

SENATE BILL NO. 362

INTRODUCED BY GROSFIELD, GRADY, QUILICI,
JERGESON, HARDING, WEEDING, CLARK

BY REQUEST OF THE DEPARTMENT OF
FISH, WILDLIFE, AND PARKS

IN THE SENATE

FEBRUARY 12, 1991	INTRODUCED AND REFERRED TO COMMITTEE ON FISH & GAME.
FEBRUARY 13, 1991	FIRST READING.
FEBRUARY 22, 1991	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 23, 1991	PRINTING REPORT. SECOND READING, DO PASS.
FEBRUARY 25, 1991	ENGROSSING REPORT. THIRD READING, PASSED. AYES, 43; NOES, 6. TRANSMITTED TO HOUSE.

IN THE HOUSE

MARCH 4, 1991	INTRODUCED AND REFERRED TO COMMITTEE ON FISH & GAME. FIRST READING.
MARCH 23, 1991	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
APRIL 6, 1991	SECOND READING, CONCURRED IN. MOTION FAILED. ON MOTION, SEGREGATED FROM WHOLE REPORT FOR PURPOSES OF AMENDMENT. SECOND READING, CONCURRED IN AS AMENDED. ON MOTION, RULES SUSPENDED. BILL PLACED ON THIRD READING THIS DAY.

THIRD READING, CONCURRED IN.
AYES, 51; NOES, 45.

RETURNED TO SENATE WITH AMENDMENTS.

IN THE SENATE

APRIL 8, 1991

RECEIVED FROM HOUSE.

APRIL 17, 1991

SECOND READING, AMENDMENTS
CONCURRED IN.

APRIL 18, 1991

THIRD READING, AMENDMENTS
CONCURRED IN.

APRIL 19, 1991

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

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Senate BILL NO. *362*
INTRODUCED BY *Grosholz* *Quilley* *Quilley*
BY REQUEST OF THE DEPARTMENT OF *Harding*
Jergeson
FISH, WILDLIFE, AND PARKS *Wieder*

A BILL FOR AN ACT ENTITLED: "AN ACT CREATING PARK RANGERS AND A PARK RANGER RESERVE AND ESTABLISHING THEIR POWERS AND DUTIES; EXPANDING AND CLARIFYING THE AUTHORITY OF WARDENS, EX OFFICIO WARDENS, AND PARK RANGERS TO ENFORCE LAWS CONTAINED IN TITLE 23, MCA, RELATING TO STATE PARKS; ESTABLISHING RESPONSIBILITY FOR PARK FEE VIOLATIONS INVOLVING VEHICLES; AMENDING SECTIONS 23-1-105, 23-1-106, 23-2-410, 23-2-506, 23-2-641, 23-2-806, 77-5-104, 87-1-502, AND 87-1-503, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
NEW SECTION. **Section 1.** Park rangers -- qualifications -- powers and duties. (1) The department is authorized to establish a corps of park rangers and to select and appoint park rangers who must be qualified by their experience, training, skill, and interest in the protection, conservation, and stewardship of the natural and cultural resources and parks administered by the department.
(2) Park rangers shall enforce the laws of this state

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and the rules of the department and commission that provide for the protection, conservation, and stewardship of the natural and cultural resources in the state parks system.
(3) Park rangers shall protect campers, picnickers, and other park users; keep the peace; supervise public use; and maintain public order in all units of the state parks system.
(4) Park rangers shall perform all other duties prescribed by the department.
Section 2. Section 23-1-106, MCA, is amended to read:
"23-1-106. Rules -- penalties -- enforcement. (1) The department may make rules governing the use, occupancy, and protection of the lands and property under its control.
(2) Any person who injures or damages any land or property under control of the department or private property thereon or therein or violates any of the rules made by the department relating to these areas is guilty of a misdemeanor and shall be fined not more than \$500 or be imprisoned in the county jail for not more than 6 months.
(3) The department shall enforce the provisions of this chapter and rules implementing this chapter. The director of the department shall employ all necessary and qualified personnel for enforcement purposes.
(4) The department is a criminal justice agency. Authorized officers of the department are granted peace



1 officer status with the power:

2 (a) of search, seizure, and arrest;

3 (b) to investigate activities in this state regulated
4 by this chapter and rules of the department and the
5 commission; and

6 (c) to report violations to the county attorney of the
7 county in which they occur."

8 **NEW SECTION. Section 3. Enforcement powers of park**
9 **rangers and game wardens.** (1) Park rangers appointed
10 pursuant to [section 1] and fish and game wardens appointed
11 pursuant to 87-1-501 are authorized officers with the
12 authority to enforce the laws and adopted rules relating to
13 parks and outdoor recreation contained in this title, except
14 chapter 2, part 7.

15 (2) An authorized officer may:

16 (a) without a warrant, require to be produced, examine,
17 and take copies of any permit or other document required
18 under Title 87 and this title, except chapter 2, part 7;

19 (b) without a warrant, enter and search any land,
20 building not used as a residence, tent, or structure of any
21 kind within an area managed by the department upon probable
22 cause to believe that an offense has been committed against
23 the laws or rules relating to parks and outdoor recreation
24 and that evidence of the commission of the offense may be
25 found there;

1 (c) without a warrant, stop, detain, and search any
2 vehicle or vessel anywhere within an area managed by the
3 department upon probable cause to believe that the vehicle
4 or vessel has been used or is being used in the commission
5 of an offense against the laws or rules relating to parks
6 and outdoor recreation;

7 (d) arrest, in accordance with Title 46, chapter 6, any
8 person within an area managed by the department upon
9 probable cause to believe that the person has committed an
10 offense against this title, except chapter 2, part 7, or
11 rules of the department or the commission;

12 (e) enforce the disorderly conduct and public nuisance
13 laws under 45-8-101 and 45-8-111 as they apply to the
14 operation of motorboats on waters within areas managed by
15 the department under this part; and

16 (f) exercise other powers of peace officers in the
17 enforcement of:

18 (i) laws relating to parks and outdoor recreation
19 contained in this title, except chapter 2, part 7;

20 (ii) rules of the department and the commission; and

21 (iii) judgments obtained for violations of the laws and
22 rules specified in this subsection (2)(f).

23 **Section 4.** Section 23-1-105, MCA, is amended to read:

24 "23-1-105. Fees and charges. (1) The department shall
25 have power to levy and collect reasonable fees or other

1 charges for the use of privileges and conveniences as may be
 2 provided and to grant concessions as it considers advisable,
 3 except as provided in subsection (2). All money derived from
 4 the activities of the department ~~shall~~ must be deposited in
 5 the state treasury in a state special revenue fund to the
 6 credit of the department.

7 (2) Overnight camping fees established by the
 8 department under subsection (1) must be discounted 50% for a
 9 campsite rented by a person who is a resident of Montana as
 10 defined in 87-2-102 and either 62 years of age or older or
 11 certified as disabled in accordance with rules adopted by
 12 the department.

13 (3) For a violation of any fee collection rule
 14 involving a vehicle, the registered owner of the vehicle at
 15 the time of the violation is personally responsible if an
 16 adult is not in the vehicle at the time the violation is
 17 discovered by an authorized officer. A defense that the
 18 vehicle was driven into the fee area by another person is
 19 not allowable unless it is shown that at that time the
 20 vehicle was being used without the consent of the registered
 21 owner."

22 NEW SECTION. Section 5. Park ranger reserve. There is
 23 a park ranger reserve. Members of the reserve must be at
 24 least 18 years of age. Members shall assist park managers on
 25 a voluntary basis as needed on lands in the state parks

1 system that are managed by the department. The department
 2 may in its discretion allow members of the reserve travel
 3 expenses as provided in 2-18-501 through 2-18-503. A member
 4 of the reserve does not have arrest power unless
 5 concurrently appointed as an ex officio warden under
 6 87-1-503.

7 **Section 6.** Section 23-2-410, MCA, is amended to read:

8 "23-2-410. Penalty -- enforcement. (1) A person who
 9 violates a rule of the commission adopted pursuant to this
 10 part is guilty of a misdemeanor punishable by a fine of not
 11 less than \$50 or more than \$500, by imprisonment in a county
 12 jail for not more than 6 months, or by both fine and
 13 imprisonment.

14 (2) The department is a criminal justice agency.
 15 Authorized officers of the department are granted peace
 16 officer status with the power:

17 (a) of search, seizure, and arrest;

18 (b) to investigate activities in this state regulated
 19 by this part and rules of the department and the commission;
 20 and

21 (c) to report violations to the county attorney of the
 22 county in which they occur."

23 **Section 7.** Section 23-2-506, MCA, is amended to read:

24 "23-2-506. Enforcement. It--shall--be--the--duty--of--the
 25 department--to--enforce--the--sections--of--this--law--The--state

1 ~~fish, wildlife, and parks director shall employ all the~~
 2 ~~necessary personnel to comply with this section.~~ (1) The
 3 department is a criminal justice agency. Authorized officers
 4 of the department are granted peace officer status with the
 5 power:

- 6 (a) of search, seizure, and arrest;
 7 (b) to investigate activities in this state regulated
 8 by this part and rules of the department and the commission;
 9 and
 10 (c) to report violations to the county attorney of the
 11 county in which they occur.

12 (2) All sheriffs and peace officers of the state of
 13 Montana and all United States coast guard law enforcement
 14 officers shall have authority to enforce provisions of this
 15 part, as amended."

16 **Section 8.** Section 23-2-641, MCA, is amended to read:

17 "23-2-641. **Enforcement.** (1) The following persons may
 18 enforce the provisions of 23-2-601 through 23-2-644: the
 19 enforcement officers employed by the department, with
 20 respect to violations relating to wildlife or birds,
 21 discharging firearms, or sound level limitations. However,
 22 with respect to the sale of any new snowmobile which is
 23 subject to the provisions of 23-2-601 through 23-2-644, the
 24 attorney general of the state of Montana shall, upon the
 25 request of the department, sue for the recovery of the

1 penalties provided in 23-2-642 and bring an action for a
 2 restraining order or temporary or permanent injunction
 3 against a person who sells or offers to sell a new
 4 snowmobile that does not satisfy the sound level limitations
 5 imposed by 23-2-601 through 23-2-644.

6 (2) (a) ~~The department's enforcement personnel, the~~
 7 ~~sheriffs~~ department is a criminal justice agency. Authorized
 8 officers of the department are granted peace officer status
 9 with the power:

- 10 (i) of search, seizure, and arrest;
 11 (ii) to investigate activities in this state regulated
 12 by this part and rules of the department and the commission;
 13 and
 14 (iii) to report violations to the county attorney of the
 15 county in which they occur.

16 (b) Sheriffs and their deputies of the various counties
 17 of the state, the Montana highway patrol, and the police of
 18 each municipality shall enforce the provisions of 23-2-601
 19 through 23-2-644."

