

MINUTES OF THE MEETING
EDUCATION AND CULTURAL RESOURCES COMMITTEE
MONTANA STATE SENATE

February 20, 1985

The fifteenth meeting of the Senate Education and Cultural Resources Committee was called to order at 12:30 p.m. by the Chairman, Senator Chet Blaylock, in Room 402, Capitol Building.

ROLL CALL: All committee members were present.

CONSIDERATION OF SENATE BILL 397: SENATOR PINSONEAULT, District 27, sponsor of the bill, said he was asked to carry the bill by the security people at the Montana college campuses. He said the bill drops out the hour restrictions as to when guns may or may not be carried by security officers and gives the Board of Regents the authority to set the policy re carrying of firearms.

PROPOSERS:

MARV SMITH, University of Montana Security, reviewed the attached materials for the committee (Exhibit #1). He noted the campus security officers receive training at the Police Academy in Bozeman and take an oath to uphold the law just as police and sheriff officers. He noted they cannot carry a weapon between the hours of 8:00 a.m. and 5 p.m. even though the public can. He noted incidents happen every now and then with firearms and the officers are at a severe disadvantage when they are not armed.

RICHARD THURMAN, University of Montana Security, said the security officers receive 80 hours of training at the Police Academy. Twenty hours are spent in basic instruction with sixty hours being spent on the firing range. Additional courses and training are offered on an ongoing basis.

KEN HEIKES, Administrative Vice President, Eastern Montana College, said the average age of students on the EMC campus is 26. He conducted an informal survey of students asking if the security officers are armed. He said a large majority responded they were, although, in fact, they are not. He said security officers are uniformed and a firearm is an "assumed" part of that uniform. Mr. Heikes also suggested the

Board of Regents might want to develop a special procedure for coverage of unusual circumstances such as a presidential visit to a campus which occurred in Billings. He presented a letter in support of the bill to the committee (Exhibit #2).

OPPONENTS:

MONTE KOCH, Associated Students of the University of Montana, said he does not question the training and qualifications of the officers. He had several concerns:

- 1) the need for carrying firearms should be justified
- 2) the security organization needs a chain of command; who sets policies, qualifications, job descriptions, etc., liability questions need to be clarified,
- 3) if officers are changed from security officers to police officers, does the Board of Regents then have authority over an armed police force,
- 4) feasibility study needs to be done defining the mission and scope re security versus a police force.

BRUCE STAFFORD, an MSU student, said he felt the atmosphere created by armed officers would be detrimental during daylight hours. He questioned the security officers training and competency and wondered exactly what their role is.

"PONENT":

Larry Weinberg, Board of Regents Counsel, submitted a copy of the security policy (Exhibit #3) and said the Board of Regents would have to set the appropriate policy for whatever changes are made.

DISCUSSION:

SENATOR HAFLEY asked if students can have guns in their dorms.

MR. THURMAN replied they are supposed to be turned in and locked up, but that doesn't always happen. He also stated there are no restrictions re married housing.

SENATOR YELLOWTAIL asked what are the standards for use of a firearm by an officer.

Senate Education and
Cultural Resources Committee
February 20, 1985
Page 3

MR. THURMAN replied a firearm can be used only if there is a clear danger to the life of an officer or someone else.

SENATOR PINSONEAULT closed by saying there is a marvelous innocence in Montana and feasibility studies are not going to predict when or how an incident may occur. He mentioned the pilot-hostage who was shot in Kalispell, the officers in Anaconda and Missoula who recently lost their lives as examples of incidents no one would have predicted as life threatening. He quoted a case which occurred at San Diego State in which a girl was raped and murdered in her dorm room. The mother is suing the University for negligence saying security should have been provided. He said officers are being sent into unstable situations and they need to be able to protect themselves as well as others.

EXECUTIVE SESSION:

ACTION ON SENATE BILL 305:

SENATOR MAZUREK moved SB 305 DO NOT PASS. The motion carried unanimously.

ACTION ON SENATE BILL 289:

SENATOR SMITH moved the amendments as per the attached standing committee report.

CHIP ERDMAN, Montana School Boards Association, stated the bill originally was a flat statement that would not allow any agency rule to be enacted until the legislature acted on the funding. These amendments enable the Board of Public Education to solicit input from the districts and the Office of Public Instruction. If there is a substantial financial impact they would then petition the legislature for funding. If the proposal is not funded, the Board can make the rule if available funds can be found to implement it.

The amendments were adopted as per the attached roll call vote.

SENATOR SMITH moved SB 289 DO PASS AS AMENDED. The motion carried as per the attached roll call vote.

Senate Education and Cultural
Resources Committee
February 20, 1985
Page 4

ACTION ON SENATE BILL 382:

SENATOR REGAN moved the amendments as per the attached standing committee report. The motion carried unanimously.

SENATOR HAFHEY moved SB 382 DO PASS AS AMENDED. The motion carried as per the attached roll call vote.


ACTION ON SENATE BILL 397:

SENATOR YELLOWTAIL moved SB 397 DO NOT PASS. The motion failed as per the attached roll call vote.

SENATOR PINSONEAULT moved SB 397 DO PASS. The motion carried as per the attached roll call vote.

ADJOURN:

There being no further business, the meeting was adjourned.



