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SENATE BILL NO. 154

INTRODUCED BY MANNING

BY REQUEST OF THE ATTORNEY GENERAL

IN THE SENATE

January 18, 1979	Introduced and referred to Committee on Highways and Transportation.
January 29, 1979	Committee recommend bill do pass and be placed on Consent Calendar. Report adopted.
January 31, 1979	Printed and placed on members' desks.
February 1, 1979	Consent Calendar discussion.
February 2, 1979	Consent Calendar, do pass. Transmitted to second house.
IN THE	HOUSE
February 3, 1979	Introduced and referred to Committee on Highways and Transportation.
March 2, 1979	Committee recommend bill be concurred in. Report adopted.
March 3, 1979	Second reading, concurred in.
March 6, 1979	Third reading, concurred in.
IN THE	SENATE
March 7, 1979	Returned from second house. Concurred in. Sent to enrolling.

Reported correctly enrolled.

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5	A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE AND CLARIFT
6	SECTIONS 44-1-301, 44-1-302, 44-1-303, 44-1-402, 44-1-601
7	44-1-602, AND 44-1-705, MCA, TRANSFERRING TO THE HIGHWAY
8	PATROL CHIEF CERTAIN DUTIES AND POWERS OF THE DIVISION OF
9	MOTOR VEHICLES.*
10	
11	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
12	Section 1. Section 44-1-301, MCA, is amended to read:
13	#44-1-301. General supervisory powers. The division
14	chief shall have direct control and supervision of all
15	patrolmen, subject to the approval of the attorney general.
16	Section 2. Section 44-1-302. MCA. is amended to read
17	*44-1-302. Powers relating to supervisory personnel
16	The duties and jurisdiction of the supervisory personnel
19	shall be outlined and defined by and under the control of
20	the division <u>chief</u>."
21	Section 3. Section 44-1-303. HCA. is amended to read
2.	"44-1-303. Duties. The division chief. with the
23	approval of the attorney general and within the limits of

any appropriation made available for such purposes, shall:

(1) designate the authority and responsibility in each

3	in the selection of recruit patrolmen;
4	(3) prescribe the official uniform of the Montana
5	highway patrol:
6	(4) station employees in such localities as it he
7	shall deem advisable for the enforcement of the traffic laws
8	of this state;
9	(5) charge against each employee the value of property
10	of the state lost or destroyed through the carelessness or
11	neglect of such employee;
12	(6) discharge, demote, or temporarily suspend after
13	hearing, as provided in parts 7 and 8 of this chapter, any
14	patrolman of the department;
15	(7) have purchased or otherwise acquired by the
16	purchasing department of the state motor equipment and all
17	other equipment and commodities deemed by it him essential
18	to the efficient operation of the Montana highway patrol."
19	Section 4. Section 44-1-402, MCA, is amended to read:
20	#44-1-402. Appointment of supervisory personnel.
21	Supervisory personnel shall be selected from the patrolmen
22	by the division <u>chief</u>. The division <u>chief</u> shall designate
23	supervisory personnel, including but not limited to
24	captains, lieutenants, sergeants, and patrolmen, in such
25	numbers as necessary but within the limits of the
	-2- INTRODUCED BILL

(?) formulate standards, policies, and qualifications

rank, grade, and position;

2

- legislative appropriation made available for such
- 3 Section 5. Section 44-1-601, MCA, is amended to read:
- 4 #44-1-601. Probationary training and service --
- 5 patrolmen. All new patrolmen shall be placed under
- 6 probationary training and service for a period of 6 months
- 7 to 1 years during which time the division chief must
- 8 recommend permanent appointments; otherwise the probationary
- 9 patrolmen will automatically be discharged."
- 10 Section 6. Section 44-1-602, MCA, is amended to read:
- 11 "44-1-602: Probationary training and service --
- 12 supervisory personnel. All newly appointed supervisory
- 13 personnel shall be placed under probationary training and
- 14 service for a period of 6 months to 1 year, during which
- ·
- 16 appointments; otherwise the supervisory personnel will
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time the division chief must recommend permanent

- 17 automatically revert to their previous ranks without
- 18 prejudice."

