions of land described in 76-3-201, 76-3-205, and 76-3-209, MCA, and divisions of federally owned land made by a United States U.S. government agency are not required to be surveyed, nor must a certificate of survey or subdivision plat showing these divisions be filed with the clerk and recorder. A certificate of survey of one of these divisions may, however, be filed with the clerk and recorder if the certificate of survey meets the requirements for form and content for certificates of survey contained in this rule, and bears a certificate of the surveyor performing the survey citing the applicable exemption from the Act, or, when applicable, that the land surveyed is owned by the federal government.

AUTH: 76-3-403, 76-3-411, MCA

IMP: 76-3-101 through 76-3-411, 76-3-403, 76-4-104, MCA

REASON: The board determined it is reasonably necessary to amend this rule and ARM 24.183.1107 to separate the legal boundary elements and related plat content utilized by licensed professional land surveyors from the land use elements imposed during subdivision and exemption reviews by planning authorities. In 2007, the board initially considered concerns of planners, clerks and recorders, and county

commissioners regarding some counties' requirement that land surveyors provide what was believed to be excessive information on the face of plats. Following extensive review and discussion, the board determined the proposed amendments are necessary to provide consistency among county governments regarding information placed on certificates of survey and subdivision plats.

Implementation and authority cites are being amended to provide the complete sources of the board's rulemaking authority and to accurately reflect all statutes implemented through these two rules.

24.183.1107 UNIFORM STANDARDS FOR FINAL SUBDIVISION PLATS

(1) A final subdivision plat may not be approved by the governing body or filed by the county clerk and recorder, unless it complies with the following requirements:

(a) Final subdivision plats must be legibly drawn with permanent ink or printed or reproduced by a process guaranteeing a permanent record and must be 18 inches by 24 inches, or 24 inches by 36 inches overall to include a 1 1/2-inch margin on the binding side.

(b) and (c) remain the same.

(d) A survey that modifies property boundaries in a filed subdivision plat must be entitled "amended plat of (lot, block, and name of subdivision being amended)," and unless it is exempt from subdivision review by 76-3-201 or 76-3-207(1)(d) or (e), MCA, may not be filed with the county clerk and recorder, unless it meets the filing requirements for final subdivision plats specified in this rule.

(2) Except as provided in ARM 24.183.1107(4), a final plat submitted for approval must show or contain, on its face or on separate additional sheets referred to on the plat, as provided in ARM 24.183.1107(1)(c), the following information. The surveyor may, at his or her discretion, provide additional information regarding the survey.

(a) A title or title block indicating the quarter-section, section, township, range, principal meridian, county, and, if applicable, city or town, in which the subdivision is located. The title of the plat must contain the words "plat" and either "subdivision" or "addition".

(b) remains the same.

(c) A statement that federal, state, and local plans, policies, regulations, and/or conditions of subdivision approval that may limit the use of the property, including the location, size, and use of buildings constructed thereon, are not shown on the face of the plat.

(d) A statement that buyers of property should ensure that they have obtained and reviewed all sheets, supplements, and attachments to the plat and that buyers of property are strongly encouraged to contact the local planning department and become informed of any limitations on the use of the property prior to closing.

(e) A statement that a supplementary exhibit depicting conformance with the conditions of approval of the preliminary plat application, entitled "Supplement to [insert name of] Subdivision," will be filed with the plat.

(c) and (d) remain the same, but are renumbered (f) and (g).

~~(e)~~ (h) The location of, and other information relating to all monuments found, set, reset, replaced, or removed as required by ARM 24.183.1101(1)(c).

(i) and (ii) remain the same.

~~(f)~~ ~~The location of any section corners or corners of divisions of sections pertinent to the survey.~~

~~(g)~~ (i) Witness and reference monuments and basis of bearings. For purposes of this rule, the term "basis of bearings" means the surveyor's statement as to the origin of the bearings shown on the plat. The basis of bearings may refer to a particular line between monumented points in a previously filed survey document. If the plat shows true bearings, the basis of bearings must describe the method by which these true bearings were determined.