Senator Chet Blaylock, Chairman

jdr



The Big Sky Country

MONTANA STATE SENATE

COPY
EXHIBIT #1
SB 397
Feb. 20, 1985
Sen. Education
x Bill. Review

Senator Jack Haffey
District No. 45
709 West Fourth Street
Anaconda, Montana 59711

Committees:
Finance and Claims,
Education

July 24, 1981

Mr. Fritz O. Behr
Administrator
Law Enforcement Services Division
Montana Department of Justice
303 Roberts
Helena, MT 59601

Dear Mr. Behr:

As I indicated to you on the telephone on Thursday, July 23, 1981, I am forwarding to you the resume and reference material of a person who is applying for employment as a criminal investigator in your division.

The person is Marvin J. Smith, Jr. and his interest in the job was brought to my attention by Larry Brennan, a former Commissioner in Deer Lodge County. As you will read in the reference material, Mr. Brennan and others think highly of Mr. Smith's ability in law enforcement.

I ask that you give appropriate consideration to Mr. Smith as an applicant for the criminal investigator position.

Sincerely,

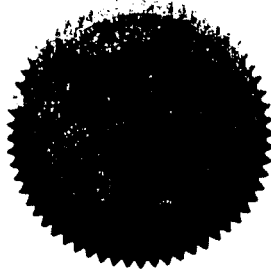
Jack Haffey

Encl.

cc: Lawrence P. Brennan
Marvin J. Smith, Jr.

COMMISSIONERS

KATHLEEN RAMEY, MAYOR
JAMES H. NYBO
E POCHA
MARY L. DAVIS
JESSELL J. RITTER



POLICE DEPARTMENT
CIVIC CENTER
HELENA, MONTANA 59601
AREA CODE 406/442 8920

JACK WILLIAMS
CHIEF OF POLICE

City of Helena, Montana

June 19, 1979

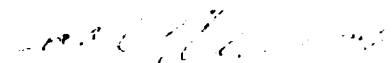
Mayor Verbanic
City of East Helena
City Hall
7 East Main Street
East Helena, MT. 59635

Dear Sir:

I would like to take this opportunity to thank Chief Smith and Patrolman Kuczynski for their assistance in the apprehension of an armed robber on June 18, 1979 at 2330 hours. Without this valuable assistance a potentially dangerous person could still be at large and could possibly do more damage or injure more people. Through mutual assistance between law enforcement agencies the public's confidence in law enforcement is built up.

If I can ever be of any help to you in the future please feel free to contact me.

Sincerely,


Jack Williams
Chief of Police

JW:kb

DIXIE VAUGHT
CLERK & RECORDER

JUNE M. THAYER
TREASURER

PATRICIA N. ELDRIDGE
ASSESSOR

ARNOLD D. SCOTT
SUPT. OF SCHOOLS

LAWRENCE J. McCARTHY
SURVEYOR

COUNTY OF SANDERS
STATE OF MONTANA

CAROL THOMAS
CLERK DISTRICT COURT

CLAUDE I. BURLINGAME
ATTORNEY

HARVEY E. SHULTZ
SHERIFF

DIANE K. FRANKE
ADMINISTRATOR

C. E. ROSDAHL
CORONER

Thompson Falls, Montana 59873

September 9, 1982


To Whom It May Concern:

This office first had contact with Marvin Smith commencing January, 1982, in his capacity as Hot Springs Chief of Police.

Since that date, during the course of the past nine months, Marvin Smith has been involved in several felony investigations which have been presented to our office for prosecution. We have been very pleased with Marvin's performance. He has displayed attention to detail and the specific elements of the respective crimes investigated. He has provided the results of his efforts in prompt written reports and witness and victim statements. When confronted with technical legal questions, Marvin has made a practice of obtaining outside advice before proceeding with further action. The impression of this writer is that Marvin is very capable as an investigator and has good rapport with the public, co-workers and other law enforcement personnel.

Throughout my contact with Marvin, I have had complete trust and confidence in all information provided by him, and dealings with him.

Sincerely,


CLAUDE I. BURLINGAME
Sanders County Attorney

CIB:mhp

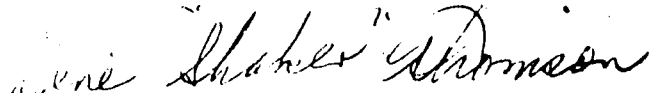
RE: Marvin Smith

TO WHOM IT MAY CONCERN:

The above named subject has requested a letter of recommendation from me in order to pursue a career in law enforcement.

During my tenure as Sheriff of Deer Lodge County, this young fellow served under me as a part-time deputy and gave every indication of becoming a dedicated officer. I feel, with the proper training, this subject could be an asset to any department. Since my department was at full compliment, at the time of his employment, it should be no reflection on his ability.

Trusting you will give this application your utmost consideration, I remain



Gene "Shaker" Thomsen
Resigned Sheriff
Deer Lodge County
1967-1977



UNITED STATES DEPARTMENT OF JUSTICE
DRUG ENFORCEMENT ADMINISTRATION
WESTERN REGIONAL TRAINING



CERTIFICATION OF TRAINING

MARVIN JACK SMITH

HAS SUCCESSFULLY COMPLETED THE
BASIC DRUG LAW ENFORCEMENT SCHOOL

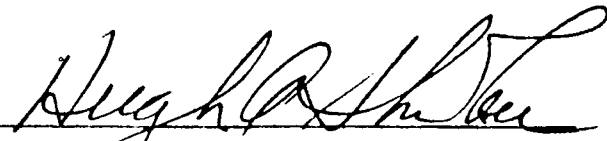
PRESENTED IN: Bozeman, Montana

DURING THE PERIOD: September 10-21, 1979

WITH A FINAL SCORE OF 87 AND A CLASS RANKING OF 8

September 21, 1979

DATE


HUGH A. SHANAHAN
REGIONAL TRAINING SUPERVISOR

DESCRIPTION OF TRAINING:

This course consists of 80 hours of training in various subjects associated with drug law enforcement. Topics include drug identification, field testing, informant handling and development, undercover techniques, surveillance field problems, counter-surveillance, raid planning, officer survival, and clandestine laboratory investigations. Guest lecturers, who are lawyers and doctors, supplement the DEA training staff, presenting topics such as defense of the drug offender, medical aspects of drug abuse, and law review relating to drugs.

