

BEFORE THE BOARD OF PRIVATE SECURITY
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the amendment of) NOTICE OF AMENDMENT
ARM 24.182.401 fees and 24.182.503)
experience requirements)

TO: All Concerned Persons

1. On January 31, 2008, the Board of Private Security (board) published MAR Notice No. 24-182-31 regarding the amendment of the above-stated rules, at page 89 of the 2008 Montana Administrative Register, issue no. 2.

2. On February 21, 2008, a public hearing was held on the proposed amendment of the above-stated rules in Helena. Several comments were received by the February 29, 2008, deadline.

3. The board has thoroughly considered the comments and testimony received. A summary of the comments received and the board responses are as follows:

COMMENT 1: One commenter opposed the changes made to the board's statutes during the 2007 legislative session. The commenter stated that the legislation was poorly written and strips private investigators of the ability to investigate fires without getting a second type of license. The commenter opposes any fees until the legislation is straightened out.

RESPONSE 1: The board appreciates all comments made, but notes that this comment is directed toward statutory change and is beyond the scope of this rulemaking process. Under current statutes, the board is obligated to license, regulate, and charge licensure fees for fire investigators.

COMMENT 2: Two commenters stated that not all firefighters receive adequate or any training in fire investigation. The commenters suggested removing firefighter experience from the rule or specifying a minimum amount of fire investigation training for firefighter experience to count toward the requirements of ARM 24.182.503(4).

RESPONSE 2: The board agrees with the comments and is amending the rule accordingly.

COMMENT 3: One commenter questioned the meaning of "fire detective" in ARM 24.182.503(4). The commenter stated he had never heard the term throughout numerous years of fire investigation.

RESPONSE 3: The board agrees with the comment and is striking the term from the rule.

4. The board has amended ARM 24.182.401 exactly as proposed.

5. The board has amended ARM 24.182.503 with the following changes, stricken matter interlined, new matter underlined:

24.182.503 EXPERIENCE REQUIREMENTS (1) through (4)(a)(ii) remain as proposed.

(iii) having been a fire investigator, ~~fire detective, firefighter~~, or held a similar position acceptable to the board with a city, county, or state government or with the United States government.

(b) through (7) remain as proposed.

BOARD OF PRIVATE SECURITY
LINDA SANEM, PI, CHAIRPERSON

/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 April 28, 2008