~~(h)~~ (j) The bearings, distances, and curve data of all boundary lines. If the subdivision is bounded by an irregular shoreline or body of water that is a riparian boundary, the bearings and distances of a meander traverse generally paralleling the riparian boundary must be given.

(i) remains the same.

(ii) For purposes of these regulations, a line that indicates a fixed boundary of a parcel is not a "meander" or "meander line" and may not be designated as one.

~~(i)~~ (k) Data on all curves sufficient to enable the ~~re-establishment~~ reestablishment of the curves on the ground. For circular curves, these data must at least include radius and arc length. For ~~non-tangent~~ nontangent curves, which must be so labeled, the plat must include the bearings of radial lines or chord length and bearing.

(j) through (l) remain the same, but are renumbered (l) through (n).

~~(m)~~ (o) All streets, alleys, avenues, roads, and highways; their widths (if ascertainable) from public records, bearings, and area; the width and purpose of all road rights-of-way and all other easements that will be created by the filing of the plat; and the names of all streets, roads, and highways.

~~(n)~~ (p) The location, dimensions, and areas of all parks, common areas, and other grounds dedicated for public use.

(o) through (p)(i) remain the same, but are renumbered (q) through (r)(i).

(ii) If the plat depicts the division of a ~~parcel~~ one or more parcels or ~~lot that is~~ lots shown on a filed certificate of survey or subdivision plat, the information required by this subsection is the number or name of the certificate of survey or plat and the number of the parcel or lot affected by the survey.

(iii) remains the same.

(iv) If the plat establishes the boundaries of a subdivision containing one or more ~~interior~~ interior parcels not shown on a filed certificate of survey or plat, the information required by this subsection is the legal description of the perimeter boundary of the subdivision.

~~(q)~~ (s) The dated signature and the seal of the surveyor responsible for the survey. The affixing of this seal constitutes a certification by the surveyor that the survey portion of the final plat has been prepared in conformance with Parts 1 through 4 of the Montana Subdivision and Platting Act (76-3-101 through ~~76-3-625~~ 76-3-411, MCA), and the regulations adopted under that Act.

(r) remains the same, but is renumbered (t).

~~(s)~~ (u) The dated, signed, and acknowledged consent to the subdivision of the owner of the land being subdivided. For purposes of this rule, when the parcel of land proposed for subdivision is being conveyed under a contract-for-deed, the

terms "owner" and "owner of the land" refers to the seller under the contract-for-deed.

(t) remains the same, but is renumbered (v).

~~(u)~~ (w) Space for the clerk and recorder's filing information. (See ARM 24.183.1107(2)).

~~(3) The following documents must appear on the face of or accompany the approved final plat when it is presented to the county clerk and recorder for filing. The following certifications of final plat approval must appear on the face of the final plat or on an additional sheet referred to on the face of the plat:~~

~~(a) If applicable, the owner's certificate of dedication of streets, parks, playground easements, or other public improvements.~~

~~(b) If applicable, a certificate of the governing body expressly accepting any dedicated land, easements, or improvements. An acceptance of a the dedication is ineffective without this certification.~~

~~(c) A certificate of a title abstractor showing the names of the owners of record of the land to be subdivided and the names of any lien holders or claimants of record against the land and the written consent to the subdivision by the owners of the land, if other than the subdivider, and any lien holders or claimants of record against the land.~~

~~(d) Copies of any covenants or deed restrictions relating to the subdivision.~~

~~(e) If applicable, a certificate from the state department of environmental quality stating that it has approved the plans and specifications for water supply and sanitary facilities.~~

~~(f) (c) A certificate from the subdivider indicating which required public improvements have been installed and a copy of any subdivision improvements agreement securing the future construction of any additional public improvement to be installed.~~

~~(g) Unless otherwise provided by local subdivision regulations, copies of final plans, profiles, grades and specifications for improvements, including a complete grading and drainage plan, with the certification of a registered professional engineer that all required improvements which have been installed are in conformance with the attached plans. Local subdivision regulations may authorize the subdivider, under conditions satisfactory to the governing body, to prepare these plans and specifications after the final plat has been filed or file them with a government official other than the county clerk and recorder, or both.~~