Upon completion of training, the newly assigned narcotic investigator is equipped with expertise to conduct in-depth drug investigations.

This course is California POST accredited, and college course credits are available.

RECORD OF TRAINING
OFFICIAL PERSONNEL FILE COPY

UNITED STATES DEPARTMENT OF JUSTICE

Drug Enforcement Administration

This is to witness that: Through the authority vested in me by the Attorney General of the United States of America, it is made known and attested that

Garvin Jack Smith

has so well merited as to be proclaimed publicly as having completed the course of instruction in narcotics and dangerous drug law enforcement.

In testimony whereof I subscribe my name and affix the seal of the Department of Justice on this 21st day of September 1979



William J. Albright
DIRECTOR,
National Training Institute

Richard L. Stearns
ADMINISTRATOR,
Drug Enforcement Administration

Montana Law Enforcement Academy
Department of Justice

Certifies that

MARVIN J. SMITH

has completed the FIREARMS TRAINING COURSE and has attained the proficiency rating
of 25-YD. TACTICAL REVOLVER COURSE - MARKSMAN

Date APRIL 18, 1980

School INTERMEDIATE SCHOOL - 13TH SESSION

LARRY L. EYCLE
Chief

MISSOULA COUNTY

EXHIBIT #1
SB 397
FEB. 20, 1985
Sen. Educator
Bill Red Tom



OFFICE OF THE SHERIFF
COURT HOUSE
MISSOULA, MONTANA 59802
(406) 721-5700

T. GREGORY HINTZ
UNDERSHERIFF

DANIEL L. MAGONE
SHERIFF

February 15, 1985

Richard Thurman
University Security Police
University of Montana
Missoula, Montana 59812

Dear Dick:

I wish to go on record as being in support of allowing your officers to carry sidearms anytime that they are on duty.

I fail to see any logical reason to restrict you to the hours of darkness, since criminal acts occur 24 hours per day, not just at night.

I am certain that the officers of my Department rely upon you for assistance from time to time and it is my wish to afford them all of the help they need at any time of day or night.

Sincerely,

DANIEL L. MAGONE
SHERIFF

DLM/ms

MISSOULA COUNTY



RAYMOND J. FROELICH
SHERIFF

OFFICE OF THE SHERIFF
COUNTY PLAZA HOUSE
MISSOULA, MONTANA 59802
(406) 721-5700

DANIEL L. MAGONE
UNDERSHERIFF

Date : 2/17/84

To whom it may Concern:

I am writing this letter in support of the University of Montana Campus Security Police.

The Reserve Deputies of the Missoula County Sheriffs Office work with these officers at a lot of University functions and we cannot believe that these fellow officers are not allowed to wear their sidearms during the Daylight hours.

With the student Housing on the campus as well as all the Dorms and the problems that arise from a Campus this large, that they send these officers out to handle these problems with very little to protect themselves against any weapon assault that might occur. A person can pull a weapon anytime of the day or night. Answering a disturbance call or making a routine traffic stop endangers the officer. The Sheriffs office had a patrolman killed here recently while making a routine traffic stop.

These patrolmen are sworn police officers and are trained by the Montana Lawinforcement Academy in Bozman and have Firearms training. We believe that they are well educated in the use of Firearms and therefore deserve the sameprivilages as any other Lawofficer.

We, The Reserve Deputies of The Missoula County Sheriffs Office,urge you to give them the right to wear their sidearms day or night the same as all other Law Enforcement Agencies.

Thank you for listening and we hope that you will consider the officers request for carrying their sidearms..

Robert A. Giffin
Chief Robert A. Giffin
Reserve Deputy Unit
Missoula County Sheriffs
Office.



"TO PROTECT AND TO SERVE"

CITY POLICE DEPARTMENT

201 W. SPRUCE • MISSOULA, MT 59802 4297 • (406) 721-4700



January 24, 1985

Glen Williams, Vice President
University of Montana
Missoula, Montana 59812

Dear Glen:

I sincerely appreciate your involving us and allowing us input relative to arming campus security officers twenty-four hours a day.

As stated, we feel the officers on campus are doing an A- job and the only reason for the minus is that all organizations, ourselves included, need to continually examine themselves to put the polishing touches on any rough edges.

Having officers who have received the same basic training as our new recruits plus a strong firearms policy (to include a minimum of twice yearly weapons qualification) is a definite plus for your City within our City and, likewise, for us.

We rely heavily on the campus officers and are appreciative of all that they do for us and as I stated earlier, I unequivocally endorse them being armed around the clock.

Again, thank you for inviting our input.

