



North Dakota State Board of Registration for Professional Engineers and Land Surveyors

723 West Memorial Highway • P.O. Box 1357 • Bismarck, ND 58502-1357
701-258-0786 • FAX 701-258-7471 • www.ndpelsboard.org

December 10, 2008

John Walstad
ND Legislative Council
State Capital Building
Bismarck, ND 58505

Dear Mr. Walstad:

Earlier this week I talked to you about a hearing that the ND State Board of Registration for PE/LS will be holding on January 8, 2009 relative to amending an administrative rule previously adopted by the State Board. You indicated a number of documents that need to be filed with your office prior to the end of December. I have attached the following to this letter for your consideration:

Copy of Full Notice of Intent to Amend Administrative Rule
Copy of the Proposed Rule Change

We have made arrangements for publishing of the short notice and a copy of that ad is also included as is a copy of the Regulatory Notice .

If you have any questions, do not hesitate to contact me.

Yours truly,

Clifford E. Keller
Executive Secretary

Attachments

John:

When I brought up the documents on Friday, my understanding from the newspaper association was that the ad they advertized showed February 5th as the comments deadline even though I asked that they change it to the 9th. Accordingly I changed the comment end date (on the full intent to publish) from February 9th to the 5th. Now I see, from the ad published in the Bismarck Tribune that the comment end date on the ad is listed as February 9th. It is necessary to change the comment end date on the full intent to publish back to February 9th. I am bringing a new signed full intent to publish statement. Can we substitute the new date?



Cliff Keller

STATE OF NORTH DAKOTA
NORTH DAKOTA STATE BOARD OF REGISTRATION FOR PROFESSIONAL
ENGINEERS AND LAND SURVEYORS

FULL NOTICE OF INTENT TO AMEND ADMINISTRATIVE RULE BY DELETING
FROM N.D.A.C. 28-02.1-13-01 MOST REQUIREMENTS FOR A SURVEY OR
SETTING OF MONUMENTS IN THE PREPARATION OR FILING OF DOCUMENTS
USED IN THE CONVEYANCE OF AN EASEMENT.

TAKE NOTICE that the North Dakota State Board of
Registration for Professional Engineers and Land Surveyors will
hold a public hearing to address the above changes to the North
Dakota Administrative Code at 2:00 p.m., January 8, 2009, in
Room 2160 at the Best Western Ramkota Hotel, 800 S. 3rd Street,
Bismarck, North Dakota.

The proposed amendment will amend N.D.A.C. 28-02.1-13-01 so
as to nearly eliminate its applicability to descriptions of
property used solely for the acquisition of easements. The
amended rule will require descriptions used in the conveyance of
easements to be retraceable in each section of land over which
they cross by using established subdivision or public land
survey system monuments, which may require some survey and
monumentation in some situations.

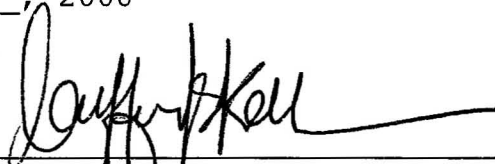
The purpose of the proposed amendment is to eliminate the need for a survey that complies with all the requirements related thereto as contained in North Dakota Century Code section 40-50.1-01 and 40-50.1-02. Part of the effect of this will be to eliminate the requirement to set all monuments for easements. The proposed rule has the potential to have an impact on the regulated community in excess of \$50,000; and accordingly a regulatory analysis under N.D.C.C. § 28-32-08 has been prepared.

The proposed amended rule may be reviewed at the office of the North Dakota State Board of Registration for Professional Engineers and Land Surveyors at 723 West Memorial Hwy., Bismarck, North Dakota, 58504, or by calling 701-258-0786 and requesting a copy of the proposed amended rule. Written data, views or arguments on the proposed amended rule may be sent to P.O. Box 1357, Bismarck, North Dakota. The deadline for submission of written comments concerning the proposed amended rule is February 9, 2009. The regulatory analysis for the proposed amended rule may be obtained by calling the above phone number or writing to the above address.

If you plan to attend the public hearing and you will need special facilities or assistance related to a disability, please contact the North Dakota State Board of Professional Engineers

and Land Surveyors at the above telephone number at least five days prior to the hearing.

Dated this 8th day of December, 2008



Clifford R. Keller
Executive Secretary