

1 SENATE BILL NO. 91

2 INTRODUCED BY GROSFIELD

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

4

5 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A RESERVE PARK RANGER AND AUXILIARY
6 PARK RANGER PROGRAM; GRANTING RULEMAKING AUTHORITY TO THE DEPARTMENT OF FISH,
7 WILDLIFE, AND PARKS TO DETERMINE THE TRAINING COURSE CONTENT AND CURRICULUM FOR
8 RESERVE PARK RANGERS; ALLOWING RESERVE PARK RANGERS TO BE EX OFFICIO WARDENS;
9 PROVIDING FOR THE SECURITY OF RESERVE PARK RANGERS; ALLOWING RESERVE PARK RANGERS TO
10 ACCEPT AND ENGAGE IN CASUAL EMPLOYMENT; AMENDING SECTIONS 13-2-115, 13-2-122,
11 37-60-406, AND 87-1-503, MCA; AND PROVIDING AN EFFECTIVE DATE."

12

13

STATEMENT OF INTENT

14 A statement of intent is required for this bill because it grants rulemaking authority to the
15 department of fish, wildlife, and parks to establish course content and length for reserve park ranger
16 training. The legislature further intends that the department model the training course in content and length
17 after the basic training course for reserve officers described in 7-32-214, providing additional instruction
18 in issues specific to the laws and rules governing parks and outdoor recreation provided in Title 23,
19 chapters 1 and 2, except chapter 2, part 7.

20

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

22

23 **NEW SECTION.** Section 1. **Definitions.** As used in [sections 1 through 18], the following
24 definitions apply:

25 (1) "Auxiliary park ranger" means an unsworn, part-time volunteer for the department who may
26 perform but is not limited to performing the following duties:

- 27 (a) search and rescue;
- 28 (b) office duties;
- 29 (c) campground and picnic area patrols;
- 30 (d) lifeguarding;

1 (e) crowd and traffic control; and

2 (f) crime prevention.

3 (2) "Department" means the department of fish, wildlife, and parks provided for in 2-15-3401.

4 (3) "Director" means the director of the department of fish, wildlife, and parks.

5 (4) "Park ranger" means a sworn, full-time employee of the department with arrest authority as
6 provided in 23-1-121 and 23-1-122.

7 (5) "Park ranger law enforcement duties" means:

8 (a) patrol operations performed for detection, prevention, and suppression of crime; and

9 (b) the enforcement of the laws and rules governing parks and outdoor recreation provided in Title
10 23, chapters 1 and 2, except chapter 2, part 7.

11 (6) "Reserve park ranger" means a sworn, part-time volunteer for the department who qualifies as
12 a park ranger as defined in 23-1-121. A reserve park ranger has arrest authority only when authorized as
13 a representative of the department.

14

15 **NEW SECTION. Section 2. Reserve park rangers authorized.** The department may appoint reserve
16 park rangers. A person may be appointed as a reserve park ranger if the person:

17 (1) meets the minimum standards for appointment as a park ranger;

18 (2) meets the qualifications provided in [section 4]; and

19 (3) satisfactorily completes the training course pursuant to [section 5].

20

21 **NEW SECTION. Section 3. Prohibition on reduction of full-time park rangers.** The department may
22 not reduce the authorized number of full-time park rangers through the appointment or use of reserve park
23 rangers.

24

25 **NEW SECTION. Section 4. Qualifications for appointment as reserve park ranger.** To be appointed
26 a reserve park ranger, a person must:

27 (1) be a citizen of the United States;

28 (2) be at least 18 years old;

29 (3) be fingerprinted for a search to be made of local, state, and national fingerprint files to disclose
30 any criminal record;

1 (4) not have been convicted of a crime for which the person could have been imprisoned in a
2 federal penitentiary or state prison;

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

4 (6) be a graduate of an accredited high school or the equivalent;

5 (7) be examined by a licensed physician within 30 days immediately preceding the date of
6 appointment and be pronounced in good physical condition; and

7 (8) possess a valid Montana driver's license.

8
9 **NEW SECTION. Section 5. Training program required.** (1) A reserve park ranger has 2 years from
10 the date of the ranger's original appointment to satisfactorily complete a training program or the ranger may
11 not be authorized to perform park ranger law enforcement duties as a representative of the department.

12 (2) The department shall adopt rules governing the training course length and content. The rules
13 governing the training course must detail the curriculum and specify the number of hours required for each
14 portion of the course, similar to the description of the reserve officer training program provided in 7-32-214.

15 (3) The department shall train its reserve park rangers in accordance with minimum training
16 standards established by the Montana board of crime control pursuant to 44-4-301(3).

17
18 **NEW SECTION. Section 6. Reserve park ranger manual.** The department shall prepare, adopt, and
19 publish a manual detailing the minimum qualifications, minimum training standards, and standard operating
20 procedures for reserve park rangers.

21
22 **NEW SECTION. Section 7. Limitations on activities of reserve park rangers.** (1) A reserve park
23 ranger may serve as a peace officer only on the orders and at the direction of the director, the director's
24 designee, or the administrator of the department's law enforcement division.