Sincerely,

DOUG CHASE
Chief of Police

DWC:tjp

cc: Ken Willett
Dick Thurman

14 February 1985

Senator Leo Lane
% The Senate
Capitol Station
State Capitol
Helena, Montana 59620

Honorable Senator Leo Lane,

We, the following Security Officers at Montana State University, fully support Senate Bill 397. A bill which revises the limitations of University officers from carrying weapons between 0800 hrs and 1700 hrs.

The following issues are of concern in regards to officer safety while performing their duties and being unarmed.

These concerns are:

The increased interaction between City and County Officers requiring assistance to mutual aid situations.

The University Security Department now answers all citizen complaints and conducts all investigations that occur on the University Campus.

The consideration that the only people denied, by statute, to carry firearms on the University Campus are the University security force.

Your unqualified support is greatly appreciated.

Respectfully,



STATE OF MONTANA
DEPARTMENT OF ADMINISTRATION
PERSONNEL DIVISION

CLASS SPECIFICATION

CLASS CODE: 375015
UPDATED: 6/78

POLICE PATROL OFFICER II

SUMMARY OF WORK:

Under general supervision performs technical law enforcement and security work in enforcing a variety of Federal, State and local laws in order to provide for the safety and well-being of life and property. Serves as lead worker over personnel as assigned.

ILLUSTRATIVE EXAMPLES OF WORK:

Investigates disturbances, vandalism, burglaries, illegal entries, traffic accidents, drug abuse, assaults and homicides; collects evidence and prepares reports; issues citations, verbal warnings and makes arrests; appears as witness at hearings and court proceedings.

Patrols assigned areas on foot or in vehicle and checks for fires, unlocked doors and hazards; monitors and directs traffic and performs crowd control activities; administers emergency first aid; establishes and maintains positive relationships with the public to explain functions and services and to create a climate of order.

Maintains vehicle and other equipment; participates in in-service training programs; briefs following shift personnel of happenings; assists other law enforcement agencies; may assist in training of other personnel; performs related work as required.

REQUIREMENTS:

KNOWLEDGES: Working knowledge of criminal codes and statutes and the policy rules and regulations of agency; traffic rules and regulations; the use of firearms and other law enforcement equipment; layout of agency buildings and grounds; crime investigation and crowd control practices and techniques.

SKILLS: Skill in the use of firearms and other equipment.

ABILITIES: Ability to establish and maintain effective working relationships with employees, other agencies and the public; to communicate effectively verbally and in writing; to follow oral and written instructions; to exercise sound judgement, exhibit emotional stability and remain calm in stress situations.

The above knowledges, skills and abilities are typically acquired through a combination of education and experience equivalent to graduation from high school, completion of the law Enforcement Academy basic course and one year of experience as a Police Patrol Officer I. The hiring authority may require college coursework in criminology, sociology or a related field.

The examples of work identify the major duties of this class and do not identify all duties performed by positions in this class.

PHYSICAL PLANT DEPARTMENT

February 13, 1984

MEMO TO: Kenneth A. Willett
FROM: R. C. Thurman
SUBJECT: 1984 FIREARMS QUALIFICATION

On February 7, 8 and 9, Officers of the University of Montana Security Division fired their annual Firearms Qualification at the Missoula Police Department firing range. A minimum score of 70.0% was necessary to qualify. In the event an officer does not qualify his first time through, he is required to receive training until he does. An officer not qualified on the range may not carry a sidearm at any time until he does.

The qualification course consists of two courses of fire. The first is a relatively slow fire course and the second is a fast-timed course. Both courses require concentration and proper weapon handling techniques necessary when handling firearms. Following is a list of the officers that fired and their scores for both courses:

K. Willett	93.6	94.4
R. Robinson	100.0	98.4
P. Lean	96.4	100.0
R. Thurman	98.4	99.6
S. Tompkins	94.8	91.2
M. Smith	98.0	92.8
D. Klusman	96.4	94.8
G. Wade	98.4	95.6
L. Hasbrouck	92.8	95.2

All members qualified well above the necessary 70.0%. Qualification firing and instruction was conducted, supervised and scored by R.C. Thurman, P.O.S.T. Certified Firearms Instructor.

Respectfully Submitted,


R.C. Thurman

cc: Thurman

2/12, 2/13 + 2/14/85

	Slow Fire	Rapid Fire	
Pat LEAN	97.6	93.2	S+W, Mod. 28, 4" SER# S280954
Steve Tompkins	98.8	96.4	S+W, Mod. 19, 4" SER# 9K2159
Louie Hasbrouck	95.6	99.6	S+W, Mod. 66, 4" SER# 55K3795
Dick Thurman	98.6	100.0	S+W, Mod. 19, 2 1/2" SER# 1K89760
Ray Robinson			
Marvin Smith	94.8	98.4	Colt, Python, 4" SER# E17642
Dennis Caliman	96.4	95.6	S+W, Mod. 28, 4" SER# N557048
Roy Hughes	97.6	98.4	S+W, Mod. 15, 4" SER# K924022
Ken Willett	97.0	99.2	S+W, Mod. 66, 2 1/2" SER# 32K6329

A. Thurman

WE THE UNDERSIGNED POLICE PATROL OFFICERS OF THE MONTANA UNIVERSITY SYSTEM, HEREBY PETITION THE 1985 MONTANA LEGISLATURE TO SUPPORT AND PASS INTO LAW, SENATE BILL # 397. THIS BILL WOULD REMOVE THE STATUTORY SANCTIONS THAT PREVENT POLICE PATROL OFFICERS FROM CARRYING FIREARMS BETWEEN THE HOURS OF 8AM AND 5PM. WE THE UNDERSIGNED ARE DIRECTLY AFFECTED BY THIS LEGISLATION.