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- 19 Section 7. Section 44-1-705, MCA, is amended to read:
- 20 *44-1-705. Suspension pending hearing and decision. If
- 21 the division orders a hearing, it the chief way suspend such
- 22 patrolman pending the rendition of the decision made in such
- 23 case."

-End-

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Approved by Committee on Highways & Transportation

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11	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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14	chief shall have direct control and supervision of all
15	patrolmen, subject to the approval of the attorney general."
16	Section 2. Section 44-1-302, MCA, is amended to read:
17	<pre>"44-1-302. Powers relating to supervisory personnel.</pre>
18	The duties and jurisdiction of the supervisory personnel
19	shall be outlined and defined by and under the control of
20	the division chief."
21	Section 3. Section 44-1-303. MCA, is amended to read:
22	#44-1-303. Duties. The division chief. with the
23	approval of the attorney general and within the limits of
24	any appropriation made available for such purposes, shall:
25	(1) designate the authority and responsibility in each

rank, grade, and position: (2) formulate standards, policies, and qualifications in the selection of recruit patrolmen; (3) prescribe the official uniform of the Montana highway patrol; (4) station employees in such localities as it he shall deem advisable for the enforcement of the traffic laws of this state; (5) charge against each employee the value of property of the state lost or destroyed through the carelessness or neglect of such employee; (6) discharge: demote: or temporarily suspend after hearing, as provided in parts 7 and 8 of this chapter, any patrolman of the department; (7) have purchased or otherwise acquired by the purchasing department of the state motor equipment and all other equipment and commodities deemed by it him essential to the efficient operation of the Montana highway patrol." Section 4. Section 44-1-402. MCA. is amended to read: "44-1-402. Appointment of supervisory personnel. Supervisory personnel shall be selected from the patrolmen by the division chief. The division chief shall designate

supervisory personnel, including but not limited to

captains, lieutenants, sergeants, and patrolmen, in such

numbers as necessary but within the limits of the

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- 1 legislative appropriation made available for such
 2 purposes.**
- 3 Section 5. Section 44-1-601, MCA, is amended to read:
- 4 #44-1-601. Probationary training and service --
- 5 patrolmen. All new patrolmen shall be placed under
- 6 probationary training and service for a period of 6 months
- 7 to 1 year, during which time the division chief must
- 8 recommend permanent appointments; otherwise the probationary
- 9 patrolmen will automatically be discharged.*
- 10 Section 6. Section 44-1-602, MCA, is amended to read:
- 11 #44-1-602. Probationary training and service --
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- 13 personnel shall be placed under probationary training and
- 14 service for a period of 6 months to 1 year, during which
- 15 time the division <u>chief</u> must recommend permanent
- 16 appointments; Otherwise the supervisory personnel will
- 17 automatically revert to their previous ranks without
- 18 prejudice.*
- 19 Section 7. Section 44-1-705; MCA, is assended to read:
- 20 #44-1-705. Suspension pending hearing and decision. If
- 21 the division orders a hearing, it the chief may suspend such
- 22 patrolman pending the rendition of the decision made in such

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-End-

SB 0154/03 SB 0154/03 46th Legislature

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.2	Section 1. Section 44-1-301, MCA, is amended to read:
.3	#44-1-301. General supervisory powers. The division
.4	chief shall have direct control and supervision of all
15	patrolmen, subject to the approval of the attorney general."
6	Section 2. Section 44-1-302, MCA, is amended to read:
.7	#44-1-302. Powers relating to supervisory personnel.
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personnel shall be placed under probationary training and
service for a period of 6 months to 1 years during which
time the division chief must recommend permanent
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the division orders a hearing, it the chief may suspend such

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-End-