

BEFORE THE PUBLIC SAFETY OFFICERS  
STANDARDS AND TRAINING COUNCIL  
OF THE STATE OF MONTANA

In the matter of the amendment of )  
ARM 23.13.102, 23.13.201, )  
23.13.203 through 23.13.210, )  
23.13.212, 23.13.215, 23.13.217, )  
23.13.301, 23.13.601, 23.13.702 )  
through 23.13.704, and 23.13.714; )  
and the repeal of ARM 23.13.211 )  
pertaining to the certification of public )  
safety officers )

NOTICE OF PUBLIC HEARING ON  
PROPOSED AMENDMENT AND  
REPEAL

TO: All Concerned Persons

1. On August 15, 2018, at 10:00 a.m., the Public Safety Officers Standards and Training (POST) Council will hold a public hearing in Room 214 of the Karl Ohs Building of the Montana Law Enforcement Academy, 2260 Sierra Road East, at Helena, Montana, to consider the proposed amendment and repeal of the above-stated rules.

2. The POST Council will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the POST Council no later than 4:00 p.m. on August 8, 2018, to advise us of the nature of the accommodation that you need. Please contact Katrina Bolger, POST Council, 2260 Sierra Road East, Helena, Montana, 59602; telephone (406) 444-9974; or e-mail kbolger@mt.gov.

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

23.13.102 DEFINITIONS As used in this chapter, the following definitions apply:

(1) through (1)(b) remain the same.

(c) the document or statement, prior to the notice of agency action, that initiates the informal denial, revocation, suspension, or sanction proceeding against an officer.

(2) "Certification" or "certificate" means any ~~basic or advanced standards and training~~ certification granted by the council after completion of the specific requirements as set forth in these rules.

(3) through (16) remain the same.

(17) "POST-approved training" means training reviewed and approved ~~by the director or council~~ pursuant to ARM 23.13.301 for which POST gives training credit, including but not limited to basic, regional, and professional courses.

(18) and (19) remain the same.

(20) "Public safety officer" means an officer, as defined in 44-4-401, MCA. Nothing in these rules may be construed to apply the requirements of 7-32-303~~(5)~~, ~~(8)~~ or 44-4-403, MCA to an elected official.

(21) through (26) remain the same.

AUTH: 2-15-2029, 44-4-402, MCA

IMP: 2-15-2029, 44-4-403, MCA

REASON: The amendments to this rule recognize the council and the director's authority to deny an application for POST certification and make the definitions consistent with other rules. They also provide clarity regarding certification and remove specific subsections of statutes, recognizing that the subsections may change in future legislative sessions. Finally, POST and the director will no longer approve training, but the employing authorities will review, track, and approve continuing training as outlined in other rules.

23.13.201 MINIMUM STANDARDS FOR THE APPOINTMENT AND CONTINUED EMPLOYMENT OF PUBLIC SAFETY OFFICERS (1) through (2)(g) remain the same.

(h) be in good standing with POST and any other licensing or certification boards or committees equivalent to POST in any other state such that no license or certification similar to a POST certification has been revoked or is currently suspended in any other state;

(i) through (k) remain the same.

(i) a review of the Code of Ethics ARM 23.13.203 and Grounds for Denial, Sanction, Suspension, and Revocation ARM 23.13.702;

(ii) through (3) remain the same.

AUTH: 2-15-2029, MCA

IMP: 2-15-2029, 44-4-403, MCA

REASON: The Montana POST Council recognizes the need for public safety officers in Montana to be held to the highest standard. These amendments clarify that an officer must be in good standing with the Montana POST Council as well as any other licensing or certification boards. The amendments to this rule also recognize the council and the director's authority to deny an application for POST certification and make the language of this rule consistent with other rules adopted by POST.

23.13.203 CODE OF ETHICS (1) remains the same.

(2) All public safety officers hired or sworn before this rule's effective date are also bound by the code of ethics contained in this rule. Continued employment as a public safety officer in Montana constitutes an agreement to be bound by this code of ethics. Failure to comply with or violation of any part of the code of ethics may be grounds for denial, suspension, sanction, or revocation of any POST certificate.

(3) remains the same.

AUTH: 2-15-2029, MCA  
IMP: 2-15-2029, 7-32-303, 44-4-403, MCA

REASON: The amendments to this rule recognize the council and the director's authority to deny an application for POST certification and make the language of this rule consistent with other rules adopted by POST.