NAME	UNIVERSITY UNIT	DATE
<u>L. E. Harbrow</u>	<u>U of M</u>	<u>1-24-85</u>
<u>mg Smith</u>	<u>U of M</u>	<u>1-24-85</u>
<u>Marlene McMahon</u>	<u>U of M</u>	<u>1-24-85</u>
<u>Robert Smith</u>	<u>U of M</u>	<u>1-24-85</u>
<u>Raymond C. Johnson</u>	<u>U of M</u>	<u>1-24-85</u>
<u>Richard W. Rose</u>	<u>U of M</u>	<u>1-24-85</u>
<u>D. Caf</u>	<u>U of M</u>	<u>1-24-85</u>
<u>Richard A. Ruemer</u>	<u>U of M Security</u>	<u>1-25-85</u>
<u>Ray Hughes</u>	<u>U of M</u>	<u>1-25-85</u>
<u>Steve Tompkins</u>	<u>U of M</u>	<u>1-26-85</u>

WE THE UNDERSIGNED POLICE PATROL OFFICERS OF THE MONTANA UNIVERSITY SYSTEM, HEREBY PETITION THE 1985 MONTANA LEGISLATURE TO SUPPORT AND PASS INTO LAW, SENATE BILL # 397. THIS BILL WOULD REMOVE THE STATUTORY SANCTIONS THAT PREVENT POLICE PATROL OFFICERS FROM CARRYING FIREARMS BETWEEN THE HOURS OF 8AM AND 5PM. WE THE UNDERSIGNED ARE DIRECTLY AFFECTED BY THIS LEGISLATION.

NAME	UNIVERSITY UNIT	DATE
<u>And Whitman</u>	<u>Montana State University</u>	<u>1-28-85</u>
<u>Edward J. Collins</u>	<u>Mont. State University</u>	<u>1-28-85</u>
<u>E. Hall</u>	<u>MSU</u>	<u>1-28-85</u>
<u>Robert L. Decker</u>	<u>montana State University</u>	<u>28 Jan 85</u>
<u>John C. ...</u>	<u>Montana State Univ.</u>	<u>28 JAN 85</u>
<u>Gordon Soldeel</u>	<u>MONTANA STATE UNIVERSITY</u>	<u>28. JAN-85</u>
<u>Rep. Duncan</u>	<u>Montana State University</u>	<u>1-29-85.</u>
<u>Merwin D. Henderson</u>	<u>Montana State University</u>	<u>1-29-85</u>
<u>Frank W. Lenley</u>	<u>Montana State University</u>	<u>1-29-85</u>
<u>Pat ...</u>	<u>MSU</u>	<u>1-29-85</u>

WE THE UNDERSIGNED POLICE PATROL OFFICERS OF THE MONTANA UNIVERSITY SYSTEM, HEREBY PETITION THE 1985 MONTANA LEGISLATURE TO SUPPORT AND PASS INTO LAW, SENATE BILL # 397. THIS BILL WOULD REMOVE THE STATUTORY SANCTIONS THAT PREVENT POLICE PATROL OFFICERS FROM CARRYING FIREARMS BETWEEN THE HOURS OF 8AM AND 5PM. WE THE UNDERSIGNED ARE DIRECTLY AFFECTED BY THIS LEGISLATION.

NAME	UNIVERSITY UNIT	DATE
<u>Kary Greder</u>	<u>Eastern Mont. College</u>	<u>2-4-85</u>
<u>Donnie B. Petermann</u>	<u>Eastern Montana College</u>	<u>2/4/85</u>
<u>Roy Danner</u>	<u>EMC</u>	<u>2/5/85</u>
<u>Chris Boe</u>	<u>EMC</u>	<u>2/6/85</u>
<u>Charles Perkins</u>	<u>EMC</u>	<u>2/6/85</u>
<u>AJ Smith</u>	<u>EMC</u>	<u>2/6/85</u>
<u>Barbara Grace</u>	<u>EMC</u>	<u>2-6-85</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

EXHIBIT #1
SB 397
Feb 21, 1985
Sen. Education
& Cultural Aff.

2.4.00 PERSONNEL

2.4.01 SAFETY AND SECURITY MANAGER

The Safety and Security Manager is the Chief Administrator of the Division. As Chief Administrator, he is responsible for the division and has the authority to command its operation. The Manager is responsible for:

1. Adhering to the general responsibilities of members.
2. Fulfilling the responsibilities of a University Security Officer.
3. Directing and organizing the division.
4. Establishing goals and objectives.
5. Preparing the division budget.
6. Selecting, appointing, and disciplining division members.

2.4.02 UNIVERSITY SECURITY OFFICER

In addition to adhering to the general responsibilities of a member, a University Security Officer is individually responsible for:

1. Preventing crime.
2. Suppressing crime.
3. Enforcing laws.
4. Arresting offenders.
5. Enforcing rules and regulations.
6. Initiating police action when necessary.
7. Securing and disposing of evidence.
8. Working such hours or performing such tasks as considered necessary by the Manager.
9. Maintaining official officer field notes as required by the assignment.
10. Filing of criminal complaints and formal appearance before the various courts of legal jurisdiction.
11. Following up on reported crimes.
12. Opening and closing of facilities when necessary.
13. Completion of Complaint Reports (DR'S), to include all statements from suspects, victims, etc.
14. Providing emergency medical and fire safety support to the campus community.