20 **Section 9.** Section 23-2-806, MCA, is amended to read:

21 "23-2-806. **Enforcement.** (1) The department of fish,
 22 wildlife, and parks enforcement personnel, park rangers,
 23 sheriffs and their deputies, the Montana highway patrol, and
 24 the police of each municipality shall enforce the provisions
 25 of this part.

1 (2) The department is a criminal justice agency.
 2 Authorized officers of the department are granted peace
 3 officer status with the power:
 4 (a) of search, seizure, and arrest;
 5 (b) to investigate activities in this state regulated
 6 by this part and rules of the department and the commission;
 7 and
 8 (c) to report violations to the county attorney of the
 9 county in which they occur."

10 **Section 10.** Section 77-5-104, MCA, is amended to read:
 11 "77-5-104. Firewardens. (1) The department shall
 12 appoint firewardens in ~~such~~ the number and localities as it
 13 considers necessary.

14 (2) The supervisors and rangers of the federal forest
 15 lands within this state, whenever they formally accept the
 16 duties and responsibilities of firewardens, may be appointed
 17 firewardens.

18 (3) The following are firewardens but may not receive
 19 any additional compensation by reason of the duties hereby
 20 imposed:

- 21 (a) sheriffs;
- 22 (b) undersheriffs;
- 23 (c) deputy sheriffs;
- 24 (d) state fish, wildlife, and parks wardens and park
 25 rangers;

- 1 (e) the state fish, wildlife, and parks director;
- 2 (f) the commissioner and employees of the department
 3 designated by him;
- 4 (g) officers of organized forest protection districts;
- 5 (h) members of the Montana highway patrol;
- 6 (i) officers of the national park service residing in
 7 Montana; and
- 8 (j) officers of the bureau of Indian affairs.

9 (4) The firewardens shall promptly report all fires to
 10 the department, take immediate and active steps toward their
 11 extinguishment, report any violation of forest laws, and
 12 assist in apprehending and convicting offenders."

13 **Section 11.** Section 87-1-502, MCA, is amended to read:

14 "87-1-502. Qualifications, powers, and duties. (1)
 15 Wardens ~~shall~~ must be qualified by their experience,
 16 training, and skill in protection, conservation, and
 17 propagation of wildlife, game, fur-bearing animals, fish,
 18 and game birds and interested in this work. They shall
 19 devote all of their time for which they are appointed to
 20 their official duties.

21 (2) They shall enforce the laws of this state and the
 22 rules of the department with reference to the protection,
 23 preservation, and propagation of game and fur-bearing
 24 animals, fish, and game birds.

25 (3) They shall see that persons who hunt, fish, or take

1 game or fur-bearing animals, game birds, or fish have
2 necessary licenses.

3 (4) They shall assist in the protection, conservation,
4 and propagation of fish, game, fur-bearing animals, and game
5 and nongame birds and assist in the planting, distributing,
6 feeding, and care of fish, game, fur-bearing animals, and
7 game and nongame birds. They shall, when ordered by the
8 department, assist in the destruction of predatory animals,
9 birds, and rodents. They shall perform all other duties
10 prescribed by the department and make a monthly report to
11 the department correctly informing the department of their
12 activities on each day of the preceding month with regard to
13 the enforcement of the fish and game laws, showing where
14 their duties called them and what they did. The reports
15 ~~shall~~ must contain any pertinent recommendations the wardens
16 may see fit to make.

17 (5) A warden may not compromise or settle violations of
18 fish and game laws out of court.

19 (6) A warden has the authority to inspect any and all
20 fish, game and nongame birds, waterfowl, game animals, and
21 fur-bearing animals at reasonable times and at any location
22 other than a residence or dwelling. Upon request therefor,
23 all persons having in their possession any fish, game and
24 nongame birds, waterfowl, game animals, and fur-bearing
25 animals shall exhibit the same and all thereof to the warden

1 for such inspection.

2 (7) The department is a criminal justice agency.
3 Authorized officers of the department are granted peace
4 officer status with the power:

5 (a) of search, seizure, and arrest;

6 (b) to investigate activities in this state regulated
7 by this title and rules of the department and the
8 commission; and

9 (c) to report violations to the county attorney of the
10 county in which they occur."

11 **Section 12.** Section 87-1-503, MCA, is amended to read:

12 **"87-1-503. Ex officio wardens.** All sheriffs and their
13 deputies, constables, all peace officers of the state or any
14 subdivision thereof, and all state forest officers, such
15 other officers of the United States forest service or agents
16 of the United States fish and wildlife service which that
17 are assigned to duty in this state, and field personnel of
18 the department, as the director may appoint, are hereby made
19 ex officio wardens, without pay, except that the department
20 may, in its discretion, allow traveling expenses as provided
21 for in 2-18-501 through 2-18-503, which, if allowed, ~~shall~~
22 must be paid upon proper vouchers from the state fish and
23 game funds. Ex officio wardens shall have the same powers
24 with reference to the enforcement of the fish and game laws
25 of this state and the laws relating to parks and outdoor

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1 recreation contained in Title 23, except chapter 2, part 7,
2 as regularly appointed wardens, and it is hereby made their
3 duty to assist, whenever possible, in the enforcement of
4 said those laws."

5 NEW SECTION. Section 13. Codification instruction.
6 [Sections 1, 3, and 5] are intended to be codified as an
7 integral part of Title 23, chapter 1, part 1, and the
8 provisions of Title 23, chapter 1, part 1, apply to
9 [sections 1, 3, and 5].

10 NEW SECTION. Section 14. Effective date. [This act] is
11 effective on passage and approval.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB0362, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

Creating park rangers and a park ranger reserve and establishing their powers and duties; expanding and clarifying the authority of wardens, ex officio wardens, and park rangers to enforce laws.

ASSUMPTIONS:

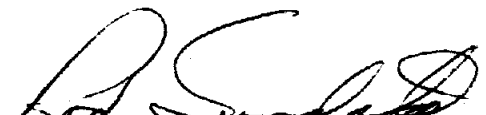
1. This program can be implemented at no immediate cost to the Department of Fish, Wildlife and Parks. Permanent full-time employees who currently perform protection functions and have law enforcement training will be designated as park rangers under these statutes.
2. Revenues may increase due to better compliance with park rules; however, there is no reasonable data available to calculate the amount.

FISCAL IMPACT:

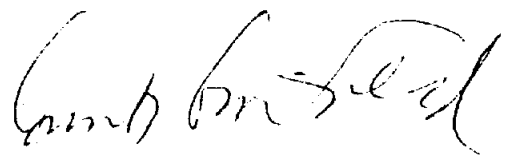
None.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

Some additional training costs will be incurred in 3-5 years.



ROD SUNDSTED, BUDGET DIRECTOR DATE
Office of Budget and Program Planning 2-18-91



LORENTS GROSFIELD, PRIMARY SPONSOR DATE
Fiscal Note for SB0362, as introduced 2/19/91
SB 362

APPROVED BY COMM.
ON FISH AND GAME

1 SENATE BILL NO. 362

2 INTRODUCED BY GROSFIELD, GRADY, QUILICI,

3 JERGESON, HARDING, WEEDING, CLARK

4 BY REQUEST OF THE DEPARTMENT OF

5 FISH, WILDLIFE, AND PARKS

6
7 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING PARK RANGERS
8 AND A PARK RANGER RESERVE AND ESTABLISHING THEIR POWERS AND
9 DUTIES; EXPANDING AND CLARIFYING THE AUTHORITY OF WARDENS,
10 EX OFFICIO WARDENS, AND PARK RANGERS TO ENFORCE LAWS
11 CONTAINED IN TITLE 23, MCA, RELATING TO STATE PARKS;
12 ESTABLISHING RESPONSIBILITY FOR PARK FEE VIOLATIONS
13 INVOLVING VEHICLES; AMENDING SECTIONS 23-1-105, 23-1-106,
14 23-2-410, 23-2-506, 23-2-641, 23-2-806, 77-5-104, 87-1-502,
15 AND 87-1-503, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE
16 DATE."
17

18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

19 NEW SECTION. **Section 1.** Park rangers -- qualifications
20 -- powers and duties. (1) The department is authorized to
21 establish a corps of park rangers and to select and appoint
22 park rangers who must be qualified by their experience,
23 training, skill, and interest in the protection,
24 conservation, and stewardship of the natural and cultural
25 resources and parks administered by the department.

1 (2) Park rangers shall enforce the laws of this state
2 and the rules of the department and commission that provide
3 for the protection, conservation, and stewardship of the
4 natural and cultural resources in the state parks system.

5 (3) Park rangers shall protect campers, picnickers, and
6 other park users; keep the peace; supervise public use; and
7 maintain public order in all units of the state parks
8 system.

9 (4) Park rangers shall perform all other duties
10 prescribed by the department.

11 **Section 2.** Section 23-1-106, MCA, is amended to read:

12 "**23-1-106. Rules -- penalties -- enforcement.** (1) The
13 department may make rules governing the use, occupancy, and
14 protection of the lands and property under its control.

15 (2) Any person who injures or damages any land or
16 property under control of the department or private property
17 thereon or therein or violates any of the rules made by the
18 department relating to these areas is guilty of a
19 misdemeanor and shall be fined not more than \$500 or be
20 imprisoned in the county jail for not more than 6 months.

21 (3) The department shall enforce the provisions of this
22 chapter and rules implementing this chapter. The director of
23 the department shall employ all necessary and qualified
24 personnel for enforcement purposes.

25 (4) The department is a criminal justice agency FOR THE

PURPOSE OF OBTAINING THE TECHNICAL ASSISTANCE AND SUPPORT SERVICES PROVIDED BY THE BOARD OF CRIME CONTROL UNDER THE PROVISIONS OF 44-4-301. Authorized officers of the department are granted peace officer status with the power:

(a) of search, seizure, and arrest;

(b) to investigate activities in this state regulated by this chapter and rules of the department and the commission; and

(c) to report violations to the county attorney of the county in which they occur."

NEW SECTION. Section 3. Enforcement powers of park rangers and game wardens. (1) Park rangers appointed pursuant to [section 1] and fish and game wardens appointed pursuant to 87-1-501 are authorized officers with the authority to enforce the laws and adopted rules relating to parks and outdoor recreation contained in this title, except chapter 2, part 7.

(2) An authorized officer may:

(a) without a warrant, require to be produced, examine, and take copies of any permit or other document required under Title 87 and this title, except chapter 2, part 7;

(b) without a warrant, enter and search any land, building not used as a residence, tent, or structure of any kind within an area managed by the department upon probable cause to believe that an offense has been committed against

the laws or rules relating to parks and outdoor recreation and that evidence of the commission of the offense may be found there;

(c) without a warrant, stop, detain, and search any vehicle or vessel anywhere within an area managed by the department upon probable cause to believe that the vehicle or vessel has been used or is being used in the commission of an offense against the laws or rules relating to parks and outdoor recreation;

(d) arrest, in accordance with Title 46, chapter 6, any person within an area managed by the department upon probable cause to believe that the person has committed an offense against this title, except chapter 2, part 7, or rules of the department or the commission;

(e) enforce the disorderly conduct and public nuisance laws under 45-8-101 and 45-8-111 as they apply to the operation of motorboats on waters within areas managed by the department under this part; and

(f) exercise other powers of peace officers in the enforcement of:

(i) laws relating to parks and outdoor recreation contained in this title, except chapter 2, part 7;

(ii) rules of the department and the commission; and

(iii) judgments obtained for violations of the laws and rules specified in this subsection (2)(f).

