

HOUSE BILL NO. 670

INTRODUCED BY BACHINI, CONNELLY, CODY, KOLSTAD,
M. WILLIAMS, PECK, WALKER, VINCENT, DRISCOLL,
JERGESON, MCCORMICK, O'CONNELL, SPAETH, QUILICI,
PAVLOVICH, RANEY, HARP, JENKINS, IVERSON, C. SMITH,
WALLIN, SCHYE, RAMIREZ, MARKS

IN THE HOUSE

FEBRUARY 9, 1987 INTRODUCED AND REFERRED TO COMMITTEE
ON JUDICIARY.

FEBRUARY 21, 1987 COMMITTEE RECOMMEND BILL
DO PASS AS AMENDED. REPORT ADOPTED.

FEBRUARY 23, 1987 PRINTING REPORT.

FEBRUARY 24, 1987 SECOND READING, DO PASS.

ON MOTION, RULES SUSPENDED AND BILL
PLACED ON THIRD READING THIS DAY.

THIRD READING, PASSED.
AYES, 69; NOES, 30.

TRANSMITTED TO SENATE.

IN THE SENATE

MARCH 2, 1987 INTRODUCED AND REFERRED TO COMMITTEE
ON JUDICIARY.

MARCH 27, 1987 COMMITTEE RECOMMEND BILL BE
CONCURRED IN AS AMENDED. REPORT
ADOPTED.

MARCH 30, 1987 SECOND READING, CONCURRED IN.

ON MOTION, RULES SUSPENDED AND BILL
PLACED ON THIRD READING THIS DAY.

THIRD READING, CONCURRED IN.
AYES, 50; NOES, 0.

RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 8, 1987

RECEIVED FROM SENATE.

SECOND READING, AMENDMENTS
CONCURRED IN.

APRIL 9, 1987

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

1 *House* BILL NO. *670*
 2 INTRODUCED BY *Bachini Connelly Cody Kuester M. Williams*
 3 *Paul Walker Vincent Daniel Johnson Malcolm*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE
 5 *Rarey HARP* ATTORNEY GENERAL TO APPOINT EMPLOYEES OF CLASS I RAILROAD
 6 *Rumney* CORPORATIONS AS SPECIAL PEACE OFFICERS; RESTRICTING THE
 7 AUTHORITY OF SPECIAL PEACE OFFICERS; AND DEFINING THE
 8 RESPONSIBILITY OF THE RAILROAD CORPORATION FOR THE SPECIAL
 9 PEACE OFFICERS."

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

12 Section 1. Attorney general -- appointment of special
13 peace officers. The attorney general may appoint special
14 peace officers as provided in [this act].

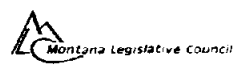
15 Section 2. Application for appointment. A class I
16 railroad corporation, as defined by the interstate commerce
17 commission in part 1201 of 49 CFR, desiring the appointment
18 of an officer or employee as a special peace officer shall
19 apply to the attorney general. The application must state
20 the name, age, and place of residence of the person applying
21 for appointment. The applicant must have at least 3 years of
22 experience as a class I railroad peace officer or have
23 completed a training course at an approved law enforcement
24 academy, or meet the qualifications described in 7-32-303
25 and adopted under 44-4-301. The application must be signed

1 by the applicant and a managing officer of the railroad
2 corporation. The managing officer signing the application
3 shall at the same time submit an affidavit to the effect
4 that he is acquainted with the person seeking appointment,
5 that he believes him to be of good moral character, and that
6 he is of such character and experience that he can be safely
7 entrusted with the powers and duties of a special peace
8 officer.

9 Section 3. Limitations on special peace officer. A
10 person appointed and sworn as a special peace officer shall
11 when on duty have the power and authority of a peace officer
12 but may exercise such power and authority only in the
13 protection of the property of the class I railroad
14 corporation employing him.

15 Section 4. Responsibility of corporation. The class I
16 railroad corporation employing a special peace officer is
17 solely responsible for the compensation of the special peace
18 officer and is civilly liable for any action of the officer
19 arising out of his actions as a special peace officer.