2.4.03 STUDENT TICKET WRITERS

The student ticket writers are responsible for:

1. Adhering to the general responsibilities of members.
2. Foot patrol of parking areas and roadways.
3. Issuing citations to vehicles parked in violation of University Parking Rules and Regulations.
4. Assist in record keeping as required by the division.



Department of Justice

MONTANA HIGHWAY PATROL

1014 National Avenue Helena, Montana 59601 Telephone (406) 449-3000

2011.5.17 #1
SA 317
Feb 20, 1975
Sen. Edu
cation
Cultural
resources

2-18-85

Dick Thurman
Vof M Security
Missoula Montana

Dear Dick,

We of the Montana Highway Patrol support your endeavors to carry sidearms 24 hours while on duty as security officers at the Vof M. Each and every officer is POST certified and has received training set forth by the Montana Law Enforcement Academy. You as officers may be subjected to saving a persons life as well as your own, even to the point of deadly force.

As all Law Enforcement agencies enjoy Mutual Aid, the side arm is a mandatory tool.

Sincerely,
Captain Harvey Olson



EXHIBIT
SB 397
FEB. 20, 1985
Sen. Education & Coll. Res.

EASTERN
MONTANA COLLEGE

Campus Communication

January 31, 1985

TO: Ken Heikes
FROM: Charles Lechner *CL*
RE: Proposed Amendment to "Gun" Bill

This issue has been a source of debate for many years. The members of my department and I feel that there are two things that should be addressed. One is the hours during which we are not allowed to carry weapons and the other is being referred to as Security Guards.

The first puts us in an awkward, ineffective and perhaps even a dangerous position if a situation would arise when a weapon is needed and we would not have one. The members of our department wear police uniforms and most people assume that a weapon is part of the uniform. If we were present when a serious situation dealing with an armed person arose that person too would assume that we were armed.

Secondly, being referred to as Security Guards creates an identity problem. People that we deal with have the impression that this is exactly what we are and that we do not have the powers of arrest or the other powers given to us as Peace Officers of the state. We have been told this by people who are breaking the law. They assume we have no authority to arrest or handle the problem. This creates an additional problem that we do not need when handling a law enforcement problem. It is equally disturbing to have to explain to other law enforcement agencies that we are not "Security Guards". The term implies that members of this department do not have to be hired and trained under the guidelines set up by Montana's P.O.S.T. Until recently, Security Guards did not need specialized training. As a result of this, other law enforcement officers do not accept us as fully trained police officers who have the same training and the same duties to perform as they do.

If the law is to be amended to change the hours when Campus Security Guards are allowed to carry weapons, I would suggest that it have the term "Security Guard" stricken and insert Police Officer.

MONTANA UNIVERSITY SYSTEM
Policy and Procedures Manual

EXHIBIT #3
SB 547
Feb. 21, 1989
Sen. Paudyal
V. ELLIOTT
L. RAY
WEINBERG

PAGE: 1006 (1 of 2)

SUBJECT: PHYSICAL PLANT

Effective: Sept. 14, 1984

Section: 1006 Security Operations

Issued: Sept 24, 1984

Approved: *P.C. Jensen*

Board policy:

1. The president of each unit of the Montana University System shall have general control and direction of the security department of the unit in accordance with unit policies submitted to the Board of Regents of Higher Education. A unit may contract with private security companies for the provision of security services.

2. The presidents of the units may authorize security department officers and the employees of contracted private security companies to carry firearms between 5:00 p.m. and 8:00 a.m. and at any time when guarding money or other valuables.

3. Except as provided in subsection 4, only the following may carry firearms on or at any unit of the Montana University System:

(a) those persons who are acting in the capacity of security department officers and who:

(i) have successfully completed the basic course in law enforcement conducted by the Montana Law Enforcement Academy or an equivalent course conducted by another state and recognized as such by the Crime Control Division of the Montana Department of Justice; or;

(ii) have passed the state approved equivalency examination administered by the Montana Law Enforcement Academy; and

(b) those persons who are employees of a contracted private security company and who are registered to carry firearms pursuant to Title 37, Chapter 60, MCA.

MONTANA UNIVERSITY SYSTEM
Policy and Procedures Manual

PAGE: 1006 (2 of 2)

SUBJECT: PHYSICAL PLANT

Effective: Sept. 14, 1984

Section: 1006 Security Operations

Issued: Sept 24, 1984

Approved: *P. C. Dunbar*

4. Each unit may establish regulations governing the transportation and storage of firearms on campus. Each president shall file a copy of such regulations with the Commissioner of Higher Education.

History:

Item 7-002-R0175, Authorization for Presidents to Appoint Security Personnel, January 16, 1975 as revised September 14, 1981, June 28, 1982 and September 14, 1984.

Cross reference:

See also Section 702.3, Appointment, Campus personnel

Mervin G. Gunderson
P.O. Box 1405
Belgrade MT 59715

February 14, 1985

Senator William Farrell
c/o The Senate
Capitol Station
State capitol
Helena, MT 59620

Dear Senator Farrell,

I am writing to you in an effort to convey my deep concern over Senate Bill 397, which would allow the university's Security Guards to carry firearms without any hourly limitations being legislatively imposed.

I come to you with firsthand knowledge on this matter. I am a Sergeant with the Montana State University Police Department. I have been employed as a sworn officer for over eleven years. In 1979 I testified in a Committee Hearing on a Bill which was introduced by Representative Wallin that altered the original restriction on carrying firearms. At that time we were allowed to carry firearms from "sunset to sunrise". Representative Wallin's Bill changed that and allowed the police officers at the University to carry their firearms from 5 o'clock P.M. to 8 o'clock A.M., or when guarding money or other valuables. This is the present policy.