1 **Section 4.** Section 23-1-105, MCA, is amended to read:

2 "23-1-105. Fees and charges. (1) The department shall
3 have power to levy and collect reasonable fees or other
4 charges for the use of privileges and conveniences as may be
5 provided and to grant concessions as it considers advisable,
6 except as provided in subsection (2). All money derived from
7 the activities of the department ~~shall~~ must be deposited in
8 the state treasury in a state special revenue fund to the
9 credit of the department.

10 (2) Overnight camping fees established by the
11 department under subsection (1) must be discounted 50% for a
12 campsite rented by a person who is a resident of Montana as
13 defined in 87-2-102 and either 62 years of age or older or
14 certified as disabled in accordance with rules adopted by
15 the department.

16 (3) For a violation of any fee collection rule
17 involving a vehicle, the registered owner of the vehicle at
18 the time of the violation is personally responsible if an
19 adult is not in the vehicle at the time the violation is
20 discovered by an authorized officer. A defense that the
21 vehicle was driven into the fee area by another person is
22 not allowable unless it is shown that at that time the
23 vehicle was being used without the consent of the registered
24 owner."

25 NEW SECTION. **Section 5.** Park ranger reserve. There is

1 a park ranger reserve. Members of the reserve must be at
2 least 18 years of age. Members shall assist park managers on
3 a voluntary basis as needed on lands in the state parks
4 system that are managed by the department. The department
5 may in its discretion allow members of the reserve travel
6 expenses as provided in 2-18-501 through 2-18-503. A member
7 of the reserve does not have arrest power unless
8 concurrently appointed as an ex officio warden under
9 87-1-503.

10 **Section 6.** Section 23-2-410, MCA, is amended to read:

11 "23-2-410. Penalty -- enforcement. (1) A person who
12 violates a rule of the commission adopted pursuant to this
13 part is guilty of a misdemeanor punishable by a fine of not
14 less than \$50 or more than \$500, by imprisonment in a county
15 jail for not more than 6 months, or by both fine and
16 imprisonment.

17 (2) The department is a criminal justice agency FOR THE
18 PURPOSE OF OBTAINING THE TECHNICAL ASSISTANCE AND SUPPORT
19 SERVICES PROVIDED BY THE BOARD OF CRIME CONTROL UNDER THE
20 PROVISIONS OF 44-4-301. Authorized officers of the
21 department are granted peace officer status with the power:

- 22 (a) of search, seizure, and arrest;
- 23 (b) to investigate activities in this state regulated
- 24 by this part and rules of the department and the commission;
- 25 and

1 (c) to report violations to the county attorney of the
2 county in which they occur."

3 **Section 7.** Section 23-2-506, MCA, is amended to read:

4 ~~"23-2-506. Enforcement. It shall be the duty of the~~
5 ~~department to enforce the sections of this law. The state~~
6 ~~fish, wildlife, and parks director shall employ all the~~
7 ~~necessary personnel to comply with this section: (1) The~~
8 ~~department is a criminal justice agency FOR THE PURPOSE OF~~
9 ~~OBTAINING THE TECHNICAL ASSISTANCE AND SUPPORT SERVICES~~
10 ~~PROVIDED BY THE BOARD OF CRIME CONTROL UNDER THE PROVISIONS~~
11 ~~OF 44-4-301. Authorized officers of the department are~~
12 ~~granted peace officer status with the power:~~

13 (a) of search, seizure, and arrest;

14 (b) to investigate activities in this state regulated
15 by this part and rules of the department and the commission;
16 and

17 (c) to report violations to the county attorney of the
18 county in which they occur.

19 (2) All sheriffs and peace officers of the state of
20 Montana and all United States coast guard law enforcement
21 officers shall have authority to enforce provisions of this
22 part, as amended."

23 **Section 8.** Section 23-2-641, MCA, is amended to read:

24 "23-2-641. Enforcement. (1) The following persons may
25 enforce the provisions of 23-2-601 through 23-2-644: the

1 enforcement officers employed by the department, with
2 respect to violations relating to wildlife or birds,
3 discharging firearms, or sound level limitations. However,
4 with respect to the sale of any new snowmobile which is
5 subject to the provisions of 23-2-601 through 23-2-644, the
6 attorney general of the state of Montana shall, upon the
7 request of the department, sue for the recovery of the
8 penalties provided in 23-2-642 and bring an action for a
9 restraining order or temporary or permanent injunction
10 against a person who sells or offers to sell a new
11 snowmobile that does not satisfy the sound level limitations
12 imposed by 23-2-601 through 23-2-644.

13 (2) (a) ~~The department's enforcement personnel--the~~
14 ~~sheriffs department is a criminal justice agency FOR THE~~
15 ~~PURPOSE OF OBTAINING THE TECHNICAL ASSISTANCE AND SUPPORT~~
16 ~~SERVICES PROVIDED BY THE BOARD OF CRIME CONTROL UNDER THE~~
17 ~~PROVISIONS OF 44-4-301. Authorized officers of the~~
18 ~~department are granted peace officer status with the power:~~

19 (i) of search, seizure, and arrest;

20 (ii) to investigate activities in this state regulated
21 by this part and rules of the department and the commission;
22 and

23 (iii) to report violations to the county attorney of the
24 county in which they occur.

25 (b) Sheriffs and their deputies of the various counties

1 of the state, the Montana highway patrol, and the police of
2 each municipality shall enforce the provisions of 23-2-601
3 through 23-2-644."

4 **Section 9.** Section 23-2-806, MCA, is amended to read:

5 **"23-2-806. Enforcement.** (1) The department of fish,
6 wildlife, and parks enforcement personnel, park rangers,
7 sheriffs and their deputies, the Montana highway patrol, and
8 the police of each municipality shall enforce the provisions
9 of this part.

10 (2) The department is a criminal justice agency FOR THE
11 PURPOSE OF OBTAINING THE TECHNICAL ASSISTANCE AND SUPPORT
12 SERVICES PROVIDED BY THE BOARD OF CRIME CONTROL UNDER THE
13 PROVISIONS OF 44-4-301. Authorized officers of the
14 department are granted peace officer status with the power:

15 (a) of search, seizure, and arrest;

16 (b) to investigate activities in this state regulated
17 by this part and rules of the department and the commission;
18 and

19 (c) to report violations to the county attorney of the
20 county in which they occur."

21 **Section 10.** Section 77-5-104, MCA, is amended to read:

22 **"77-5-104. Firewardens.** (1) The department shall
23 appoint firewardens in such the number and localities as it
24 considers necessary.

25 (2) The supervisors and rangers of the federal forest

1 lands within this state, whenever they formally accept the
2 duties and responsibilities of firewardens, may be appointed
3 firewardens.

4 (3) The following are firewardens but may not receive
5 any additional compensation by reason of the duties hereby
6 imposed:

7 (a) sheriffs;

8 (b) undersheriffs;

9 (c) deputy sheriffs;

10 (d) state fish, wildlife, and parks wardens and park
11 rangers;

12 (e) the state fish, wildlife, and parks director;

13 (f) the commissioner and employees of the department
14 designated by him;

15 (g) officers of organized forest protection districts;

16 (h) members of the Montana highway patrol;

17 (i) officers of the national park service residing in
18 Montana; and

19 (j) officers of the bureau of Indian affairs.

20 (4) The firewardens shall promptly report all fires to
21 the department, take immediate and active steps toward their
22 extinguishment, report any violation of forest laws, and
23 assist in apprehending and convicting offenders."

24 **Section 11.** Section 87-1-502, MCA, is amended to read:

25 **"87-1-502. Qualifications, powers, and duties.** (1)

1 Warden ~~shall~~ must be qualified by their experience,
 2 training, and skill in protection, conservation, and
 3 propagation of wild life, game, fur-bearing animals, fish,
 4 and game birds and interested in this work. They shall
 5 devote all of their time for which they are appointed to
 6 their official duties.

7 (2) They shall enforce the laws of this state and the
 8 rules of the department with reference to the protection,
 9 preservation, and propagation of game and fur-bearing
 10 animals, fish, and game birds.

11 (3) They shall see that persons who hunt, fish, or take
 12 game or fur-bearing animals, game birds, or fish have
 13 necessary licenses.

14 (4) They shall assist in the protection, conservation,
 15 and propagation of fish, game, fur-bearing animals, and game
 16 and nongame birds and assist in the planting, distributing,
 17 feeding, and care of fish, game, fur-bearing animals, and
 18 game and nongame birds. They shall, when ordered by the
 19 department, assist in the destruction of predatory animals,
 20 birds, and rodents. They shall perform all other duties
 21 prescribed by the department and make a monthly report to
 22 the department correctly informing the department of their
 23 activities on each day of the preceding month with regard to
 24 the enforcement of the fish and game laws, showing where
 25 their duties called them and what they did. The reports

1 ~~shall~~ must contain any pertinent recommendations the wardens
 2 may see fit to make.

3 (5) A warden may not compromise or settle violations of
 4 fish and game laws out of court.

5 (6) A warden has the authority to inspect any and all
 6 fish, game and nongame birds, waterfowl, game animals, and
 7 fur-bearing animals at reasonable times and at any location
 8 other than a residence or dwelling. Upon request therefor,
 9 all persons having in their possession any fish, game and
 10 nongame birds, waterfowl, game animals, and fur-bearing
 11 animals shall exhibit the same and all thereof to the warden
 12 for such inspection.

13 (7) The department is a criminal justice agency FOR THE
 14 PURPOSE OF OBTAINING THE TECHNICAL ASSISTANCE AND SUPPORT
 15 SERVICES PROVIDED BY THE BOARD OF CRIME CONTROL UNDER THE
 16 PROVISIONS OF 44-4-301. Authorized officers of the
 17 department are granted peace officer status with the power:

18 (a) of search, seizure, and arrest;

19 (b) to investigate activities in this state regulated
 20 by this title and rules of the department and the
 21 commission; and

22 (c) to report violations to the county attorney of the
 23 county in which they occur."

