

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

In the matter of the amendment of ) NOTICE OF PUBLIC HEARING ON  
ARM 23.13.212, 23.13.301, ) PROPOSED AMENDMENT  
23.13.305, 23.13.306, and 23.13.801 )  
pertaining to the certification of public )  
safety officers )

TO: All Concerned Persons

1. On October 9, 2024, at 10:00 a.m., the Public Safety Officer Standards and Training (POST) Council will hold a public hearing in Room 207 of the Karl Ohs Building, Montana Law Enforcement Academy, 2260 Sierra Road East, at Helena, Montana, to consider the proposed amendment 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 3:00 p.m. on October 2, 2024, 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; fax (406) 444-9978; or e-mail kbolger@mt.gov.

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

23.13.212 INSTRUCTOR CERTIFICATION REQUIREMENTS (1) through (3)(c) remain the same.

(d) successful completion of a POST-approved instructor development course or its equivalent. Effective ~~October 28, 2017~~ [Effective Date], all instructor development courses must be a minimum of 40 hours in length and must ~~include a minimum of~~ cover the following topics:

- (i) ~~12 hours of~~ curriculum design;
  - (ii) ~~8 hours of~~ adult learning theories;
  - (iii) ~~8 hours of~~ foundation skills for trainers;
  - (iv) ~~8 hours of~~ training preparation and delivery; and
  - (v) ~~4 hours of~~ context of training.
- (4) through (6) remain the same.

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

REASON: In 2024, the Montana Law Enforcement Academy approached POST staff regarding its Instructor Development course curriculum. The academy staff felt that the specific number of hours for each topic outlined in POST's rule put

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unnecessary constraints on its subject matter experts formulating curricula for public safety officers interested in becoming instructors. To maintain its high standards for instructors providing instruction to public safety officers, while also alleviating concerns raised by the MLEA, POST proposes to remove the specific time requirements for each subject, but maintain each topic as required learning.

23.13.301 QUALIFICATIONS FOR APPROVAL OF PUBLIC SAFETY OFFICER TRAINING COURSES (1) through (2)(c) remain the same.

- (d) be at least ~~two~~ one hours in length;
- (e) through (f) remain the same.

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

REASON: Since the Covid-19 pandemic in 2020, POST has seen a steady increase in the amount of quality online training available to public safety officers. Many of these online offerings are less than two hours in length, and officers often wish to obtain POST credit for attending such training. In addition, various stakeholders throughout the state have conferences, during which officers can select courses of varying lengths to attend, including one-hour courses. Allowing officers to obtain POST credit hours for one-hour courses will ensure that officers and their associations are able to maximize time at conferences by ensuring that they are not spending excessive time on a subject that may not require two hours of instruction.

23.13.305 PROCESS FOR OBTAINING POST APPROVAL FOR PUBLIC SAFETY OFFICER TRAINING COURSES (1) through (5) remain the same.

(6) When a POST-certified instructor or governmental agency applies for POST training credit, the POST-certified instructor or governmental agency may request a waiver of the requirement to open and advertise a specific course, which the director may approve or reject, as a matter of discretion, and based upon good cause. The POST-certified instructor or governmental agency must retain documentation of its reasons for requesting the waiver, as outlined in (5).

- (6) remains the same but is renumbered (7).

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

REASON: During the Council's March 2024, meeting, the POST Council considered a request for a waiver of the "open and advertised" requirement pertaining to a bomb technician course. The course was not open and advertised to all public safety agencies, but rather was open and advertised to all public safety agencies with a bomb squad. The Council agreed that such waiver requests can typically be left to the discretion of the director.

23.13.305 PROCESS FOR OBTAINING POST TRAINING CREDIT HOURS FOR INDIVIDUAL PUBLIC SAFETY OFFICERS (1) through (4) remain the same.

(5)(a) When a public safety officer applies for POST training credit, the officer may request a waiver of the following requirements:

(i) the requirement to retain an instructor biography or certification information for the instructor; and

(ii) the requirement that the course be open and advertised to all public safety agencies.

(b) The officer must retain documentation of its reasons for requesting the waiver, as outlined in (5).

(c) The director may approve or reject any waivers requested, as a matter of discretion and based on good cause.

(5) remains the same but is renumbered (6).

AUTH: 2-15-2029, MCA

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

REASON: During the Council's March 2024, meeting, the POST Council considered a request for a waiver of the "open and advertised" requirement pertaining to a bomb technician course. The course was not open and advertised to all public safety agencies, but rather was open and advertised to all public safety agencies with a bomb squad. The Council agreed that such waiver requests can typically be left to the discretion of the director. Additionally, since utilizing online training opportunities has become more prevalent among public safety officers, many officers are unable to obtain instructor biographies. The Council has allowed the director to use discretion in reviewing instructor biography waivers as well.

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

(a)(i) be a citizen of the United States if the officer is a peace officer or a public safety communications officer, or

(ii) may must be a citizen of the United States or a registered alien lawful permanent resident if unsworn the officer is not a peace officer or public safety communications officer;

(b) through (4) remain the same.

AUTH: 2-15-2029, MCA

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

REASON: In March of 2024, POST was contacted by the Department of Corrections regarding whether a temporary resident could be appointed as a public safety officer. Upon review and further discussion, it was determined that the term "registered alien" does not have a standard definition in immigration law. To clarify, POST is substituting the defined term "lawful permanent resident." While reviewing this issue, POST also discovered that, in addition to peace officers, public safety communications officers are required to be United States citizens under 7-31-202, MCA. Therefore, POST proposes these changes to comply with the statute and to clarify which officers are included.

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4. 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, Montana POST Council, 2260 Sierra Road East, Helena, Montana, 59602; telephone (406) 444-9974; fax (406) 444-9978; or e-mail [kbolger@mt.gov](mailto:kbolger@mt.gov), and must be received no later than 5:00 p.m., October 9, 2024.

5. J. Stuart Segrest, General Counsel to the POST Council, has been designated to preside over and conduct this hearing.

6. 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 4 above or may be made by completing a request form at any rules hearing held by the department.

7. An electronic copy of this proposal notice is available through the Secretary of State's web site at <http://sos.mt.gov/ARM/Register>

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 of the above-referenced rules will not significantly and directly impact small businesses.

/s/ DAVID ORTLEY  
David Ortley  
Deputy Attorney General  
Rule Reviewer

/s/ JESSE SLAUGHTER  
Jesse Slaughter  
Chair  
Montana POST Council

Certified to the Secretary of State August 27, 2024.