-End-



APPROVED BY COMMITTEE
ON JUDICIARY

HOUSE BILL NO. 670

INTRODUCED BY BACHINI, CONNELLY, CODY, KOLSTAD,

M. WILLIAMS, PECK, WALKER, VINCENT, DRISCOLL,

JERGESON, MCCORMICK, O'CONNELL, SPAETH, QUILICI,

PAVLOVICH, RANEY, HARP, JENKINS, IVERSON, C. SMITH,

WALLIN, SCHYE, RAMIREZ, MARKS

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE ATTORNEY GENERAL TO APPOINT EMPLOYEES OF CLASS I RAILROAD CORPORATIONS AS SPECIAL PEACE OFFICERS; RESTRICTING THE AUTHORITY OF SPECIAL PEACE OFFICERS; AND DEFINING THE RESPONSIBILITY OF THE RAILROAD CORPORATION FOR THE SPECIAL PEACE OFFICERS; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Attorney general -- appointment of special peace officers. The attorney general may appoint special peace officers as provided in [this act].

Section 2. Application for appointment. A class I railroad corporation, as defined by the interstate commerce commission in part 1201 of 49 CFR, desiring the appointment of an officer or employee as a special peace officer shall apply to the attorney general. The application must state the name, age, and place of residence of the person applying for appointment. The applicant must have at least 3 years of

experience as a class I railroad peace officer or have completed a training course at an approved law enforcement academy, or meet the qualifications described in 7-32-303 and adopted under 44-4-301. The application must be signed by the applicant and a managing officer of the railroad corporation. The managing officer signing the application shall at the same time submit an affidavit to the effect that he is acquainted with the person seeking appointment, that he believes him to be of good moral character, and that he is of such character and experience that he can be safely entrusted with the powers and duties of a special peace officer.

Section 3. Limitations on special peace officer. A person appointed and sworn as a special peace officer shall when on duty have the power and authority of a peace officer but may exercise such power and authority only in the protection of the property of the class I railroad corporation employing him.

Section 4. Responsibility of corporation. The class I railroad corporation employing a special peace officer is solely responsible for the compensation of the special peace officer and is civilly liable for any action of the officer arising out of his actions as a special peace officer.

SECTION 5. EFFECTIVE DATE. THIS ACT IS EFFECTIVE JULY 1, 1987.

-End-

-2-

HB 670

SECOND READING



1 HOUSE BILL NO. 670

2 INTRODUCED BY BACHINI, CONNELLY, CODY, KOLSTAD,

3 M. WILLIAMS, PECK, WALKER, VINCENT, DRISCOLL,

4 JERGESON, MCCORMICK, O'CONNELL, SPAETH, QUILICI,

5 PAVLOVICH, RANEY, HARP, JENKINS, IVERSON, C. SMITH,

6 WALLIN, SCHYE, RAMIREZ, MARKS

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8 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE
9 ATTORNEY GENERAL TO APPOINT EMPLOYEES OF CLASS I RAILROAD
10 CORPORATIONS AS SPECIAL PEACE OFFICERS; RESTRICTING THE
11 AUTHORITY OF SPECIAL PEACE OFFICERS; AND DEFINING THE
12 RESPONSIBILITY OF THE RAILROAD CORPORATION FOR THE SPECIAL
13 PEACE OFFICERS; AND PROVIDING AN EFFECTIVE DATE."

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15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:16 Section 1. Attorney general -- appointment of special
17 peace officers. The attorney general may appoint special
18 peace officers as provided in [this act].19 Section 2. Application for appointment. A class I
20 railroad corporation, as defined by the interstate commerce
21 commission in part 1201 of 49 CFR, desiring the appointment
22 of an officer or employee as a special peace officer shall
23 apply to the attorney general. The application must state
24 the name, age, and place of residence of the person applying
25 for appointment. The applicant must have at least 3 years of

1 experience as a class I railroad peace officer or have
2 completed a training course at an approved law enforcement
3 academy, or meet the qualifications described in 7-32-303
4 and adopted under 44-4-301. The application must be signed
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6 corporation. The managing officer signing the application
7 shall at the same time submit an affidavit to the effect
8 that he is acquainted with the person seeking appointment,
9 that he believes him to be of good moral character, and that
10 he is of such character and experience that he can be safely
11 entrusted with the powers and duties of a special peace
12 officer.