23.13.204 PURPOSE OF CERTIFICATES (1) remains the same.

(2) Basic, intermediate, advanced, supervisory, command, ~~administrative~~, and other certificates are established for the purpose of promoting ethical behavior, professionalism, education, and experience necessary to perform the duties of a public safety officer.

(3) remains the same.

AUTH: 2-15-2029, MCA  
IMP: 2-15-2029, 7-32-303, 44-4-403, MCA

REASON: The amendments to this rule remove reference to an administrative certification. POST has determined that the administrative certificate is redundant to the command certificate because the only additional requirement for the administrative certificate is a command certificate.

23.13.205 GENERAL REQUIREMENTS FOR CERTIFICATION (1) through (3) remain the same.

(4) Prior to issuance of any certificate, the public safety officer must have completed the designated combinations of education, training, and experience as ~~computed by the credit hour system~~ established by the council.

(5) and (5)(a) remain the same.

(b) maintain ethical conduct by upholding and abiding by the code of ethics set forth in ARM 23.13.203 and refrain from engaging in any behavior that constitutes a ground for denial, sanction, suspension, or revocation under ARM 23.13.702;

(c) through (6)(a) remain the same.

(b) acceptability of training hours claimed for training received from noncriminal justice sponsored agencies will be determined by the council, ~~and requires notice of application for credit.~~

(7) ~~In calculating the training hours for an intermediate, advanced, or supervisory certificate, no more than 25% of the required training hours will be allowed from any college or military training credits and no more than 15% will be allowed from in-service training.~~

(a) The POST Council is not responsible for maintaining records of regional, online, or in-service training hours acquired to satisfy the requirements of this rule. The employing agency must maintain records of regional, online, or in-service training hours acquired to satisfy this rule and provide those records with the application for intermediate, ~~or~~ advanced, supervisory, command, and other certificates.

(8) ~~In calculating the training hours for an intermediate, advanced, or~~

~~supervisory certificate, military training will be accepted hour for hour. The application must be accompanied by a written explanation that describes the training and states specifically how the training relates to and assists the public safety officer with the public safety officer's current position, duties and responsibilities, and other supporting documents requested by the director. A description of the training alone is not sufficient.~~

~~(9) In calculating the training hours for an intermediate, advanced, or supervisory certificate, college education will be credited for individual class work only. Credit will be given using the formula of ten hours for one semester credit hour and six hours for one quarter credit hour. The application must be accompanied by a written explanation that describes the course and states specifically how the higher education course relates to and assists the public safety officer with the public safety officer's current position, duties and responsibilities, and other supporting documents requested by the director.~~

(10) remains the same but is renumbered (8).

AUTH: 2-15-2029, MCA

IMP: 2-15-2029, 44-4-403, MCA

REASON: These amendments remove officers' ability to receive POST training credit for college and military training due to the time and resources it requires to review and approve the credit. They also expand the types of training documentation that employing authorities must maintain because POST will no longer review, track, approve, or document regional or online training due to the time and resources it requires to do so.

23.13.206 REQUIREMENTS FOR THE BASIC CERTIFICATE (1) through (2)(b)(i) remain the same.

(ii) completed the basic course at the MLEA, or an equivalency as defined by the council; ~~or and~~

(iii) through (e) remain the same.

(f) A public safety officer who has been issued a basic certificate by the council and whose last date of employment as a public safety officer, in the discipline for which the officer received a basic certificate, was less than 36 months prior to the date of the person's present appointment as a public safety officer, in the discipline for which the officer received a basic certificate, is not required to fulfill the basic educational requirements as set forth in these rules.

(g) If the last date of employment as a public safety officer, in the discipline for which the officer received a basic certificate, is more than 36 months but less than 60 months prior to the date of present employment as a public safety officer, in the discipline for which the officer received a basic certificate, the public safety officer may satisfy the basic requirement by successfully passing a basic equivalency course administered by the academy. If the public safety officer fails the basic equivalency course, the basic course shall be completed within the time frames set forth in the rules. If no basic equivalency course exists for the public safety officer's specific discipline, then the applicable basic course must be completed within one year of the public safety officer's most recent appointment.

(3) remains the same.

AUTH: 2-15-2029, MCA  
IMP: 2-15-2029, 44-4-403, MCA

REASON: The amendments to this rule provide clarity regarding what a public safety officer must do to meet the basic requirements based upon when the officer was appointed and make the rules consistent with 7-31-203 and 7-32-303, MCA. They also clarify the results of a break in service in any specific discipline.