One of the documents I presented at the committee hearing on Representative Wallin's Bill was the Firearms Training Policy at Montana State University. As the departmental Firearms Instructor, I testified that our training and firearms policies were one of the most stringent in the state. That fact still holds true today. Our officers are highly trained and very professional Peace Officers. Each is very cognizant of the liabilities inherent in the use of their firearm. They are not only trained in the usage of their weapon but also when not to use it.

In January of 1984 I was on duty when I observed what turned out to be an attempted armed robbery at the Mini Mart store just off campus. My intervention in that attempted armed robbery

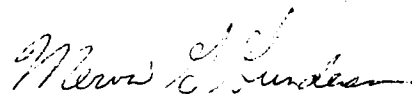
Senator Farrell
February 14, 1984
Page 2

resulted in the arrest of the two perpetrators and their eventual conviction. It was certainly reassuring having access to my revolver when standing in the store with two men who each had fully loaded rifles. Fortunately for me this crime occurred in the early morning hours. I wonder what the end result would have been if the crime had occurred between 8 O'clock A.M. and 5 O'clock P.M.

The need to use a firearm in the line of duty may never come. I sincerely believe the University Police Officer hopes this will be the case. However, we are not able to say this will be the reality. The dangers to any uniformed Police Officer are inherent in our ever changing society. It is for this reason that I ask for your assistance in the passage of Senate Bill 397.

If I may be of assistance to you in any manner please feel free to contact me at work or home. My work telephone number is 994-2121 and my home telephone number is 388-6524. Thank you very much for your consideration in dealing with this issue which is so very important to me.

Sincerely,



Mervin G. Gunderson
Sergeant MSU Police

STANDING COMMITTEE REPORT

February 20, 1985

MR. PRESIDENT

We, your committee on **EDUCATION AND CULTURAL RESOURCES**

having had under consideration **SENATE BILL** No. **305**

first reading copy (white)
color

**ALLOW TRUSTEES OF DISTRICT TO USE BANK AS OPTION TO COUNTY
TREASURER DUTIES**

Respectfully report as follows: That **SENATE BILL** No. **305**

~~XXXXXX~~

DO NOT PASS

.....
Senator Chet Blaylock,

Chairman.

(Type in committee name, committee members' names, and names of secretary and chairman. Have at least 50 printed to start.)

ROLL CALL VOTE

SENATE COMMITTEE ON EDUCATION AND CULTURAL RESOURCES

Date 2/21 Senate Bill No. 259 Time _____

NAME	YES	NO
SENATOR PINSONEAULT	✓	
SENATOR BROWN	✓	
SENATOR REGAN		✓
SENATOR SMITH	✓	
SENATOR HAFEEY	✓	
SENATOR YELLOWTAIL	✓	
SENATOR MAZUREK	✓	
SENATOR FARRELL	✓	
SENATOR McCALLUM	✓	
SENATOR BLAYLOCK, CHAIRMAN		✓

JILL ROHYANS
Secretary

SENATOR CHET BLAYLOCK
Chairman

Motion: by Senator Smith to adopt
the amendments for a substitute
bill

(include enough information on motion—put with yellow copy of committee report.)

(Type in committee name, committee members' names, and names of secretary and chairman. Have at least 50 printed to start.)

ROLL CALL VOTE

SENATE COMMITTEE ON EDUCATION AND CULTURAL RESOURCES

Date 2/21 SB Bill No. 289 Time _____

NAME	YES	NO
SENATOR PINSONEAULT	✓	
SENATOR BROWN	✓	
SENATOR REGAN		✓
SENATOR SMITH	✓	
SENATOR HAFEEY	✓	
SENATOR YELLOWTAIL		✓
SENATOR MAZUREK		✓
SENATOR FARRELL	✓	
SENATOR McCALLUM	✓	
SENATOR BLAYLOCK, CHAIRMAN		✓

JILL ROHYANS
Secretary

SENATOR CHET BLAYLOCK
Chairman

Motion: Sen Senator Smith that
SB 289 be passed

(include enough information on motion—put with yellow copy of committee report.)

STANDING COMMITTEE REPORT

February 21

95

19.....

MR. PRESIDENT

EDUCATION AND CULTURAL RESOURCES

We, your committee on.....

SENATE BILL

No. 289

having had under consideration.....

No.....

first

white

reading copy ()
color

PROVIDING THAT RULES IMPOSING DUTY ON SCHOOLS NOT EFFECTIVE WITHOUT FUNDING

Respectfully report as follows: That.....

SENATE BILL

No. 289

No.....

be amended as follows:

1. Title, line 5.

Following: "BY"

Strike: "A STATE AGENCY"

Insert: "THE BOARD OF PUBLIC EDUCATION"

2. Title, line 6.

Following: line 5

Strike: "NEW DUTIES"

Insert: "A SUBSTANTIAL FINANCIAL IMPACT"

3. Title, lines 7 and 8.

Following: "A" on line 7

Strike: "SPECIFIC"

Following: "THE" on line 7

Strike: the remainder of line 7 through "MCA" on line 8

Insert: "RULE"

~~XXXXXXXX~~

~~XXXXXXXXXX~~

.....
Chairman.