24 **Section 12.** Section 87-1-503, MCA, is amended to read:

25 **"87-1-503. Ex officio wardens.** All sheriffs and their

1 deputies, constables, all peace officers of the state or any
2 subdivision thereof, and all state forest officers, **such**
3 other officers of the United States forest service or agents
4 of the United States fish and wildlife service ~~which~~ that
5 are assigned to duty in this state, and field personnel of
6 the department, as the director may appoint, are hereby made
7 ex officio wardens, without pay, except that the department
8 may, in its discretion, allow traveling expenses as provided
9 for in 2-18-501 through 2-18-503, which, if allowed, ~~shall~~
10 must be paid upon proper vouchers from the state fish and
11 game funds. Ex officio wardens shall have the same powers
12 with reference to the enforcement of the fish and game laws
13 of this state and the laws relating to parks and outdoor
14 recreation contained in Title 23, except chapter 2, part 7,
15 as regularly appointed wardens, and it is hereby made their
16 duty to assist, whenever possible, in the enforcement of
17 said those laws."

18 NEW SECTION. **Section 13.** Codification instruction.
19 [Sections 1, 3, and 5] are intended to be codified as an
20 integral part of Title 23, chapter 1, part 1, and the
21 provisions of Title 23, chapter 1, part 1, apply to
22 [sections 1, 3, and 5].

23 NEW SECTION. **Section 14.** Effective date. [This act] is
24 effective on passage and approval.

-End-

1 SENATE BILL NO. 362

2 INTRODUCED BY GROSFIELD, GRADY, QUILICI,

3 JERGESON, HARDING, WEEDING, CLARK

4 BY REQUEST OF THE DEPARTMENT OF

5 FISH, WILDLIFE, AND PARKS

6

7 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING PARK RANGERS
8 AND A PARK RANGER RESERVE AND ESTABLISHING THEIR POWERS AND
9 DUTIES; EXPANDING AND CLARIFYING THE AUTHORITY OF WARDENS,
10 EX OFFICIO WARDENS, AND PARK RANGERS TO ENFORCE LAWS
11 CONTAINED IN TITLE 23, MCA, RELATING TO STATE PARKS;
12 ESTABLISHING RESPONSIBILITY FOR PARK FEE VIOLATIONS
13 INVOLVING VEHICLES; AMENDING SECTIONS 23-1-105, 23-1-106,
14 23-2-410, 23-2-506, 23-2-641, 23-2-806, 77-5-104, 87-1-502,
15 AND 87-1-503, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE
16 DATE."

17

18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

19 NEW SECTION. **Section 1.** Park rangers -- qualifications
20 -- powers and duties. (1) The department is authorized to
21 establish a corps of park rangers and to select and appoint
22 park rangers who must be qualified by their experience,
23 training, skill, and interest in the protection,
24 conservation, and stewardship of the natural and cultural
25 resources and parks administered by the department.

There are no changes in this bill,
and will not be reprinted. Please
refer to yellow copy for complete
text.

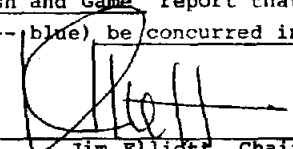


HOUSE STANDING COMMITTEE REPORT

March 22, 1991
Page 2 of 4

March 22, 1991
Page 1 of 4

Mr. Speaker: We, the committee on Fish and Game report that Senate Bill 362 (third reading copy -- blue) be concurrred in as amended.

Signed: 
Jim Elliott, Chairman

Carried by: Rep. Grady

And, that such amendments read:

1. Title, line 9.

Following: "DUTIES;"

Insert: "APPLYING PEACE OFFICER EMPLOYMENT, EDUCATION, AND CERTIFICATION STANDARDS TO PARK RANGERS;"

2. Title, line 13.

Following: "SECTIONS"

Insert: "7-32-303,"

3. Page 2, line 21.

Following: line 20

Insert: "(3) It is unlawful and a misdemeanor punishable as provided in subsection (2) to refuse to exhibit for inspection any park permit, proof of age, or proof of residency upon request by a fish and game warden, park ranger, or peace officer."

Renumber: subsequent subsections

4. Page 3, line 16.

Following: "in"

Insert: "chapters 1 and 2 of"

5. Page 3, line 19 through page 4, line 9.

Strike: subsections (2)(a) through (2)(c) in their entirety

Renumber: subsequent subsections

6. Page 4, line 13.

Following: "against"

Insert: "chapters 1 and 2 of"

7. Page 4, line 22.

Following: "in"

Insert: "chapters 1 and 2 of"

8. Page 9, line 21.

Following: line 20

Insert: "Section 10. Section 7-32-303, MCA, is amended to read:
"7-32-303. Peace officer employment, education, and certification standards. (1) For purposes of this section, unless the context clearly indicates otherwise, "peace officer" means a deputy sheriff, undersheriff, police officer, highway patrol officer, fish and game warden, park ranger, campus security officer, or airport police officer.
(2) No sheriff of a county, mayor of a city, board, commission, or other person authorized by law to appoint peace officers in this state shall appoint any person as a peace officer who does not meet the following qualifications plus any additional qualifying standards for employment promulgated by the board of crime control:

(a) be a citizen of the United States;

(b) be at least 18 years of age;

(c) be fingerprinted and a search made of the local, state, and national fingerprint files to disclose any criminal record;

(d) not have been convicted of a crime for which he could have been imprisoned in a federal or state penitentiary;

(e) be of good moral character, as determined by a thorough background investigation;

(f) be a high school graduate or have passed the general education development test and have been issued an equivalency certificate by the superintendent of public instruction or by an appropriate issuing agency of another state or of the federal government;

(g) be examined by a licensed physician, who is not the applicant's personal physician, appointed by the employing authority to determine if the applicant is free from any mental or physical condition that might adversely affect performance by the applicant of the duties of a peace officer;

(h) successfully complete an oral examination conducted by the appointing authority or its designated representative to demonstrate the possession of communication skills, temperament, motivation, and other characteristics necessary to the accomplishment of the duties and functions of a peace officer; and

(i) possess or be eligible for a valid Montana driver's license.

(3) At the time of appointment a peace officer must take a formal oath of office.

(4) Within 10 days of the appointment, termination, resignation, or death of any peace officer, written notice thereof must be given to the board of crime control by the

March 22, 1991
Page 3 of 4

employing authority.

(5) (a) Except as provided in subsections (b) and (c) of this subsection, it is the duty of an appointing authority to cause each peace officer appointed under its authority to attend and successfully complete, within 1 year of the initial appointment, an appropriate peace officer basic course certified by the board of crime control. Any peace officer appointed after September 30, 1983, who fails to meet the minimum requirements as set forth in subsection (2) or who fails to complete the basic course as required by this subsection forfeits the position, authority, and arrest powers accorded a peace officer in this state.

(b) A peace officer who has been issued a basic certificate by the board of crime control and whose last date of employment as a peace officer was less than 36 months prior to the date of his present appointment as a peace officer is not required to fulfill the basic educational requirements of subsection (5)(a). If such peace officer's last date of employment as a peace officer was 36 or more but less than 60 months prior to the date of his present employment as a peace officer, he may satisfy his basic educational requirements as set forth in subsection (5)(c).

(c) A peace officer under the provisions of subsection (5)(b) or a peace officer who has completed a basic peace officer's course in another state and whose last date of employment as a peace officer was less than 60 months prior to the date of his present appointment as a peace officer may, within 1 year of his present employment or initial appointment as a peace officer within this state, satisfy his basic educational requirements by successfully passing a basic equivalency test administered by the Montana law enforcement academy and successfully completing a legal training course conducted by the academy. If the peace officer fails the basic equivalency test, he must complete the basic course within 120 days of the date of the test.

(6) The board of crime control may extend the 1-year time requirements of subsections (5)(a) and (5)(c) upon the written application of the peace officer and the appointing authority of the officer. The application must explain the circumstances which make the extension necessary. Factors which the board may consider in granting or denying the extension include but are not limited to illness of the peace officer or a member of his immediate family, absence of reasonable access to the basic course or the legal training course, and an unreasonable shortage of personnel within the department. The board may not grant an extension to exceed 180 days.

(7) A peace officer who has successfully met the

March 22, 1991
Page 4 of 4

employment standards and qualifications and the educational requirements of this section and who has completed a 1-year probationary term of employment shall, upon application to the board of crime control, be issued a basic certificate by the board, certifying that the peace officer has met all the basic qualifying peace officer standards of this state." "


Renumber: subsequent sections

9. Page 13, line 14.
Following: "in"
Insert: "chapters 1 and 2 of"

HOUSE COMMITTEE OF THE WHOLE AMENDMENT
Senate Bill 362
Representative Measure

April 6, 1991 11:58 am
Page 1 of 1

Mr. Chairman: I move to amend Senate Bill 362 (third reading copy -- blue).

Signed: 
Representative Measure

And, that such amendments to Senate Bill 362 read as follows:

1. Page 5, line 25 through page 6 line 9.
Strike: section 5 in its entirety
Renumber: subsequent sections

2. Page 9.
Following: line 20
Insert: "(3) Park rangers may not carry firearms in the execution of their duties."

ADOPT

REJECT

HOUSE

SB362

1 SENATE BILL NO. 362

2 INTRODUCED BY GROSFIELD, GRADY, QUILICI,

3 JERGESON, HARDING, WEEDING, CLARK

4 BY REQUEST OF THE DEPARTMENT OF

5 FISH, WILDLIFE, AND PARKS

6
7 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING PARK RANGERS
8 AND A PARK RANGER RESERVE AND ESTABLISHING THEIR POWERS AND
9 DUTIES; APPLYING PEACE OFFICER EMPLOYMENT, EDUCATION, AND
10 CERTIFICATION STANDARDS TO PARK RANGERS; EXPANDING AND
11 CLARIFYING THE AUTHORITY OF WARDENS, EX OFFICIO WARDENS, AND
12 PARK RANGERS TO ENFORCE LAWS CONTAINED IN TITLE 23, MCA,
13 RELATING TO STATE PARKS; ESTABLISHING RESPONSIBILITY FOR
14 PARK FEE VIOLATIONS INVOLVING VEHICLES; AMENDING SECTIONS
15 7-32-303, 23-1-105, 23-1-106, 23-2-410, 23-2-506, 23-2-641,
16 23-2-806, 77-5-104, 87-1-502, AND 87-1-503, MCA; AND
17 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

18
19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

20 NEW SECTION. Section 1. Park rangers -- qualifications
21 -- powers and duties. (1) The department is authorized to
22 establish a corps of park rangers and to select and appoint
23 park rangers who must be qualified by their experience,
24 training, skill, and interest in the protection,
25 conservation, and stewardship of the natural and cultural

1 resources and parks administered by the department.

2 (2) Park rangers shall enforce the laws of this state
3 and the rules of the department and commission that provide
4 for the protection, conservation, and stewardship of the
5 natural and cultural resources in the state parks system.

6 (3) Park rangers shall protect campers, picnickers, and
7 other park users; keep the peace; supervise public use; and
8 maintain public order in all units of the state parks
9 system.

10 (4) Park rangers shall perform all other duties
11 prescribed by the department.