23.13.207 REQUIREMENTS FOR THE PUBLIC SAFETY OFFICER  
INTERMEDIATE CERTIFICATE (1) remains the same.

(2) In addition to ARM 23.13.204 and 23.13.205, ~~the~~ a peace officer or probation and parole officer who is an applicant for an award of the public safety officer intermediate certificate:

(a) and (b) remain the same.

(c) ~~must have four~~ three years of discipline-specific experience and 200 combined job-related training hours as ~~provided in these rules.~~ follows:

(i) an 80-hour intermediate course as approved by the council;

(ii) a minimum of 120 additional training hours consisting of a maximum of 30 hours of in-service training and any combination of online or regional training.

(3) In addition to ARM 23.13.204 and 23.13.205, a detention/corrections officer who is an applicant for an award of the intermediate certificate:

(a) must have served at least one year with the present employing agency and be satisfactorily performing the duties as attested to by the head of the employing law enforcement and/or public safety agency;

(b) must possess the discipline-specific basic certificate; and

(c) must have three years of discipline-specific experience and 144 combined job-related training hours as follows:

(i) a 24-hour intermediate course as approved by the council;

(ii) a minimum of 120 additional training hours consisting of a maximum of 40 hours of in-service training and any combination of online or regional training.

(4) In addition to ARM 23.13.204 and 23.13.205, a public safety communication officer who is an applicant for an award of the intermediate certificate:

(a) must have served at least one year with the present employing agency and be satisfactorily performing the duties as attested to by the head of the employing law enforcement and/or public safety agency;

(b) must possess the discipline-specific basic certificate; and

(c) must have three years of discipline-specific experience and 84 combined job-related training hours as follows:

(i) a 24-hour intermediate course as approved by the council;

(ii) a minimum of 60 additional training hours consisting of any combination of in-service, online, or regional training.

(3)(5) Officers who believe they are eligible for an intermediate certificate must submit a completed application, a certificate of completion for each regional training and a transcript of online and in-service training, with a verification from the

agency administrator approval that the officer's training meets the requirements of these rules and a recommendation that the applicant should be awarded the certificate, to the director. Applications are available from POST staff or on the POST web site.

(a) and (b) remain the same.

AUTH: 2-15-2029, MCA

IMP: 2-15-2029, 44-4-403, MCA

REASON: The Montana POST Council has a duty to establish training standards for public safety officers pursuant to 44-4-403, MCA. The certificate-specific schools provide a statewide standard for every officer wishing to obtain a certificate. POST recognizes that certain disciplines carry more inherent risk, and therefore should have greater training requirements. Additionally, employing authorities often are not able to offer as much training to some disciplines. These changes create more equity and ability for officers in any discipline to obtain certification. They also change the requirements for the number of years required in order to provide a more reasonable career ladder for officers who work to obtain the required training. As established in other rules, the POST director no longer approves training. Instead employing authorities have the responsibility to review, track, and approve continuing training as outlined in other rules, and the council and director will approve only the certificate-specific courses required for a POST certificate. These rule amendments are necessary to maintain consistency throughout the rules.

23.13.208 REQUIREMENTS FOR PUBLIC SAFETY OFFICER ADVANCED CERTIFICATE (1) remains the same.

(2) In addition to ARM 23.13.204 and 23.13.205, ~~the~~ a peace officer or probation and parole officer who is an applicant for an award of the advanced certificate:

(a) remains the same.

(b) must have ~~eight~~ six years of discipline-specific experience and 400 combined job-related training hours as ~~provided in these rules.~~ follows:

(i) a 40-hour management course as approved by the council;

(ii) an 80-hour intermediate course as approved by the council;

(iii) a minimum of 280 additional training hours consisting of a maximum of 60 hours of in-service training and any combination of online or regional training.

(3) In addition to ARM 23.13.204 and 23.13.205, a detention/corrections officer who is an applicant for an award of the advanced certificate:

(a) must possess the discipline-specific intermediate certificate; and

(b) must have six years of discipline-specific experience and 304 combined job-related training hours as follows:

(i) a 40-hour management course as approved by the council;

(ii) a 24-hour intermediate course as approved by the council;

(iii) a minimum of 240 additional training hours consisting of a maximum of 80 hours of in-service training and any combination of online or regional training.

(4) In addition to ARM 23.13.204 and 23.13.205, a public safety communications officer who is an applicant for an award of the advanced certificate:

(a) must possess the discipline-specific intermediate certificate; and  
(b) must have six years of discipline-specific experience and 184 combined job-related training hours as follows:  
(i) a 40-hour management course as approved by the council;  
(ii) a 24-hour intermediate course as approved by the council;  
(iii) a minimum of 120 additional training hours consisting of any combination of in-service, online, or regional training.