13 Section 3. Limitations on special peace officer. A
14 person appointed and sworn as a special peace officer shall
15 when on duty have the power and authority of a peace officer
16 but may exercise such power and authority only in the
17 protection of the property of the class I railroad
18 corporation employing him.19 Section 4. Responsibility of corporation. The class I
20 railroad corporation employing a special peace officer is
21 solely responsible for the compensation of the special peace
22 officer and is civilly liable for any action of the officer
23 arising out of his actions as a special peace officer.24 SECTION 5. EFFECTIVE DATE. THIS ACT IS EFFECTIVE JULY
25 1, 1987.

-End-

-2-

HB 670

THIRD READING

1 HOUSE BILL NO. 670

2 INTRODUCED BY BACHINI, CONNELLY, CODY, KOLSTAD,

3 M. WILLIAMS, PECK, WALKER, VINCENT, DRISCOLL,

4 JERGESON, MCCORMICK, O'CONNELL, SPAETH, QUILICI,

5 PAVLOVICH, RANEY, HARP, JENKINS, IVERSON, C. SMITH,

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8 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE
9 ATTORNEY GENERAL TO APPOINT EMPLOYEES OF CLASS I RAILROAD
10 CORPORATIONS AS SPECIAL PEACE OFFICERS; RESTRICTING THE
11 AUTHORITY OF SPECIAL PEACE OFFICERS; AND DEFINING THE
12 RESPONSIBILITY OF THE RAILROAD CORPORATION FOR THE SPECIAL
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15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:16 Section 1. Attorney general -- appointment of special
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21 commission in part 1201 of 49 CFR, desiring the appointment
22 of an officer or employee as a special peace officer shall
23 apply to the attorney general. The application must state
24 the name, age, and place of residence of the person applying
25 for appointment. The applicant must have at least 3 years of

1 experience as a class I railroad peace officer or have
2 completed a training course at an approved law enforcement
3 academy, or meet the qualifications described in 7-32-303
4 and adopted under 44-4-301. The application must be signed
5 by the applicant and a managing officer of the railroad
6 corporation. The managing officer signing the application
7 shall at the same time submit an affidavit to the effect
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10 he is of such character and experience that he can be safely
11 entrusted with the powers and duties of a special peace
12 officer.

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14 person appointed and sworn as a special peace officer shall
15 when on duty have the power and authority of a peace officer
16 but may exercise such power and authority only in the
17 protection of the property of the class I railroad
18 corporation employing him.19 Section 4. Responsibility of corporation. The class I
20 railroad corporation employing a special peace officer is
21 solely responsible for the compensation of the special peace
22 officer and is civilly liable for any action of the officer
23 arising out of his actions as a special peace officer. THE
24 CLASS I RAILROAD CORPORATION EMPLOYING A SPECIAL PEACE
25 OFFICER SHALL HOLD THE STATE, ITS SUBDIVISIONS, AND THE

1 OFFICERS AND EMPLOYEES THEREOF HARMLESS AND INDEMNIFY THEM
2 FROM ANY CLAIM OR LIABILITY, INCLUDING COSTS AND ATTORNEY
3 FEES, ARISING OUT OF ANY ACTION OF A SPECIAL PEACE OFFICER
4 OR THE CERTIFICATION OF THE SPECIAL PEACE OFFICER BY THE
5 STATE.

6 SECTION 5. EFFECTIVE DATE. THIS ACT IS EFFECTIVE JULY
7 1, 1987.

-End-

STANDING COMMITTEE REPORT

SENATE

March 27 19 87

MR. PRESIDENT

We, your committee on SENATE JUDICIARY

having had under consideration HOUSE BILL No. 670

Third reading copy (blue color)

Railroad employee as special peace officer.
Bachini (Kolstad)

Respectfully report as follows: That HOUSE BILL No. 670

be amended as follows:

be amended as follows:

1. Page 2, line 23.

Following: "officer."

Insert: "The class I railroad corporation employing a special peace officer shall hold the state, its subdivisions, and the officers and employees thereof harmless and indemnify them from any claim or liability, including costs and attorney fees, arising out of any action of a special peace officer or the certification of the special peace officer by the state."

AB

~~DO PASS~~

~~DO NOT PASS~~

AND AS AMENDED*

BE CONCURRED IN

Senator Mazurek
Senator Mazurek

Chairman.

3-27-87
-48
5:05