12 **Section 2.** Section 23-1-106, MCA, is amended to read:

13 "23-1-106. Rules -- penalties -- enforcement. (1) The
14 department may make rules governing the use, occupancy, and
15 protection of the lands and property under its control.

16 (2) Any person who injures or damages any land or
17 property under control of the department or private property
18 thereon or therein or violates any of the rules made by the
19 department relating to these areas is guilty of a
20 misdemeanor and shall be fined not more than \$500 or be
21 imprisoned in the county jail for not more than 6 months.

22 (3) IT IS UNLAWFUL AND A MISDEMEANOR PUNISHABLE AS
23 PROVIDED IN SUBSECTION (2) TO REFUSE TO EXHIBIT FOR
24 INSPECTION ANY PARK PERMIT, PROOF OF AGE, OR PROOF OF
25 RESIDENCY UPON REQUEST BY A FISH AND GAME WARDEN, PARK

1 RANGER, OR PEACE OFFICER.

2 {3}(4) The department shall enforce the provisions of
 3 this chapter and rules implementing this chapter. The
 4 director of the department shall employ all necessary and
 5 qualified personnel for enforcement purposes.

6 {4}(5) The department is a criminal justice agency FOR
 7 THE PURPOSE OF OBTAINING THE TECHNICAL ASSISTANCE AND
 8 SUPPORT SERVICES PROVIDED BY THE BOARD OF CRIME CONTROL
 9 UNDER THE PROVISIONS OF 44-4-301. Authorized officers of the
 10 department are granted peace officer status with the power:

11 (a) of search, seizure, and arrest;

12 (b) to investigate activities in this state regulated
 13 by this chapter and rules of the department and the
 14 commission; and

15 (c) to report violations to the county attorney of the
 16 county in which they occur."

17 NEW SECTION. Section 3. Enforcement powers of park
 18 rangers and game wardens. (1) Park rangers appointed
 19 pursuant to [section 1] and fish and game wardens appointed
 20 pursuant to 87-1-501 are authorized officers with the
 21 authority to enforce the laws and adopted rules relating to
 22 parks and outdoor recreation contained in CHAPTERS 1 AND 2
 23 OF this title, except chapter 2, part 7.

24 (2) An authorized officer may:

25 {a)--without-a-warrant,-require-to-be-produced,-examine,

1 and--take--copies--of--any-permit-or-other-document-required
 2 under-Title-87-and-this-title,-except-chapter-2,-part-7;

3 {b)--without-a-warrant,-enter--and--search--any--land,
 4 building--not-used-as-a-residence,-tent,-or-structure-of-any
 5 kind-within-an-area-managed-by-the-department-upon--probable
 6 cause--to-believe-that-an-offense-has-been-committed-against
 7 the-laws-or-rules-relating-to-parks-and--outdoor--recreation
 8 and--that--evidence--of-the-commission-of-the-offense-may-be
 9 found-there;

10 {c)--without-a-warrant,-stop,-detain,-and--search--any
 11 vehicle--or--vessel--anywhere--within-an-area-managed-by-the
 12 department-upon-probable-cause-to-believe-that--the--vehicle
 13 or--vessel--has-been-used-or-is-being-used-in-the-commission
 14 of-an-offense-against-the-laws-or-rules--relating--to--parks
 15 and-outdoor-recreation;

16 {d)(A) arrest, in accordance with Title 46, chapter 6,
 17 any person within an area managed by the department upon
 18 probable cause to believe that the person has committed an
 19 offense against CHAPTERS 1 AND 2 OF this title, except
 20 chapter 2, part 7, or rules of the department or the
 21 commission;

22 {e)(B) enforce the disorderly conduct and public
 23 nuisance laws under 45-8-101 and 45-8-111 as they apply to
 24 the operation of motorboats on waters within areas managed
 25 by the department under this part; and

1 (f)(C) exercise other powers of peace officers in the
2 enforcement of:

3 (i) laws relating to parks and outdoor recreation
4 contained in CHAPTERS 1 AND 2 OF this title, except chapter
5 2, part 7;

6 (ii) rules of the department and the commission; and

7 (iii) judgments obtained for violations of the laws and
8 rules specified in this subsection (2)(f).

9 **Section 4.** Section 23-1-105, MCA, is amended to read:

10 "23-1-105. Fees and charges. (1) The department shall
11 have power to levy and collect reasonable fees or other
12 charges for the use of privileges and conveniences as may be
13 provided and to grant concessions as it considers advisable,
14 except as provided in subsection (2). All money derived from
15 the activities of the department shall must be deposited in
16 the state treasury in a state special revenue fund to the
17 credit of the department.

18 (2) Overnight camping fees established by the
19 department under subsection (1) must be discounted 50% for a
20 campsite rented by a person who is a resident of Montana as
21 defined in 87-2-102 and either 62 years of age or older or
22 certified as disabled in accordance with rules adopted by
23 the department.

24 (3) For a violation of any fee collection rule
25 involving a vehicle, the registered owner of the vehicle at

1 the time of the violation is personally responsible if an
2 adult is not in the vehicle at the time the violation is
3 discovered by an authorized officer. A defense that the
4 vehicle was driven into the fee area by another person is
5 not allowable unless it is shown that at that time the
6 vehicle was being used without the consent of the registered
7 owner."

8 ~~NEW SECTION. Section 5. Park ranger reserve. There is~~
9 ~~a park ranger reserve. Members of the reserve must be at~~
10 ~~least 18 years of age. Members shall assist park managers on~~
11 ~~a voluntary basis as needed on lands in the state parks~~
12 ~~system that are managed by the department. The department~~
13 ~~may in its discretion allow members of the reserve to travel~~
14 ~~expenses as provided in 2-18-501 through 2-18-503. A member~~
15 ~~of the reserve does not have arrest power unless~~
16 ~~concurrently appointed as an ex-officio warden under~~
17 ~~87-1-503.~~

18 **Section 5.** Section 23-2-410, MCA, is amended to read:

19 "23-2-410. Penalty -- enforcement. (1) A person who
20 violates a rule of the commission adopted pursuant to this
21 part is guilty of a misdemeanor punishable by a fine of not
22 less than \$50 or more than \$500, by imprisonment in a county
23 jail for not more than 6 months, or by both fine and
24 imprisonment.

25 (2) The department is a criminal justice agency FOR THE

1 PURPOSE OF OBTAINING THE TECHNICAL ASSISTANCE AND SUPPORT
 2 SERVICES PROVIDED BY THE BOARD OF CRIME CONTROL UNDER THE
 3 PROVISIONS OF 44-4-301. Authorized officers of the
 4 department are granted peace officer status with the power:

5 (a) of search, seizure, and arrest;

6 (b) to investigate activities in this state regulated
 7 by this part and rules of the department and the commission;
 8 and

9 (c) to report violations to the county attorney of the
 10 county in which they occur."

11 **Section 6.** Section 23-2-506, MCA, is amended to read:

12 ~~"23-2-506. Enforcement. It shall be the duty of the~~
 13 ~~department to enforce the sections of this law. The state~~
 14 ~~fish, wildlife, and parks director shall employ all the~~
 15 ~~necessary personnel to comply with this section. (1) The~~
 16 department is a criminal justice agency FOR THE PURPOSE OF
 17 OBTAINING THE TECHNICAL ASSISTANCE AND SUPPORT SERVICES
 18 PROVIDED BY THE BOARD OF CRIME CONTROL UNDER THE PROVISIONS
 19 OF 44-4-301. Authorized officers of the department are
 20 granted peace officer status with the power:

21 (a) of search, seizure, and arrest;

22 (b) to investigate activities in this state regulated
 23 by this part and rules of the department and the commission;
 24 and

25 (c) to report violations to the county attorney of the

1 county in which they occur.

2 (2) All sheriffs and peace officers of the state of
 3 Montana and all United States coast guard law enforcement
 4 officers shall have authority to enforce provisions of this
 5 part, as amended."

6 **Section 7.** Section 23-2-641, MCA, is amended to read:

7 ~~"23-2-641. Enforcement. (1) The following persons may~~
 8 ~~enforce the provisions of 23-2-601 through 23-2-644: the~~
 9 ~~enforcement officers employed by the department, with~~
 10 ~~respect to violations relating to wildlife or birds,~~
 11 ~~discharging firearms, or sound level limitations. However,~~
 12 ~~with respect to the sale of any new snowmobile which is~~
 13 ~~subject to the provisions of 23-2-601 through 23-2-644, the~~
 14 ~~attorney general of the state of Montana shall, upon the~~
 15 ~~request of the department, sue for the recovery of the~~
 16 ~~penalties provided in 23-2-642 and bring an action for a~~
 17 ~~restraining order or temporary or permanent injunction~~
 18 ~~against a person who sells or offers to sell a new~~
 19 ~~snowmobile that does not satisfy the sound level limitations~~
 20 ~~imposed by 23-2-601 through 23-2-644.~~

21 (2) (a) The department's enforcement personnel, the
 22 sheriffs department is a criminal justice agency FOR THE
 23 PURPOSE OF OBTAINING THE TECHNICAL ASSISTANCE AND SUPPORT
 24 SERVICES PROVIDED BY THE BOARD OF CRIME CONTROL UNDER THE
 25 PROVISIONS OF 44-4-301. Authorized officers of the

1 department are granted peace officer status with the power:
 2 (i) of search, seizure, and arrest;
 3 (ii) to investigate activities in this state regulated
 4 by this part and rules of the department and the commission;
 5 and
 6 (iii) to report violations to the county attorney of the
 7 county in which they occur.
 8 (b) Sheriffs and their deputies of the various counties
 9 of the state, the Montana highway patrol, and the police of
 10 each municipality shall enforce the provisions of 23-2-601
 11 through 23-2-644."
 12 **Section 8.** Section 23-2-806, MCA, is amended to read:
 13 "23-2-806. Enforcement. (1) The department of fish,
 14 wildlife, and parks enforcement personnel, park rangers,
 15 sheriffs and their deputies, the Montana highway patrol, and
 16 the police of each municipality shall enforce the provisions
 17 of this part.
 18 (2) The department is a criminal justice agency FOR THE
 19 PURPOSE OF OBTAINING THE TECHNICAL ASSISTANCE AND SUPPORT
 20 SERVICES PROVIDED BY THE BOARD OF CRIME CONTROL UNDER THE
 21 PROVISIONS OF 44-4-301. Authorized officers of the
 22 department are granted peace officer status with the power:
 23 (a) of search, seizure, and arrest;
 24 (b) to investigate activities in this state regulated
 25 by this part and rules of the department and the commission;