~~(3)(5)~~ Officers who believe they are eligible for an advanced certificate must submit a completed application, a certificate of completion for each regional training and a transcript of online and in-service training, with a verification from the agency administrator approval that the officer's training meets the requirements of these rules and a recommendation that the applicant should be awarded the certificate, to the director. Applications are available from POST staff or on the POST web site.

(a) and (b) remain the same.

AUTH: 2-15-2029, MCA  
IMP: 2-15-2029, 44-4-403, MCA

REASON: See explanation with regard to ARM 23.13.207. Additionally, in practice, and through consultation with subject-matter experts and employing authorities, POST has determined that advanced officers should have a management course that includes training on providing instruction because many officers with the education and experience for an advanced certificate are supervisors and provide training to subordinates.

23.13.209 REQUIREMENTS FOR PUBLIC SAFETY OFFICER SUPERVISORY CERTIFICATE (1) through (2)(a) remain the same.

(b) must have successfully completed a ~~32~~ 40-hour POST-approved management course; and

(c) through (4) remain the same.

AUTH: 2-15-2029, MCA  
IMP: 2-15-2029, 44-4-403, MCA

REASON: See explanations with regard to ARM 23.13.207 and 23.13.208. This amendment is necessary to maintain consistency with other rules.

23.13.210 REQUIREMENTS FOR PUBLIC SAFETY OFFICER COMMAND CERTIFICATE (1) through (2)(a) remain the same.

(b) must have completed a minimum of a 160-hour command course approved by the council ~~professional development course or courses cumulating a minimum of 200 hours or more of POST-approved, supervisory, management or leadership topic matter;~~ and

(c) and (3) remain the same.

AUTH: 2-15-2029, MCA  
IMP: 2-15-2029, 44-4-403, MCA

REASON: See explanation with regard to ARM 23.13.207. POST has approved a Montana Executive Leadership Institute course that is 160 hours long and instructed by the MLEA. POST recognizes the benefits of officers receiving training with MLEA and has structured the hours requirement for the command certificate to match what the academy requires.

23.13.212 INSTRUCTOR CERTIFICATION REQUIREMENTS (1) remains the same.

(2) A public safety officer providing POST approved training courses as defined in these rules must be certified by the council as an instructor.

(3) remains the same.

(a) ~~three~~ two years of public safety experience;

(b) through (6) remain the same.

AUTH: 2-15-2029, MCA

IMP: 2-15-2029, 44-4-403, MCA

REASON: The purpose of these amendments is to clarify the type of training required for certified instructors. This rule also changes the experience requirements. In POST's experience, many officers obtain the skills necessary to instruct after they have completed the basic certificate requirements and have had two years of actual experience as officers.

23.13.215 FIREARMS PROFICIENCY STANDARDS (1) and (1)(a) remain the same.

(b) designate a POST-certified instructor as defined in these rules to conduct or oversee and document annual firearms proficiency. The instructor must also have attended a minimum 40-hour firearms instructor course or its equivalent, which includes the following topics:

(i) through (4) remain the same.

AUTH: 2-15-2029, MCA

IMP: 7-32-303, 44-4-403, MCA

REASON: These changes are necessary to clarify who may perform firearms qualifications for public safety officers and the training that is required in order to perform that function.

23.13.217 REQUIREMENTS FOR SWAT PRIMARY COURSE CREDIT

(1) remains the same.

~~(2) The director will review applications and approve or deny POST credit pursuant to these rules, unless the director determines, as a matter of discretion, that the council's review is necessary due to extenuating circumstances.~~

~~(3) Upon approval by the director, the course will be reflected on the attending officers' POST training transcripts unless the council takes further action.~~



AUTH: 2-15-2029, MCA  
IMP: 44-4-403, MCA

REASON: POST and the director will no longer approve training. Employing authorities will be responsible to review, track and approve continuing training as outlined in these rules. The council and director will approve only the certificate-specific courses required for a POST certificate. POST has no statutory requirement to track such ongoing training, and the resources and time required to do so have become excessive.

23.13.301 QUALIFICATIONS FOR APPROVAL OF PUBLIC SAFETY OFFICER TRAINING COURSES ~~(1) The director may approve any request for POST training credit or course content accreditation. Any person aggrieved by a determination made by the director under this rule may seek review of the decision by the POST Council.~~

(2) through (2)(e) remain the same but are renumbered (1) through (1)(e).

