



AUG 14 2013

PO Box 1054

Bismarck ND 58502-1054

Phone: (701) 328-5500
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www.iadlest.org/ndakota

S/A Duane Stanley
Secretary

MEMBERS

August 14, 2013

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Stutsman County S.O.

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Lieutenant Michael Ferguson
Grand Forks Police Department

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ND Department of Corrections

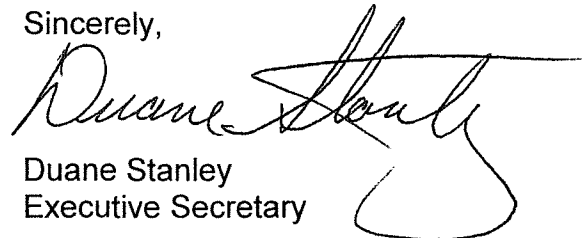
Mr. John Walstad
Administrative Code Revisor
North Dakota Legislative Council
600 East Boulevard Avenue, 2nd Floor
Bismarck, ND 58505-0360

RE: Proposed Administrative Rules

Dear Mr. Walstad:

The Notice of Intent to Amend Administrative Rules and a copy of the proposed rules are enclosed as required by N.D.C.C. § 28-32-10(1). Also enclosed are copies of letters to the sponsors of House Bill 1138: Representative Diane Larson, Representative Jason Dockter, Representative Karen Karls, Senator Ron Carlisle, and Senator Stanley Lyson. The Notice of Intent to Amend Administrative Rules and a copy of the proposed rules have been mailed to the bill sponsors.

Sincerely,



Duane Stanley
Executive Secretary

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Enclosures



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Steve Engen
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North Dakota Newspaper Association
1435 Interstate Loop
Bismarck, ND 58503-0567

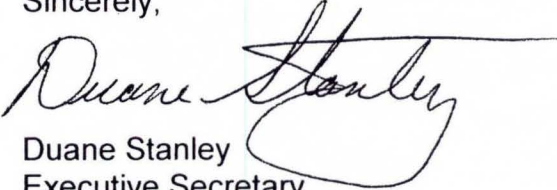
RE: Notice of Administrative Rulemaking

Dear Sirs:

Please send the enclosed public notice to each official county newspaper for publication one time as soon as possible. Please note that the publication of the notice must be in a display-type format with a minimum width of one column of approximately two inches or 5.08 centimeters and a depth of between three inches or 7.62 centimeters and four inches or 10.16 centimeters. Please also note that the notice must include a headline describing the general topic of the proposed rules.

Please send the billings along with the Affidavits of Publication to the P.O.S.T. Board, 4205 State Street, PO Box 1054, Bismarck, ND 58502-1054.

Sincerely,



Duane Stanley
Executive Secretary

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Enclosure

cc: ✓ John Walstad, North Dakota Legislative Council


**ABBREVIATED NOTICE OF INTENT TO
ADOPT, AMEND, AND REPEAL ADMINISTRATIVE RULES RELATING TO
THE ORGANIZATION OF THE PEACE OFFICER STANDARDS AND
TRAINING BOARD, PEACE OFFICER LICENSING AND TRAINING
REQUIREMENTS, WEAPONS STANDARDS AND TRAINING AND DUTY
WEAPON QUALIFICATION, AND INSTRUCTOR AND TRAINING COURSE
CERTIFICATION**

TAKE NOTICE that the North Dakota Peace Officer Standards and Training Board (P.O.S.T. Board) will hold a public hearing to address proposed changes to the N.D. Admin. Code concerning peace officer standards and training at 1:00 p.m. on Wednesday, September 18, 2013, at the North Dakota Law Enforcement Training Academy, Classroom 1, 1320 Schafer Street, Bismarck, North Dakota 58501.

A copy of the proposed rules may be obtained by writing to the Office of the Attorney General Bureau of Criminal Investigation, Attention P.O.S.T. Board, 4205 State Street, P.O. Box 1054, Bismarck, North Dakota 58502-1054 or calling (701) 328-5500. Also, written comments may be submitted to the above address until September 30, 2013.

