

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

In the matter of the amendment of ARM) NOTICE OF AMENDMENT,
24.182.401 fee schedule, 24.182.501 and) ADOPTION, AND REPEAL
24.182.505 licensure requirements, the)
adoption of New Rule I type of firearm, New)
Rule II requirements for firearms instructor)
licensure, New Rule III armed requalification)
required annually, and New Rule IV company)
licensure and branch offices, and the repeal of)
24.182.413 rules for branch office)

TO: All Concerned Persons

1. On July 6, 2006, the Board of Private Security Patrol Officers and Investigators (board) published MAR Notice No. 24-182-30 regarding the proposed amendment, adoption, and repeal of the above-stated rules, at page 1710 of the 2006 Montana Administrative Register, issue no. 13.

2. On July 27, 2006, a public hearing was held in Helena on the proposed amendment, adoption, and repeal of the above-stated rules. No members of the public appeared at the hearing and one comment was received by the August 4, 2006, deadline.

3. The board has thoroughly considered the comment received. A summary of the comment and the board's response is as follows:

COMMENT 1: One commenter opined that when the board repealed the old administrative rule that listed all board approved firearms, it left a wide open avenue for licensees to carry and use inappropriate firearms. The commenter stated that there should be an exclusion that lists the firearms considered inappropriate to be carried in the industry, such as rim fire calibers in .22 or .17, calibers larger than .45, black powder firearms, and single action firearms.

RESPONSE 1: The board determined that licensees should be allowed to carry the firearms they are qualified to carry through successful completion of board approved firearms training courses conducted by board approved and qualified instructors. The board reviews all qualifying firearms training courses for content and quality, and approves the weapons to be used in the courses. Through this process, the board concluded that it maintains sufficient control over which weapons licensees can qualify with and use during the course of their work, and ensures the adequate protection of the public. The board is adopting this rule exactly as proposed.

4. The board has amended ARM 24.182.401, 24.182.501, and 24.182.505,

exactly as proposed.

However, on February 23, 2006, the board published MAR Notice No. 24-101-202 regarding the proposed amendment to ARM 24.182.401 at page 383 of the Montana Administrative Register, issue no. 4. On June 22, 2006, the board amended this rule as proposed at page 1583 of the Montana Administrative Register, issue no. 12. This amendment was not effective until July 1, 2006. Therefore, when MAR Notice No. 24-182-30 was filed on June 26, 2006, for Montana Administrative Register issue no. 13, the proposal notice identified the sections and subsections that were in effect and shown in the existing rule. The earmarking shown as interlined (d) through (g) identifies the earmarking as amended by MAR Notice No. 24-101-202 and the earmarking shown as underlined (b) through (e) identifies the earmarking as amended by MAR Notice No. 24-182-30. In order to correctly identify the earmarking from these two proposals, the earmarking is clarified as shown:

24.182.401 FEE SCHEDULE (1) through (3)(a) remain as proposed in MAR Notice No. 24-182-30.

(b) and (c) deleted as proposed in MAR Notice No. 24-182-30.

~~(d)~~ (b) Temporary practice permit 25

~~(e)~~ (c) Changes of employer, address or name 10

~~(f)~~ (d) List of licensees for continuing education purposes only 40

~~(g)~~ (e) Training program certification (application and renewal) 50

~~(5)~~ (4) Fees for applicant fingerprint checks are set by the FBI and Montana Department of Justice, and are subject to change. Current fee amounts for fingerprint checks are available at the board office.

~~(4)~~ (5) Additional standardized fees are specified in ARM 24.101.403.

~~(5)~~ (6) Fees are deemed earned by the board upon receipt and all fees are nonrefundable.

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

5. The board has adopted NEW RULE I (24.182.420), NEW RULE II (24.182.520), NEW RULE III (24.182.421), and NEW RULE IV (24.182.525), exactly as proposed.

6. The board has repealed ARM 24.182.413 exactly as proposed.

BOARD OF PRIVATE SECURITY PATROL
OFFICERS AND INVESTIGATORS
LINDA SANEM, 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 November 13, 2006