(f) contain course content that ~~has been reviewed and approved~~ is retained by the ~~director~~ agency hosting the training, or the employing authority of the officer receiving credit for the training, either before or after the training occurs, through the procedures set forth in ~~(3)~~ (2).

~~(3)~~ (2) To receive POST training credit, A POST-certified instructor seeking course credit for public safety officers must have an active POST certificate that is not suspended or on probation and must ~~submit to the director~~ retain documentation of:

~~(a) an application for accreditation;~~

(b) through (d) remain the same but are renumbered (a) through (c).

~~(4)~~ (3) To receive POST training credit, an agency hosting a training by any other person or entity seeking course credit for a public safety officer or officers must submit to the director retain documentation of:

~~(a) an application for accreditation;~~

(b) through (d) remain the same but are renumbered (a) through (c).

~~(5)~~ (4) It is the responsibility of the employing authority or any person or entity wishing to receive POST-approved training credit to ~~follow~~ retain the required documentation ~~reporting procedures~~ set forth in these rules ~~and as set by the director~~ and monitor the standards for training, trainee attendance, and performance as set by the council. Agency records maintained under this rule are subject to audit by the executive director during normal business hours upon reasonable notice to the agency.

AUTH: 2-15-2029, MCA  
IMP: 2-15-2029, 44-4-403, MCA

REASON: See reason for ARM 23.13.217.

23.13.601 CORONER EDUCATION AND CONTINUED EDUCATION AND EXTENSION OF TIME LIMIT FOR CONTINUED CERTIFICATION (1) Coroner education shall be conducted ~~by the council~~ as prescribed in 7-4-2905, MCA.

(2) remains the same.

(3) Coroners must complete 16 hours of ~~advanced training~~ continuing coroner education at least once every two years.

(a) through (b)(i) remain the same.

(ii) absence of reasonable access to the ~~coroner's advanced course~~ continuing coroner education; or

(iii) through (d) remain the same.

AUTH: 2-15-2029, 7-4-2905, MCA

IMP: 2-15-2029, 44-4-403, MCA

REASON: The amendments to this rule are necessary due to uncertainty in the statutes concerning who is required to conduct coroner education. In addition, the language regarding the advanced coroner training has been changed for clarity.

23.13.702 GROUNDS FOR DENIAL, SANCTION, SUSPENSION, OR REVOCATION OF POST CERTIFICATION (1) through (2)(n) remain the same.

(o) the denial, sanction, suspension, or revocation of any license or certification equivalent to a POST certification imposed by a board or committee equivalent to POST in any other state.

(3) It is a defense to an allegation of substance abuse, as defined in these rules, if the officer shows by a preponderance of the evidence that the officer's substance abuse ~~could be~~ has been eliminated or overcome by reasonable treatment.

AUTH: 2-15-2029, MCA

IMP: 2-15-2029, 44-4-403, MCA

REASON: These amendments recognize the council and director's authority to deny an application for POST certification and provide clarity and consistency with language in other rules. The amendments also provide that an officer can defend an allegation of substance abuse by showing that the officer's substance abuse has been eliminated or overcome by reasonable treatment. This amendment is necessary due to the recurring nature of substance abuse issues and the high position of public trust that officers hold.

23.13.703 PROCEDURE FOR MAKING AND RECEIVING ALLEGATIONS OF OFFICER MISCONDUCT AND FOR INFORMAL RESOLUTION OF THOSE ALLEGATIONS BY THE DIRECTOR (1) The POST Council will create, maintain, and adopt in public meetings a "~~flow chart~~" policy and procedure for processing and responding to allegations. The ~~flow chart~~ policy and procedure will be posted on POST's web site and made publicly available. It will comply with these rules and offer the director further guidance regarding the specific steps that the director and POST staff will take when responding to allegations.

(2) Any allegation made against a public safety officer that states potential grounds for denial, sanction, suspension, or revocation of POST certification must be made initially to the employing authority of the officer in question by the individual

making the allegation, unless the employing authority is making the allegation. All allegations must be made in writing unless the director initiates the allegation. Anonymous allegations will not be considered unless the director determines that public safety may be threatened if POST takes no action on an anonymous allegation.

(3) remains the same.