~~(h) remains the same, but is renumbered (d).~~

~~(i) If a street created by the plat will intersect with a state highway, a copy of the state highway access or encroachment permit.~~

~~(j) remains the same, but is renumbered (e).~~

~~(f) If applicable, certification of the sanitarian.~~

~~(4) If applicable, a supplementary exhibit to the plat depicting conformance with the conditions of approval of the preliminary plat application shall be entitled "Supplement to [insert name of] Subdivision," with a title block indicating the quarter-section, section, township, range, principal meridian, county, and, if applicable, city or town in which the subdivision is located and shall contain:~~

~~(a) Any text or graphic representations of requirements by the governing body for final plat approval as set forth in the preliminary plat approval, including, but~~

not limited to, setbacks from streams or riparian areas, floodplain boundaries, no-build areas, building envelopes, the use of particular parcels, or clear vision triangles. Information described in this subsection as well as covenants and restrictions shall not be shown on the face of the plat.

(b) A certification that the supplementary exhibit of the final plat following the sheets certified by a professional land surveyor has been prepared in conformance with the Montana Subdivision and Platting Act (76-3-101 through 76-3-411, MCA), and the regulations adopted under the Act by a dated signature and the seal of a Montana licensed surveyor, engineer, or architect who is the representative of the subdivider that conditions for final plat approval as shown on the supplementary exhibit have been satisfied.

(c) A notation stating that the information shown is current as of the date of the certification, and that changes to any land use restrictions or encumbrances may be made by amendments to covenants, zoning regulations, easements, or other documents as allowed by law or by local regulations.

(5) Any change to a supplementary exhibit, which is approved by the governing body, must be depicted upon an amended supplementary exhibit. An amended supplementary exhibit is not an amended plat as referenced in ARM 24.183.1107(1)(d), but is required to comply with ARM 24.183.1107(4), except it shall be entitled "Amended Supplement to [insert name of] Subdivision."

(6) The following documents must accompany the approved final plat, and recording information for each document must be referenced on a sheet of the plat when it is presented to the county clerk and recorder for filing:

(a) A certificate of a title abstractor showing the names of the owners of record of the land to be subdivided, and the names of any lien holders or claimants of record against the land, and the written consent to the subdivision by the owners of the land if other than the subdivider, and any lien holders or claimants of record against the land.

(b) Any covenants or deed restrictions relating to the subdivision.

(c) If applicable, for lots less than 20 acres in size, a certification from the Montana Department of Environmental Quality stating that it has approved the plans and specifications for water supply and sanitary facilities pursuant to 76-4-104(2), MCA.

(d) If required by the governing body, for lots of 20 acres or greater in size, written documentation that the subdivider has demonstrated that there is an adequate water source and at least one area for a septic system and replacement drainfield for each lot in accordance with 76-3-604(8)(b), MCA.

(e) If applicable, a copy of any subdivision improvements agreement, securing the future construction of any additional public improvement to be installed.

(f) Unless otherwise provided by local subdivision regulations, copies of final plans, profiles, grades, and specifications for improvements, including a complete grading and drainage plan, with the certification of a registered professional engineer that all required improvements which have been installed are in conformance with the attached plans. Local subdivision regulations may authorize the subdivider, under conditions satisfactory to the governing body, to prepare these plans and specifications after the final plat has been filed or file them with a government official other than the county clerk and recorder, or both. When plans and specifications are

filed with a government official other than the county clerk and recorder, a document stating where the plans can be obtained shall be required in lieu of the plans and specifications.

(g) If a street created by the plat will intersect with a state highway, a copy of the state highway access or encroachment permit.

(h) Any other documents satisfying preliminary plat approval required to be recorded by the governing body.

AUTH: 76-3-403, 76-3-411, MCA

IMP: 76-3-101 through 76-3-411, ~~76-3-403~~, 76-3-604, 76-4-104, 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 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 dlibsdpel@mt.gov, and must be received no later than 5:00 p.m., September 9, 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. 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 dlibsdpel@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 August 1, 2011