4. Pages 1 and 2.

Strike: everything following the enacting clause

Insert: "Section 1. Rules with substantial financial impact

-- fiscal note -- effect without funding. (1) When adopting rules, policies, and standards under 20-2-121 subsections (6), (7), (9), and (11), the board of public education shall concurrently adopt a fiscal note to determine the financial impact of the rule, policy, or standard on school districts.

(2) The superintendent of public instruction shall prepare a suggested fiscal note for submission to the board of education. The board may also accept other testimony and exhibits on the financial impact to school districts before adopting a final fiscal note.

(3)(a) If the financial impact of the rule, policy, or standard is found by the board to be substantial, the board shall request the next legislature to fund implementation of the rule, policy or standard through the foundation program. A substantial financial impact is an amount that cannot be readily absorbed in the budget of an existing school district program.

(b) A rule, policy, or standard found to have a substantial financial impact after formal adoption by the board is advisory to school districts until the beginning of the fiscal year immediately following the next legislative session.

(c) If the legislature refuses to fund requests made by the board under subsection (3)(a), the board shall declare that the rule, policy, or standard is advisory only as applied to school districts until such time as the board determines that appropriate funding is available to fund the rule, policy, or standard.

(4) A rule, policy, or standard not found to have a substantial financial impact on school districts becomes effective as provided in Title 2, chapter 4."

AND AS AMENDED
DO PASS

(Type in committee name, committee members' names, and names of secretary and chairman. Have at least 50 printed to start.)

ROLL CALL VOTE

SENATE COMMITTEE ON EDUCATION AND CULTURAL RESOURCES

Date 2/20 minutes Bill No. 352 Time _____

NAME	YES	NO
SENATOR PINSONEAULT	✓	
SENATOR BROWN	✓	
SENATOR REGAN	✓	
SENATOR SMITH		✓
SENATOR HAFEEY	✓	
SENATOR YELLOWTAIL	✓	
SENATOR MAZUREK	✓	
SENATOR FARRELL	<i>absent</i>	
SENATOR McCALLUM		✓
SENATOR BLAYLOCK, CHAIRMAN	✓	

JILL ROHYANS
Secretary

SENATOR CHET BLAYLOCK
Chairman

Motion: by Senator Blaylock that the
Bill 352 be taken as amended

(include enough information on motion—put with yellow copy of committee report.)

STANDING COMMITTEE REPORT

February 29, 19 85

MR. PRESIDENT

We, your committee on EDUCATION AND CULTURAL RESOURCES

having had under consideration SENATE BILL No. 382

first reading copy (white)
color

**REQUIRE BD. OF PUBLIC EDUCATION TO SUBMIT SCHOOL AID BUDGET;
APPROPRIATION**

Respectfully report as follows: That SENATE BILL No. 382

be amended as follows:

1. Title, lines 7 through 9.

Following: "SESSION;"

Strike: lines 7 through "REQUEST;" on line 9

2. Page 8, line 24 through line 4 on page 9.

Strike: Section 6 in its entirety

AND AS AMENDED

DO PASS

DO NOT PASS

.....
Senator Chet Blaylock,

Chairman.

(Type in committee name, committee members' names, and names of secretary and chairman. Have at least 50 printed to start.)

ROLL CALL VOTE

SENATE COMMITTEE ON EDUCATION AND CULTURAL RESOURCES

Date 2/26 disruptive Bill No. 397 Time _____

NAME	YES	NO
SENATOR PINSONEAULT		✓
SENATOR BROWN		✓
SENATOR REGAN	✓	
SENATOR SMITH		✓
SENATOR HAFEEY		✓
SENATOR YELLOWTAIL	✓	
SENATOR MAZUREK	✓	
SENATOR FARRELL		✓
SENATOR McCALLUM		✓
SENATOR BLAYLOCK, CHAIRMAN	✓	

JILL ROHYANS
Secretary

SENATOR CHET BLAYLOCK
Chairman

Motion: by Senator Yellowtail that SB 397
DO NOT PASS

(include enough information on motion—put with yellow copy of committee report.)

(Type in committee name, committee members' names, and names of secretary and chairman. Have at least 50 printed to start.)

ROLL CALL VOTE

SENATE COMMITTEE ON EDUCATION AND CULTURAL RESOURCES

Date 2/20 Senate Bill No. 397 Time _____

NAME	YES	NO
SENATOR PINSONEAULT	✓	
SENATOR BROWN	✓	
SENATOR REGAN		✓
SENATOR SMITH	✓	
SENATOR HAFEEY	✓	
SENATOR YELLOWTAIL		✓
SENATOR MAZUREK		✓
SENATOR FARRELL	✓	
SENATOR McCALLUM	✓	
SENATOR BLAYLOCK, CHAIRMAN		✓

JILL ROHYANS
Secretary

SENATOR CHET BLAYLOCK
Chairman

Motion: In Senate Appropriately that
Senate Bill 397 do pass.

(include enough information on motion—put with yellow copy of committee report.)

STANDING COMMITTEE REPORT

February 20, 1985

MR. PRESIDENT

We, your committee on **EDUCATION AND CULTURAL RESOURCES**

having had under consideration **SENATE BILL** No. **397**

first reading copy (white)
color

**REMOVE LIMITATION ON THE CARRYING OF FIREARMS BY UNIVERSITY
SECURITY GUARDS**

Respectfully report as follows: That **SENATE BILL** No. **397**

DO PASS

~~DO NOT PASS~~

Senator Chet Blaylock,

Chairman.