(4) ~~After~~ Within 30 days of being notified of the allegation, or in making its own allegation of misconduct, the employing authority must give POST a notice of the employing authority's investigation, action, ruling, finding, or response to the allegation, ~~preferably~~ in writing, which must include a description of any remedial or disciplinary action pending or already taken against the officer regarding the allegation in question. If available, a copy of the initial allegation made to the employing authority and the employing authority's written response must be forwarded to the director. The employing authority may make a written request to the director for additional time to respond. Such a request must provide good cause as to the reason more time is required. The director may grant or deny requests for additional time at his discretion.

(5) through (5)(b)(iii) remain the same.

(iv) the remedy sought, including a recommendation for a denial, sanction, suspension, or revocation of the officer's POST certification;

(c) through (7)(a) remain the same.

(b) ~~The flow chart and accompanying~~ policy provided in (1), will outline the number and nature of these letters.

(c) through (11) remain the same.

AUTH: 2-15-2029, MCA

IMP: 2-4-201, 2-15-2029, 44-4-403, MCA

REASON: These rules clarify that the council and director have the authority to deny an application for certification. They also provide a more definite timeframe for agencies to report findings to POST. POST has recognized the need for a written policy rather than a visual "flow chart" policy for allegation procedures because it is easier to provide specific references and citations to a written policy. POST has also received a number of requests from officers, citizens, and the press for such a written policy.

23.13.704 REQUESTS FOR A FORMAL CONTESTED CASE HEARING UNDER MAPA (1) and (2) remain the same.

(a) The proceedings and hearing can only be initiated by a request from the officer whose certificate was denied, sanctioned, suspended, or revoked, or the officer's attorney, and not by any other person or entity.

(b) To request a hearing, the officer must follow the instructions contained in the "notice of agency action" and notify the appropriate individual or the director that the officer requests a hearing within 30 days of the ~~officer receiving~~ date of the notice of agency action.

(c) Failure to notify and request a hearing within 30 days of receiving the date of the notice of agency action will constitute a waiver of the right to a hearing.

AUTH: 2-15-2029, MCA  
IMP: 2-4-201, 2-15-2029, 44-4-403, MCA

REASON: These amendments are necessary to clarify that any aggrieved party may request a contested case hearing under MAPA, and that they may do so through counsel. They also provide a more definite timeline in which officers may request a hearing.

23.13.714 CONTESTED CASE HEARING (1) remains the same.

(2) The director will set the venue for the hearing will be held in Helena, Montana, unless the director determines that another venue is more appropriate.

(3) through (8) remain the same.

(a) ~~the respondent~~ POST has the burden of proving by a preponderance of the evidence that there was ~~no~~ a basis for the denial, sanction, suspension, or revocation of certification imposed by the director, as stated in the notice of agency action;

(b) through (c)(i) remain the same.

(ii) presentation of evidence by ~~the respondent~~ POST;

(iii) cross examination by ~~POST~~ the respondent;

(iv) presentation of evidence by ~~POST~~ the respondent;

(v) cross examination by ~~the respondent~~ POST; and

(vi) remains the same.

AUTH: 2-4-201, 2-15-2029, MCA  
IMP: 2-4-201, 2-4-202, 2-4-611, 2-4-612, 44-4-403, MCA

REASON: These amendments are necessary to clarify that hearings will be held in Helena. They also put the burden of proof on POST, rather than the officer, due to constitutional questions that have arisen in hearings.

4. The department proposes to repeal the following rule:

23.13.211 REQUIREMENTS FOR PUBLIC SAFETY OFFICER  
ADMINISTRATIVE CERTIFICATE

AUTH: 2-15-2029, MCA  
IMP: 2-15-2029, 44-4-403, MCA

REASON: The administrative certificate is no longer necessary for the Montana POST Council. The certificate is redundant to the command certificate.

5. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Katrina Bolger, POST Council, 2260 Sierra Road East, Helena, Montana, 59602; telephone (406) 444-9974; or e-mail kbolger@mt.gov, and must be received no later than 5:00 p.m., September 12, 2018.

6. Kristina Neal, Attorney at Law, has been designated to preside over and conduct this hearing.

7. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. 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 for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 5 above or may be made by completing a request form at any rules hearing held by the department.

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

9. With regard to the requirements of 2-4-111, MCA, the department has determined that the amendment and repeal of the above-referenced rules will not significantly and directly impact small businesses.

/s/ Matthew Cochenour  
Matthew Cochenour  
Rule Reviewer

Sheriff Tony Harbaugh  
Chairman  
Public Safety Officers Standards  
and Training Council

By: /s/ Perry Johnson  
Perry Johnson  
Executive Director

Certified to the Secretary of State July 10, 2018.