

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

In the matter of the proposed amendment) NOTICE OF PUBLIC HEARING
of ARM 24.182.401 fees and 24.182.503) ON PROPOSED AMENDMENT
experience requirements)

TO: All Concerned Persons

1. On February 21, 2008, at 9:00 a.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 Private Security (board) no later than 5:00 p.m., on February 15, 2008, to advise us of the nature of the accommodation that you need. Please contact Chris Bernet, Board of Private Security, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2334; Montana Relay 1-800-253-4091; TDD (406) 444-2978; facsimile (406) 841-2309; e-mail dlibsdp@mt.gov.

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

<u>24.182.401 FEE SCHEDULE</u> (1) License application fees are as follows:	
(a) Contract security companies, proprietary security organizations, and electronic security companies:	
(i) remains the same.	
(ii) Resident manager or qualifying agent	100
(iii) Security guard, alarm installer, or alarm response runner	25
(iv) through (c) remain the same.	
<u>(d) Fire investigator</u>	<u>200</u>
(d) and (e) remain the same but are renumbered (e) and (f).	
(2) License renewal fees are as follows:	
(a) Contract security companies, proprietary security organizations, and electronic security companies:	
(i) remains the same.	
(ii) Resident manager or qualifying agent	75
(iii) Security guard, alarm installer, or alarm response runner	45
(iv) through (c) remain the same.	
<u>(d) Fire investigator</u>	<u>100</u>
(d) and (e) remain the same but are renumbered (e) and (f).	

(3) through (3)(b) remain the same.

(c) Changes of employer, address, or name

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(d) through (6) remain the same.

AUTH: 37-1-134, 37-1-141, 37-60-202, MCA

IMP: 25-1-1104, 37-1-134, 37-1-141, 37-60-202, 37-60-304, MCA

REASON: The 2007 Montana Legislature enacted Chapter 502, Laws of 2007 (Senate Bill 153), an act revising professional and occupational licensing laws. The bill was signed by the Governor on May 16, 2007, and became effective on October 1, 2007. The bill amended several of the board's statutes to provide for the licensure of fire investigators. The board is amending this rule to add reasonable fees for the processing of initial and renewal licensure applications of fire investigators to coincide with the legislative changes. The proposed fees are the same as the current fees for private investigators as the board anticipates the same costs to process fire investigator applications. The board is estimating the initial licensure of 25 fire investigator applicants, resulting in an annual revenue increase of approximately \$5000.

The bill also struck the licensure of qualifying agents from statute and the board is amending this rule to delete the fees for licensing these individuals. The amendment will affect approximately 23 formerly licensed qualifying agents and result in a \$1725 decrease in annual revenue. The rule is also being amended to comply with ARM punctuation requirements.

24.182.503 EXPERIENCE REQUIREMENTS (1) Experience requirements for resident managers ~~and/or qualifying agents~~ of contract security companies and proprietary security organizations are as follows:

(a) and (b) remain the same.

(2) Experience requirements for resident managers ~~and/or qualifying agents~~ of electronic security companies are as follows:

(a) through (3)(b) remain the same.

(c) One and one-half years experience as a licensed insurance investigator may be applied toward the three years of experience required for a private investigator.

(4) Experience requirements for fire investigators are as follows:

(a) three years full-time experience:

(i) engaged in the fire investigative business;

(ii) employed as a fire investigator or having held a certificate of authority to conduct a fire investigative business; or

(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) In determining experience qualifications for fire investigator licensure, "three years" means an accumulation of 5400 hours of experience. Self-employment must be verified by tax returns.

~~(4)~~(5) Proof of education and training must be submitted with the application and may include:

(a) through (e) remain the same.

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

~~(7) One and one-half years experience as a licensed insurance investigator may be applied toward the three years of experience required for a private investigator.~~

AUTH: 37-1-131, 37-60-202, 37-60-303, MCA

IMP: 37-1-131, 37-60-301, 37-60-303, 37-60-304, MCA

REASON: The 2007 Montana Legislature enacted Chapter 502, Laws of 2007 (Senate Bill 153), an act revising professional and occupational licensing laws. The bill was signed by the Governor on May 16, 2007, and became effective on October 1, 2007. The bill amended several of the board's statutes to provide for the licensure of fire investigators. The board determined it is reasonable and necessary to amend this rule to set forth the experience qualifications for licensure as a fire investigator and further implement the legislation.

The bill also struck the licensure of qualifying agents from statute and the board is amending this rule to delete reference to these individuals. The board is relocating (7) under (3) as it applies only to private investigator applicants. The authority and implementation cites are being amended to accurately reflect the board's rulemaking authority and the statutes being implemented by the rule.

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 Private Security, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2309, or by e-mail to dlibsdpsp@mt.gov, and must be received no later than 5:00 p.m., February 29, 2008.

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.privatesecurity.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 of Private Security 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 of Private Security 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 Private Security, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, faxed to the office at (406) 841-2309, e-mailed to dlibsdp@mt.gov, or made by completing a request form at any rules hearing held by the agency.

7. The bill sponsor notice requirements of 2-4-302, MCA, apply and have been fulfilled. The primary bill sponsor was notified on January 8, 2008, by regular mail.

8. Darcee L. Moe, attorney, has been designated to preside over and conduct this hearing.

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 January 22, 2008