1 and
 2 (c) to report violations to the county attorney of the
 3 county in which they occur.
 4 (3) PARK RANGERS MAY NOT CARRY FIREARMS IN THE
 5 EXECUTION OF THEIR DUTIES."
 6 **SECTION 9.** SECTION 7-32-303, MCA, IS AMENDED TO READ:
 7 "7-32-303. Peace officer employment, education, and
 8 certification standards. (1) For purposes of this section,
 9 unless the context clearly indicates otherwise, "peace
 10 officer" means a deputy sheriff, undersheriff, police
 11 officer, highway patrol officer, fish and game warden, park
 12 ranger, campus security officer, or airport police officer.
 13 (2) No sheriff of a county, mayor of a city, board,
 14 commission, or other person authorized by law to appoint
 15 peace officers in this state shall appoint any person as a
 16 peace officer who does not meet the following qualifications
 17 plus any additional qualifying standards for employment
 18 promulgated by the board of crime control:
 19 (a) be a citizen of the United States;
 20 (b) be at least 18 years of age;
 21 (c) be fingerprinted and a search made of the local,
 22 state, and national fingerprint files to disclose any
 23 criminal record;
 24 (d) not have been convicted of a crime for which he
 25 could have been imprisoned in a federal or state

1 penitentiary;

2 (e) be of good moral character, as determined by a
3 thorough background investigation;

4 (f) be a high school graduate or have passed the
5 general education development test and have been issued an
6 equivalency certificate by the superintendent of public
7 instruction or by an appropriate issuing agency of another
8 state or of the federal government;

9 (g) be examined by a licensed physician, who is not the
10 applicant's personal physician, appointed by the employing
11 authority to determine if the applicant is free from any
12 mental or physical condition that might adversely affect
13 performance by the applicant of the duties of a peace
14 officer;

15 (h) successfully complete an oral examination conducted
16 by the appointing authority or its designated representative
17 to demonstrate the possession of communication skills,
18 temperament, motivation, and other characteristics necessary
19 to the accomplishment of the duties and functions of a peace
20 officer; and

21 (i) possess or be eligible for a valid Montana driver's
22 license.

23 (3) At the time of appointment a peace officer must
24 take a formal oath of office.

25 (4) Within 10 days of the appointment, termination,

1 resignation, or death of any peace officer, written notice
2 thereof must be given to the board of crime control by the
3 employing authority.

4 (5) (a) Except as provided in subsections (b) and (c)
5 of this subsection, it is the duty of an appointing
6 authority to cause each peace officer appointed under its
7 authority to attend and successfully complete, within 1 year
8 of the initial appointment, an appropriate peace officer
9 basic course certified by the board of crime control. Any
10 peace officer appointed after September 30, 1983, who fails
11 to meet the minimum requirements as set forth in subsection
12 (2) or who fails to complete the basic course as required by
13 this subsection forfeits the position, authority, and arrest
14 powers accorded a peace officer in this state.

15 (b) A peace officer who has been issued a basic
16 certificate by the board of crime control and whose last
17 date of employment as a peace officer was less than 36
18 months prior to the date of his present appointment as a
19 peace officer is not required to fulfill the basic
20 educational requirements of subsection (5)(a). If such peace
21 officer's last date of employment as a peace officer was 36
22 or more but less than 60 months prior to the date of his
23 present employment as a peace officer, he may satisfy his
24 basic educational requirements as set forth in subsection
25 (5)(c).

1 (c) A peace officer under the provisions of subsection
 2 (5)(b) or a peace officer who has completed a basic peace
 3 officer's course in another state and whose last date of
 4 employment as a peace officer was less than 60 months prior
 5 to the date of his present appointment as a peace officer
 6 may, within 1 year of his present employment or initial
 7 appointment as a peace officer within this state, satisfy
 8 his basic educational requirements by successfully passing a
 9 basic equivalency test administered by the Montana law
 10 enforcement academy and successfully completing a legal
 11 training course conducted by the academy. If the peace
 12 officer fails the basic equivalency test, he must complete
 13 the basic course within 120 days of the date of the test.

14 (6) The board of crime control may extend the 1-year
 15 time requirements of subsections (5)(a) and (5)(c) upon the
 16 written application of the peace officer and the appointing
 17 authority of the officer. The application must explain the
 18 circumstances which make the extension necessary. Factors
 19 which the board may consider in granting or denying the
 20 extension include but are not limited to illness of the
 21 peace officer or a member of his immediate family, absence
 22 of reasonable access to the basic course or the legal
 23 training course, and an unreasonable shortage of personnel
 24 within the department. The board may not grant an extension
 25 to exceed 180 days.

1 (7) A peace officer who has successfully met the
 2 employment standards and qualifications and the educational
 3 requirements of this section and who has completed a 1-year
 4 probationary term of employment shall, upon application to
 5 the board of crime control, be issued a basic certificate by
 6 the board, certifying that the peace officer has met all the
 7 basic qualifying peace officer standards of this state."

8 **Section 10.** Section 77-5-104, MCA, is amended to read:

9 ***77-5-104. Firewardens.** (1) The department shall
 10 appoint firewardens in such the number and localities as it
 11 considers necessary.

12 (2) The supervisors and rangers of the federal forest
 13 lands within this state, whenever they formally accept the
 14 duties and responsibilities of firewardens, may be appointed
 15 firewardens.

16 (3) The following are firewardens but may not receive
 17 any additional compensation by reason of the duties hereby
 18 imposed:

- 19 (a) sheriffs;
 20 (b) undersheriffs;
 21 (c) deputy sheriffs;
 22 (d) state fish, wildlife, and parks wardens and park
 23 rangers;
 24 (e) the state fish, wildlife, and parks director;
 25 (f) the commissioner and employees of the department

1 designated by him;

2 (g) officers of organized forest protection districts;

3 (h) members of the Montana highway patrol;

4 (i) officers of the national park service residing in
5 Montana; and

6 (j) officers of the bureau of Indian affairs.

7 (4) The firewardens shall promptly report all fires to
8 the department, take immediate and active steps toward their
9 extinguishment, report any violation of forest laws, and
10 assist in apprehending and convicting offenders."

11 **Section 11.** Section 87-1-502, MCA, is amended to read:

12 "87-1-502. **Qualifications, powers, and duties.** (1)
13 Wardens shall must be qualified by their experience,
14 training, and skill in protection, conservation, and
15 propagation of wildlife, game, fur-bearing animals, fish,
16 and game birds and interested in this work. They shall
17 devote all of their time for which they are appointed to
18 their official duties.

19 (2) They shall enforce the laws of this state and the
20 rules of the department with reference to the protection,
21 preservation, and propagation of game and fur-bearing
22 animals, fish, and game birds.

23 (3) They shall see that persons who hunt, fish, or take
24 game or fur-bearing animals, game birds, or fish have
25 necessary licenses.

1 (4) They shall assist in the protection, conservation,
2 and propagation of fish, game, fur-bearing animals, and game
3 and nongame birds and assist in the planting, distributing,
4 feeding, and care of fish, game, fur-bearing animals, and
5 game and nongame birds. They shall, when ordered by the
6 department, assist in the destruction of predatory animals,
7 birds, and rodents. They shall perform all other duties
8 prescribed by the department and make a monthly report to
9 the department correctly informing the department of their
10 activities on each day of the preceding month with regard to
11 the enforcement of the fish and game laws, showing where
12 their duties called them and what they did. The reports
13 shall must contain any pertinent recommendations the wardens
14 may see fit to make.

15 (5) A warden may not compromise or settle violations of
16 fish and game laws out of court.

17 (6) A warden has the authority to inspect any and all
18 fish, game and nongame birds, waterfowl, game animals, and
19 fur-bearing animals at reasonable times and at any location
20 other than a residence or dwelling. Upon request therefor,
21 all persons having in their possession any fish, game and
22 nongame birds, waterfowl, game animals, and fur-bearing
23 animals shall exhibit the same and all thereof to the warden
24 for such inspection.

25 (7) The department is a criminal justice agency FOR THE

1 PURPOSE OF OBTAINING THE TECHNICAL ASSISTANCE AND SUPPORT
 2 SERVICES PROVIDED BY THE BOARD OF CRIME CONTROL UNDER THE
 3 PROVISIONS OF 44-4-301. Authorized officers of the
 4 department are granted peace officer status with the power:

- 5 (a) of search, seizure, and arrest;
- 6 (b) to investigate activities in this state regulated
 7 by this title and rules of the department and the
 8 commission; and
- 9 (c) to report violations to the county attorney of the
 10 county in which they occur."

11 **Section 12.** Section 87-1-503, MCA, is amended to read:
 12 "87-1-503. **Ex officio wardens.** All sheriffs and their
 13 deputies, constables, all peace officers of the state or any
 14 subdivision thereof, and all state forest officers, such
 15 other officers of the United States forest service or agents
 16 of the United States fish and wildlife service which that
 17 are assigned to duty in this state, and field personnel of
 18 the department, as the director may appoint, are hereby made
 19 ex officio wardens, without pay, except that the department
 20 may, in its discretion, allow traveling expenses as provided
 21 for in 2-18-501 through 2-18-503, which, if allowed, shall
 22 must be paid upon proper vouchers from the state fish and
 23 game funds. Ex officio wardens shall have the same powers
 24 with reference to the enforcement of the fish and game laws
 25 of this state and the laws relating to parks and outdoor

1 recreation contained in CHAPTERS 1 AND 2 OF Title 23, except
 2 chapter 2, part 7, as regularly appointed wardens, and it is
 3 hereby made their duty to assist, whenever possible, in the
 4 enforcement of said those laws."

5 **NEW SECTION. Section 13. Codification instruction.**
 6 [Sections 17 AND 37-and-5] are intended to be codified as an
 7 integral part of Title 23, chapter 1, part 1, and the
 8 provisions of Title 23, chapter 1, part 1, apply to
 9 [sections 17 AND 37-and-5].

10 **NEW SECTION. Section 14. Effective date.** [This act] is
 11 effective on passage and approval.

-End-

1 SENATE BILL NO. 362

2 INTRODUCED BY GROSFIELD, GRADY, QUILICI,

3 JERGESON, HARDING, WEEDING, CLARK

4 BY REQUEST OF THE DEPARTMENT OF

5 FISH, WILDLIFE, AND PARKS

6

7 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING PARK RANGERS
8 ~~AND--A-PARK-RANGER-RESERVE~~ AND ESTABLISHING THEIR POWERS AND
9 DUTIES; APPLYING PEACE OFFICER EMPLOYMENT, EDUCATION, AND
10 CERTIFICATION STANDARDS TO PARK RANGERS; EXPANDING AND
11 CLARIFYING THE AUTHORITY OF WARDENS, EX OFFICIO WARDENS, AND
12 PARK RANGERS TO ENFORCE LAWS CONTAINED IN TITLE 23, MCA,
13 RELATING TO STATE PARKS; ESTABLISHING RESPONSIBILITY FOR
14 PARK FEE VIOLATIONS INVOLVING VEHICLES; AMENDING SECTIONS
15 7-32-303, 23-1-105, 23-1-106, 23-2-410, 23-2-506, 23-2-641,
16 23-2-806, 77-5-104, 87-1-502, AND 87-1-503, MCA; AND
17 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

18

19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

20 NEW SECTION. Section 1. Park rangers -- qualifications
21 -- powers and duties. (1) The department is authorized to
22 establish a corps of park rangers and to select and appoint
23 park rangers who must be qualified by their experience,
24 training, skill, and interest in the protection,
25 conservation, and stewardship of the natural and cultural

1 resources and parks administered by the department.