If you plan to attend the public hearing and will need special facilities or assistance relating to a disability, please contact the P.O.S.T. Board at the above telephone number or address at least one week prior to the public hearing.

Dated this 14th day of August, 2013.


Duane Stanley
Executive Secretary, P.O.S.T. Board

**NOTICE OF INTENT TO
ADOPT, AMEND, AND REPEAL ADMINISTRATIVE RULES**

TAKE NOTICE that the North Dakota Peace Officer Standards and Training Board (P.O.S.T. Board) will hold a public hearing to address proposed new rules, amendments, and the repeal of rules to the North Dakota Administrative Code, Title 109, Article 109-01, Chapter 109-01-01, and Article 109-02, Chapters 109-02-01, 109-02-02, 109-02-03, 109-02-04, and 109-02-05, at 1:00 p.m. on Wednesday, September 18, 2013, at the North Dakota Law Enforcement Training Academy, Classroom 1, 1320 Schafer Street, Bismarck, North Dakota 58501.

The proposed rulemaking implements House Bills 1138 and 1392 enacted by the Sixty-third Legislative Assembly. House Bill 1138 relates to limited licenses and adverse license action and repeals N.D.C.C. § 12-63-08 relating to exceptions from training requirements and to individuals certified as peace officers before July 1, 1989. Sections 1 and 2 of House Bill 1392 relating to correctional facilities provide that training for correctional officers be determined and approved by the P.O.S.T. Board.

The proposed rulemaking addresses the organization of the P.O.S.T. Board.

The proposed rulemaking adds and amends definitions, amends background investigation requirements, minimum license requirements for a peace officer license, addresses additional license requirements, amends agency responsibilities, repeals requirements for records of certified instructors, training courses, and shooting courses, amends waiver of requirements upon a showing of good cause, and amends provisions for hearings and appeals.

The proposed rulemaking amends the requirements for compliance with minimum training standards, addresses supervision of part-time peace officer requirements, repeals provisions relating to reserve officers, amends limited license

requirements and addresses requirements for supervision of an officer with a limited license, requirements for waiver or partial waiver of required training for out-of-state and federal peace officers, licensing examination requirements, employment of peace officer requirements, medical and psychological examination requirements for peace officers, sidearm qualification as a license requirement, repeals the requirement for a license certificate, amends licensing, renewal, and reinstatement fees, establishes provisions for reinstatement of a license, amends inactive license requirements, continuing education requirements, training course certification requirements, license renewal requirements, agency responsibility upon termination of a peace officer's employment, and adverse license action requirements.

The proposed rulemaking addresses use of force and weapons safety proficiency examinations, repeals shotgun, rifle, and special weapons certification requirements, amends annual sidearm qualification requirements, repeals the certification requirements for shotguns, rifles, and special weapons, addresses shooting course requirements, and repeals provisions for waivers of rules and provisions for notice of denial or revocation of qualification.

The proposed rulemaking amends instructor certification requirements, the duration of instructor certification, requirements of the application for instructor certification, requirements for weapons instructor certification, requirements for weapons instructors, requirements for training provider and training course certification, establishes provisions for the denial, suspension, or revocation of certification, or imposition of probationary terms, for training courses and training providers, amends the requirements for the basic full-time and part-time law enforcement training courses, provisions for application for training course certification, and for suspension, revocation, denial, or denial of renewal, of certification and administrative hearings.


The proposed rulemaking establishes a peace officer code of conduct and oath of office.

The proposed rulemaking is not expected to have an impact on the regulated community in excess of fifty thousand dollars (\$50,000).

The proposed rules may be reviewed at the office of the P.O.S.T. Board, 4205 State Street, P.O. Box 1054, Bismarck, North Dakota 58502-1054. A copy of the proposed rules may be requested by writing the above address or calling (701) 328-5500. Written or oral data, views, or arguments on the proposed rules sent to the above address or telephone number and received by September 30, 2013, will be fully considered.

If you plan to attend the public hearing and will need special facilities or assistance relating to a disability, please contact the P.O.S.T. Board at the above telephone number or address at least one week prior to the public hearing.

Dated this 14th day of August, 2013.


Duane Stanley
Executive Secretary, P.O.S.T. Board