



ADMINISTRATIVE RULES OF MONTANA



23.13.105 COMMITTEES OF THE POST COUNCIL

- (1) The following are committees of the POST Council:
 - (a) The Administrative Rules of Montana Committee, or ARM Committee, consists of five voting members of the POST Council. The ARM Committee's purpose is to review and analyze POST rules and recommend appropriate rule draft and amendment language to carry out the decisions of the POST Council. The ARM Committee's rule proposals must be approved by a majority vote of the council prior to submission to the Secretary of State's office. The ARM Committee may, by a majority vote of the committee, direct that POST staff, with the assistance of legal counsel, prepare draft rule language for the council's consideration.
 - (b) The Business Plan/Policy Committee consists of three voting members of the POST Council. The Business Plan/Policy Committee's purpose is to review and, when necessary, propose changes to the long-range business plan of the council, and the daily operations, policies, and procedures under which the POST staff perform day-to-day business. Any substantive business plan, policy, or procedural changes must be approved by a majority vote of the council. The Business Plan/Policy Committee may, upon a majority vote of the committee, direct POST staff to prepare draft business plan or policy language for the council's consideration.
 - (c) The Case Status Committee consists of three voting members of the POST Council. The Case Status Committee's purpose is to determine whether allegations of misconduct by a public safety officer warrant investigation by POST staff, to determine whether a certificate sanction or other action is appropriate, to determine the appropriate sanction to a certificate upon a finding of misconduct, and to review other proposed actions at the request of the director. The director and POST staff will act based upon a majority vote of the Case Status Committee. Case Status Committee members may not participate in deliberations or any decision of the full council regarding the sanction of an officer's POST certification, except as provided in these rules.
 - (d) The Coroner Committee consists of three voting members of the POST Council. The Coroner Committee's purpose is to track and monitor issues of interest to the Montana Coroner's Association, and coroners in general. Any draft legislative proposals or other proposed action must be approved by a majority vote of the POST Council. Draft ARM proposals must be approved by a majority vote of the POST Council and may be referred to the ARM Committee for approval or drafting as well. The Coroner Committee may, by a majority vote of the committee, direct POST staff, with the assistance of legal counsel, to create draft legislation or ARM language relevant only to coroner issues for the council's consideration.

- (e) The Curriculum Review Committee consists of five voting members of the POST Council. The MLEA administrator or the MLEA administrator's designee may act as an ex-officio member of the Curriculum Review Committee. The purpose of the Curriculum Review Committee is to review and discuss proposed training curriculum requiring POST approval or information. Any curriculum or basic course developed or reviewed by the Curriculum Review Committee must be approved by a majority vote of the POST Council.
 - (f) The Executive Committee consists of five members of the POST Council, including the chair of the POST Council. The chair of the POST Council will serve as the chair of the Executive Committee. The purpose of the Executive Committee is to make decisions necessary to implement the policies of the POST Council, and to provide additional oversight of POST staff. The decisions of the Executive Committee may include informing the Montana Legislature or a legislative committee of positions adopted by the council, providing advice and direction, short of ultimate decisions, regarding legal matters in which the council is a named party, and directing action by POST staff in order to accomplish the council's goals. The Executive Committee may direct POST staff to provide information to the legislature or its interim committees. The Executive Committee may also direct POST staff to appear and testify before the legislature or its interim committees in furtherance of positions taken by the council, or on behalf of the Executive Committee. When POST staff is representing a position of the Executive Committee only, it will disclose that the council has not taken a position on the issue. The Executive Committee may call a special meeting of the council, and may make recommendations to the council at a special or regular meeting.
- (2) The POST Council may create additional committees upon a motion and resolution passed by a majority vote of the POST Council, including a description of the committee's purpose and authority. The chair of the POST Council will appoint members, and designate chairs of the committees of the POST Council in open meetings. The POST Council chair's appointments are subject to approval by a majority vote of the POST Council. During its final meeting of each calendar year, the POST Council will review the membership of each of its committees and determine whether new or alternative appointments should be made.
 - (3) If a committee member resigns from a committee of the POST Council or otherwise vacates the member's seat on a committee, the POST Council chair may make an interim appointment to fill the vacancy. Interim committee members may take action and vote on issues which are before the committee until the POST Council has the opportunity to approve the appointment of the committee member at its next regularly scheduled meeting.
 - (4) The chair may appoint non-voting ex-officio members of POST Council committees. Ex-officio members should be recognized subject matter experts in the field related to the committee's purpose. Ex-officio members may not be POST Council members. Ex-officio members are subject to approval by a majority vote of the POST Council.

Authorizing statute(s): 2-15-2029, MCA

Implementing statute(s): 44-4-403, MCA

History: NEW, 2024 MAR p. 607, Eff. 3/23/24.