2 (2) Park rangers shall enforce the laws of this state
3 and the rules of the department and commission that provide
4 for the protection, conservation, and stewardship of the
5 natural and cultural resources in the state parks system.

6 (3) Park rangers shall protect campers, picnickers, and
7 other park users; keep the peace; supervise public use; and
8 maintain public order in all units of the state parks
9 system.

10 (4) Park rangers shall perform all other duties
11 prescribed by the department.

12 **Section 2.** Section 23-1-106, MCA, is amended to read:

13 **"23-1-106. Rules -- penalties -- enforcement.** (1) The
14 department may make rules governing the use, occupancy, and
15 protection of the lands and property under its control.

16 (2) Any person who injures or damages any land or
17 property under control of the department or private property
18 thereon or therein or violates any of the rules made by the
19 department relating to these areas is guilty of a
20 misdemeanor and shall be fined not more than \$500 or be
21 imprisoned in the county jail for not more than 6 months.

22 (3) IT IS UNLAWFUL AND A MISDEMEANOR PUNISHABLE AS
23 PROVIDED IN SUBSECTION (2) TO REFUSE TO EXHIBIT FOR
24 INSPECTION ANY PARK PERMIT, PROOF OF AGE, OR PROOF OF
25 RESIDENCY UPON REQUEST BY A FISH AND GAME WARDEN, PARK

1 RANGER, OR PEACE OFFICER.

2 ~~{3}~~(4) The department shall enforce the provisions of
3 this chapter and rules implementing this chapter. The
4 director of the department shall employ all necessary and
5 qualified personnel for enforcement purposes.

6 ~~{4}~~(5) The department is a criminal justice agency FOR
7 THE PURPOSE OF OBTAINING THE TECHNICAL ASSISTANCE AND
8 SUPPORT SERVICES PROVIDED BY THE BOARD OF CRIME CONTROL
9 UNDER THE PROVISIONS OF 44-4-301. Authorized officers of the
10 department are granted peace officer status with the power:

11 (a) of search, seizure, and arrest;

12 (b) to investigate activities in this state regulated
13 by this chapter and rules of the department and the
14 commission; and

15 (c) to report violations to the county attorney of the
16 county in which they occur."

17 NEW SECTION. Section 3. Enforcement powers of park
18 rangers and game wardens. (1) Park rangers appointed
19 pursuant to {section 1} and fish and game wardens appointed
20 pursuant to 87-1-501 are authorized officers with the
21 authority to enforce the laws and adopted rules relating to
22 parks and outdoor recreation contained in CHAPTERS 1 AND 2
23 OF this title, except chapter 2, part 7.

24 (2) An authorized officer may:

25 ~~{a}~~--without-a-warrant, require-to-be-produced, examine,

1 ~~and--take--copies--of--any--permit--or--other--document--required~~
2 ~~under--Title--87--and--this--title,--except--chapter--2,--part--7;~~

3 ~~{b}~~--without-a-warrant,--enter--and--search--any--land,
4 ~~building--not-used-as-a-residence,--tent,--or--structure-of-any~~
5 ~~kind--within-an-area-managed-by-the-department-upon--probable~~
6 ~~cause--to-believe-that-an-offense-has-been-committed-against~~
7 ~~the-laws-or-rules-relating-to-parks-and--outdoor--recreation~~
8 ~~and--that--evidence--of-the-commission-of-the-offense-may-be~~
9 ~~found--there;~~

10 ~~{c}~~--without-a-warrant, stop,--detain,--and--search--any
11 ~~vehicle--or--vessel--anywhere--within-an-area-managed-by-the~~
12 ~~department-upon-probable-cause-to-believe-that--the--vehicle~~
13 ~~or--vessel--has-been-used-or-is-being-used-in-the-commission~~
14 ~~of-an-offense-against-the-laws-or-rules--relating--to--parks~~
15 ~~and-outdoor-recreation;~~

16 ~~{d}~~(A) arrest, in accordance with Title 46, chapter 6,
17 any person within an area managed by the department upon
18 probable cause to believe that the person has committed an
19 offense against CHAPTERS 1 AND 2 OF this title, except
20 chapter 2, part 7, or rules of the department or the
21 commission;

22 ~~{e}~~(B) enforce the disorderly conduct and public
23 nuisance laws under 45-8-101 and 45-8-111 as they apply to
24 the operation of motorboats on waters within areas managed
25 by the department under this part; and

1 ~~(f)~~(C) exercise other powers of peace officers in the
2 enforcement of:

3 (i) laws relating to parks and outdoor recreation
4 contained in CHAPTERS 1 AND 2 OF this title, except chapter
5 2, part 7;

6 (ii) rules of the department and the commission; and

7 (iii) judgments obtained for violations of the laws and
8 rules specified in this subsection (2)(f).

9 **Section 4.** Section 23-1-105, MCA, is amended to read:

10 *23-1-105. Fees and charges. (1) The department shall
11 have power to levy and collect reasonable fees or other
12 charges for the use of privileges and conveniences as may be
13 provided and to grant concessions as it considers advisable,
14 except as provided in subsection (2). All money derived from
15 the activities of the department shall must be deposited in
16 the state treasury in a state special revenue fund to the
17 credit of the department.

18 (2) Overnight camping fees established by the
19 department under subsection (1) must be discounted 50% for a
20 campsite rented by a person who is a resident of Montana as
21 defined in 87-2-102 and either 62 years of age or older or
22 certified as disabled in accordance with rules adopted by
23 the department.

24 (3) For a violation of any fee collection rule
25 involving a vehicle, the registered owner of the vehicle at

1 the time of the violation is personally responsible if an
2 adult is not in the vehicle at the time the violation is
3 discovered by an authorized officer. A defense that the
4 vehicle was driven into the fee area by another person is
5 not allowable unless it is shown that at that time the
6 vehicle was being used without the consent of the registered
7 owner."

8 ~~NEW SECTION. Section 5. Park ranger reserve. There is~~
9 ~~a park ranger reserve. Members of the reserve must be at~~
10 ~~least 18 years of age. Members shall assist park managers on~~
11 ~~a voluntary basis as needed on lands in the state parks~~
12 ~~system that are managed by the department. The department~~
13 ~~may in its discretion allow members of the reserve to travel~~
14 ~~expenses as provided in 2-18-501 through 2-18-503. A member~~
15 ~~of the reserve does not have arrest power unless~~
16 ~~concurrently appointed as an ex-officio warden under~~
17 ~~87-1-503.~~

18 **Section 5.** Section 23-2-410, MCA, is amended to read:

19 *23-2-410. Penalty -- enforcement. (1) A person who
20 violates a rule of the commission adopted pursuant to this
21 part is guilty of a misdemeanor punishable by a fine of not
22 less than \$50 or more than \$500, by imprisonment in a county
23 jail for not more than 6 months, or by both fine and
24 imprisonment.

25 (2) The department is a criminal justice agency FOR THE

1 PURPOSE OF OBTAINING THE TECHNICAL ASSISTANCE AND SUPPORT
 2 SERVICES PROVIDED BY THE BOARD OF CRIME CONTROL UNDER THE
 3 PROVISIONS OF 44-4-301. Authorized officers of the
 4 department are granted peace officer status with the power:
 5 (a) of search, seizure, and arrest;
 6 (b) to investigate activities in this state regulated
 7 by this part and rules of the department and the commission;
 8 and
 9 (c) to report violations to the county attorney of the
 10 county in which they occur."

11 **Section 6.** Section 23-2-506, MCA, is amended to read:

12 ~~"23-2-506. Enforcement. It shall be the duty of the~~
 13 ~~department to enforce the sections of this law. The state~~
 14 ~~fish, wildlife, and parks director shall employ all the~~
 15 ~~necessary personnel to comply with this section. (1) The~~
 16 ~~department is a criminal justice agency FOR THE PURPOSE OF~~
 17 ~~OBTAINING THE TECHNICAL ASSISTANCE AND SUPPORT SERVICES~~
 18 ~~PROVIDED BY THE BOARD OF CRIME CONTROL UNDER THE PROVISIONS~~
 19 ~~OF 44-4-301. Authorized officers of the department are~~
 20 ~~granted peace officer status with the power:~~
 21 ~~(a) of search, seizure, and arrest;~~
 22 ~~(b) to investigate activities in this state regulated~~
 23 ~~by this part and rules of the department and the commission;~~
 24 ~~and~~
 25 ~~(c) to report violations to the county attorney of the~~

1 county in which they occur.

2 (2) All sheriffs and peace officers of the state of
 3 Montana and all United States coast guard law enforcement
 4 officers shall have authority to enforce provisions of this
 5 part, as amended."

6 **Section 7.** Section 23-2-641, MCA, is amended to read:

7 **"23-2-641. Enforcement.** (1) The following persons may
 8 enforce the provisions of 23-2-601 through 23-2-644: the
 9 enforcement officers employed by the department, with
 10 respect to violations relating to wildlife or birds,
 11 discharging firearms, or sound level limitations. However,
 12 with respect to the sale of any new snowmobile which is
 13 subject to the provisions of 23-2-601 through 23-2-644, the
 14 attorney general of the state of Montana shall, upon the
 15 request of the department, sue for the recovery of the
 16 penalties provided in 23-2-642 and bring an action for a
 17 restraining order or temporary or permanent injunction
 18 against a person who sells or offers to sell a new
 19 snowmobile that does not satisfy the sound level limitations
 20 imposed by 23-2-601 through 23-2-644.

21 (2) ~~(a) The department's enforcement personnel, the~~
 22 ~~sheriffs department is a criminal justice agency FOR THE~~
 23 ~~PURPOSE OF OBTAINING THE TECHNICAL ASSISTANCE AND SUPPORT~~
 24 ~~SERVICES PROVIDED BY THE BOARD OF CRIME CONTROL UNDER THE~~
 25 ~~PROVISIONS OF 44-4-301. Authorized officers of the~~

1 department are granted peace officer status with the power:
 2 (i) of search, seizure, and arrest;
 3 (ii) to investigate activities in this state regulated
 4 by this part and rules of the department and the commission;
 5 and
 6 (iii) to report violations to the county attorney of the
 7 county in which they occur.
 8 (b) Sheriffs and their deputies of the various counties
 9 of the state, the Montana highway patrol, and the police of
 10 each municipality shall enforce the provisions of 23-2-601
 11 through 23-2-644."
 12 **Section 8.** Section 23-2-806, MCA, is amended to read:
 13 **"23-2-806. Enforcement.** (1) The department of fish,
 14 wildlife, and parks enforcement personnel, park rangers,
 15 sheriffs and their deputies, the Montana highway patrol, and
 16 the police of each municipality shall enforce the provisions
 17 of this part.
 18 (2) The department is a criminal justice agency FOR THE
 19 PURPOSE OF OBTAINING THE TECHNICAL ASSISTANCE AND SUPPORT
 20 SERVICES PROVIDED BY THE BOARD OF CRIME CONTROL UNDER THE
 21 PROVISIONS OF 44-4-301. Authorized officers of the
 22 department are granted peace officer status with the power:
 23 (a) of search, seizure, and arrest;
 24 (b) to investigate activities in this state regulated
 25 by this part and rules of the department and the commission;

1 and
 2 (c) to report violations to the county attorney of the
 3 county in which they occur.
 4 (3) PARK RANGERS MAY NOT CARRY FIREARMS IN THE
 5 EXECUTION OF THEIR DUTIES."
 6 **SECTION 9. SECTION 7-32-303, MCA, IS AMENDED TO READ:**
 7 **"7-32-303. Peace officer employment, education, and**
 8 **certification standards.** (1) For purposes of this section,
 9 unless the context clearly indicates otherwise, "peace
 10 officer" means a deputy sheriff, undersheriff, police
 11 officer, highway patrol officer, fish and game warden, park
 12 ranger, campus security officer, or airport police officer.
 13 (2) No sheriff of a county, mayor of a city, board,
 14 commission, or other person authorized by law to appoint
 15 peace officers in this state shall appoint any person as a
 16 peace officer who does not meet the following qualifications
 17 plus any additional qualifying standards for employment
 18 promulgated by the board of crime control:
 19 (a) be a citizen of the United States;
 20 (b) be at least 18 years of age;
 21 (c) be fingerprinted and a search made of the local,
 22 state, and national fingerprint files to disclose any
 23 criminal record;
 24 (d) not have been convicted of a crime for which he
 25 could have been imprisoned in a federal or state

1 penitentiary;

2 (e) be of good moral character, as determined by a
3 thorough background investigation;

4 (f) be a high school graduate or have passed the
5 general education development test and have been issued an
6 equivalency certificate by the superintendent of public
7 instruction or by an appropriate issuing agency of another
8 state or of the federal government;

9 (g) be examined by a licensed physician, who is not the
10 applicant's personal physician, appointed by the employing
11 authority to determine if the applicant is free from any
12 mental or physical condition that might adversely affect
13 performance by the applicant of the duties of a peace
14 officer;

15 (h) successfully complete an oral examination conducted
16 by the appointing authority or its designated representative
17 to demonstrate the possession of communication skills,
18 temperament, motivation, and other characteristics necessary
19 to the accomplishment of the duties and functions of a peace
20 officer; and

21 (i) possess or be eligible for a valid Montana driver's
22 license.

23 (3) At the time of appointment a peace officer must
24 take a formal oath of office.

25 (4) Within 10 days of the appointment, termination,

1 resignation, or death of any peace officer, written notice
2 thereof must be given to the board of crime control by the
3 employing authority.

4 (5) (a) Except as provided in subsections (b) and (c)
5 of this subsection, it is the duty of an appointing
6 authority to cause each peace officer appointed under its
7 authority to attend and successfully complete, within 1 year
8 of the initial appointment, an appropriate peace officer
9 basic course certified by the board of crime control. Any
10 peace officer appointed after September 30, 1983, who fails
11 to meet the minimum requirements as set forth in subsection
12 (2) or who fails to complete the basic course as required by
13 this subsection forfeits the position, authority, and arrest
14 powers accorded a peace officer in this state.

15 (b) A peace officer who has been issued a basic
16 certificate by the board of crime control and whose last
17 date of employment as a peace officer was less than 36
18 months prior to the date of his present appointment as a
19 peace officer is not required to fulfill the basic
20 educational requirements of subsection (5)(a). If such peace
21 officer's last date of employment as a peace officer was 36
22 or more but less than 60 months prior to the date of his
23 present employment as a peace officer, he may satisfy his
24 basic educational requirements as set forth in subsection
25 (5)(c).

1 (c) A peace officer under the provisions of subsection
 2 (5)(b) or a peace officer who has completed a basic peace
 3 officer's course in another state and whose last date of
 4 employment as a peace officer was less than 60 months prior
 5 to the date of his present appointment as a peace officer
 6 may, within 1 year of his present employment or initial
 7 appointment as a peace officer within this state, satisfy
 8 his basic educational requirements by successfully passing a
 9 basic equivalency test administered by the Montana law
 10 enforcement academy and successfully completing a legal
 11 training course conducted by the academy. If the peace
 12 officer fails the basic equivalency test, he must complete
 13 the basic course within 120 days of the date of the test.

14 (6) The board of crime control may extend the 1-year
 15 time requirements of subsections (5)(a) and (5)(c) upon the
 16 written application of the peace officer and the appointing
 17 authority of the officer. The application must explain the
 18 circumstances which make the extension necessary. Factors
 19 which the board may consider in granting or denying the
 20 extension include but are not limited to illness of the
 21 peace officer or a member of his immediate family, absence
 22 of reasonable access to the basic course or the legal
 23 training course, and an unreasonable shortage of personnel
 24 within the department. The board may not grant an extension
 25 to exceed 180 days.

1 (7) A peace officer who has successfully met the
 2 employment standards and qualifications and the educational
 3 requirements of this section and who has completed a 1-year
 4 probationary term of employment shall, upon application to
 5 the board of crime control, be issued a basic certificate by
 6 the board, certifying that the peace officer has met all the
 7 basic qualifying peace officer standards of this state."

8 **Section 10.** Section 77-5-104, MCA, is amended to read:

9 "77-5-104. Firewardens. (1) The department shall
 10 appoint firewardens in such the number and localities as it
 11 considers necessary.

12 (2) The supervisors and rangers of the federal forest
 13 lands within this state, whenever they formally accept the
 14 duties and responsibilities of firewardens, may be appointed
 15 firewardens.

16 (3) The following are firewardens but may not receive
 17 any additional compensation by reason of the duties hereby
 18 imposed:

- 19 (a) sheriffs;
- 20 (b) undersheriffs;
- 21 (c) deputy sheriffs;
- 22 (d) state fish, wildlife, and parks wardens and park
 23 rangers;
- 24 (e) the state fish, wildlife, and parks director;
- 25 (f) the commissioner and employees of the department

1 designated by him;
 2 (g) officers of organized forest protection districts;
 3 (h) members of the Montana highway patrol;
 4 (i) officers of the national park service residing in
 5 Montana; and
 6 (j) officers of the bureau of Indian affairs.
 7 (4) The firewardens shall promptly report all fires to
 8 the department, take immediate and active steps toward their
 9 extinguishment, report any violation of forest laws, and
 10 assist in apprehending and convicting offenders."

11 **Section 11.** Section 87-1-502, MCA, is amended to read:

12 **"87-1-502. Qualifications, powers, and duties.** (1)
 13 **Wardens shall must be qualified by their experience,**
 14 **training, and skill in protection, conservation, and**
 15 **propagation of wildlife, game, fur-bearing animals, fish,**
 16 **and game birds and interested in this work. They shall**
 17 **devote all of their time for which they are appointed to**
 18 **their official duties.**

19 (2) They shall enforce the laws of this state and the
 20 rules of the department with reference to the protection,
 21 preservation, and propagation of game and fur-bearing
 22 animals, fish, and game birds.

23 (3) They shall see that persons who hunt, fish, or take
 24 game or fur-bearing animals, game birds, or fish have
 25 necessary licenses.

1 (4) They shall assist in the protection, conservation,
 2 and propagation of fish, game, fur-bearing animals, and game
 3 and nongame birds and assist in the planting, distributing,
 4 feeding, and care of fish, game, fur-bearing animals, and
 5 game and nongame birds. They shall, when ordered by the
 6 department, assist in the destruction of predatory animals,
 7 birds, and rodents. They shall perform all other duties
 8 prescribed by the department and make a monthly report to
 9 the department correctly informing the department of their
 10 activities on each day of the preceding month with regard to
 11 the enforcement of the fish and game laws, showing where
 12 their duties called them and what they did. The reports
 13 shall must contain any pertinent recommendations the wardens
 14 may see fit to make.

15 (5) A warden may not compromise or settle violations of
 16 fish and game laws out of court.

17 (6) A warden has the authority to inspect any and all
 18 fish, game and nongame birds, waterfowl, game animals, and
 19 fur-bearing animals at reasonable times and at any location
 20 other than a residence or dwelling. Upon request therefor,
 21 all persons having in their possession any fish, game and
 22 nongame birds, waterfowl, game animals, and fur-bearing
 23 animals shall exhibit the same and all thereof to the warden
 24 for such inspection.

25 (7) The department is a criminal justice agency FOR THE

1 PURPOSE OF OBTAINING THE TECHNICAL ASSISTANCE AND SUPPORT
 2 SERVICES PROVIDED BY THE BOARD OF CRIME CONTROL UNDER THE
 3 PROVISIONS OF 44-4-301. Authorized officers of the
 4 department are granted peace officer status with the power:

- 5 (a) of search, seizure, and arrest;
 6 (b) to investigate activities in this state regulated
 7 by this title and rules of the department and the
 8 commission; and
 9 (c) to report violations to the county attorney of the
 10 county in which they occur."

11 **Section 12.** Section 87-1-503, MCA, is amended to read:
 12 "87-1-503. **Ex officio wardens.** All sheriffs and their
 13 deputies, constables, all peace officers of the state or any
 14 subdivision thereof, and all state forest officers, such
 15 other officers of the United States forest service or agents
 16 of the United States fish and wildlife service which that
 17 are assigned to duty in this state, and field personnel of
 18 the department, as the director may appoint, are hereby made
 19 ex officio wardens, without pay, except that the department
 20 may, in its discretion, allow traveling expenses as provided
 21 for in 2-18-501 through 2-18-503, which, if allowed, ~~shall~~
 22 must be paid upon proper vouchers from the state fish and
 23 game funds. Ex officio wardens shall have the same powers
 24 with reference to the enforcement of the fish and game laws
 25 of this state and the laws relating to parks and outdoor

1 recreation contained in CHAPTERS 1 AND 2 OF Title 23, except
 2 chapter 2, part 7, as regularly appointed wardens, and it is
 3 hereby made their duty to assist, whenever possible, in the
 4 enforcement of said those laws."

5 **NEW SECTION. Section 13.** Codification instruction.
 6 [Sections 17 AND 37-and-5] are intended to be codified as an
 7 integral part of Title 23, chapter 1, part 1, and the
 8 provisions of Title 23, chapter 1, part 1, apply to
 9 [sections 17 AND 37-and-5].

10 **NEW SECTION. Section 14.** Effective date. [This act] is
 11 effective on passage and approval.

-End-