25 (2) A reserve park ranger:

26 (a) may act only in a supplementary capacity to the department;

27 (b) is subordinate to a full-time park ranger; and

28 (c) must be supervised by a full-time park ranger who monitors and directs the reserve park ranger
29 as necessary considering the reserve park ranger's experience and training.

30

1 **NEW SECTION. Section 8. Authority of reserve park rangers to issue citations.** A reserve park
2 ranger may issue a citation to a person violating the laws and rules governing parks and outdoor recreation.

3
4 **NEW SECTION. Section 9. Status of reserve park ranger upon activation.** Except as provided in
5 [sections 1 through 18], a reserve park ranger is vested with the same powers, rights, privileges,
6 obligations, and duties as any other park ranger of this state upon being activated by the director, the
7 director's designee, or the administrator of the department's law enforcement division.

8
9 **NEW SECTION. Section 10. Park ranger reserve force coordinator.** The director shall appoint a
10 full-time law enforcement officer of the department as a reserve park ranger force coordinator. The reserve
11 force coordinator shall coordinate the activities of the reserve force with those of the department.

12
13 **NEW SECTION. Section 11. Appointment of reserve park ranger to full-time position.** A reserve
14 park ranger may be appointed as a full-time park ranger through the department's hiring process.

15
16 **NEW SECTION. Section 12. Termination of reserve park ranger.** A reserve park ranger serves at
17 the pleasure of the director, the director's designee, or the administrator of the department's law
18 enforcement division and may be terminated by written notice without cause.

19
20 **NEW SECTION. Section 13. Auxiliary park rangers authorized.** The department may authorize
21 auxiliary park rangers only on the orders and at the direction of the director, the director's designee, or the
22 department's law enforcement administrator.

23
24 **NEW SECTION. Section 14. Role of auxiliary park ranger.** An auxiliary park ranger:

- 25 (1) is subordinate to a full-time park ranger;
26 (2) must be supervised by a full-time park ranger; and
27 (3) may not carry a weapon while on assigned duty.

28
29 **NEW SECTION. Section 15. Auxiliary park ranger -- arrest authority.** An auxiliary park ranger has
30 only the arrest authority granted to a private person in 46-6-502.

1 **NEW SECTION. Section 16. Certain pension and retirement systems -- participation prohibited.**

2 A reserve park ranger or an auxiliary park ranger may not participate in any pension or retirement systems
3 established for full-time law enforcement officers.

4
5 **NEW SECTION. Section 17. Provision of worker's compensation coverage.** The department shall

6 provide full workers' compensation coverage for reserve park rangers and auxiliary park rangers while they
7 are providing actual service to the department. The department shall pay to the insurer a premium
8 established by the insurer to cover the insurance risk of providing coverage for reserve and auxiliary park
9 rangers.

10
11 **NEW SECTION. Section 18. Exceptions.** The provisions of [sections 2, 4, and 5] do not apply to

12 auxiliary park rangers or to sworn volunteer peace officers who are not assigned to park ranger law
13 enforcement duties.

14
15 **Section 19.** Section 13-2-115, MCA, is amended to read:

16 **"13-2-115. Registration lists to be prepared.** (1) Except as provided in subsection (5), immediately
17 after registration is closed, the election administrator shall prepare and must have printed lists of all
18 registered electors in each precinct. Names of electors must be listed alphabetically, with their residence
19 address or with a mailing address if located where street numbers are not used. A preliminary list of
20 registered electors may be printed before the close of registration for an election. If a preliminary list is
21 printed, a supplementary list must be printed after the close of registration.

22 (2) A copy of the list of registered voters must be displayed at the polling place. Extra copies of
23 the lists must be retained by the election administrator and furnished to an elector upon request.

24 (3) The list of registered electors prepared for a primary election may be used for the general
25 election if a supplemental list giving the additions and deletions since the primary list was prepared is
26 printed. The election administrator may prepare lists for a special election, but lists are not required to be
27 printed for special elections.

28 (4) Lists of registered voters need not be printed if the election will not be held.

29 (5) If a law enforcement officer or reserve officer, as defined in 7-32-201, or a reserve park ranger,
30 as defined in [section 1], requests in writing that, for security reasons, the officer's and the officer's

1 spouse's residential address, if the same as the officer's, not be disclosed, the registrar may not include
2 the address on any list of registered voters but shall list only the name or names."

3

4 **Section 20.** Section 13-2-122, MCA, is amended to read:

5 **"13-2-122. Charges for registers, elector lists, and mailing labels made available to public.** (1)
6 Except as provided in subsection (2), upon written request, the registrar shall furnish to any elector, for
7 noncommercial use, a copy of the official precinct registers, a current list of registered electors, or mailing
8 labels for registered electors. Upon delivery, the registrar may collect a charge not to exceed the actual cost
9 of the register, list, or mailing labels.

10 (2) If the registrar receives in writing from a law enforcement officer or reserve officer, as defined
11 in 7-32-201, or a reserve park ranger, as defined in [section 1], a request that, for security reasons, the
12 officer's and the officer's spouse's residential address, if the same as the officer's, not be disclosed, the
13 registrar may not include the address on any register, list, or mailing labels disseminated pursuant to
14 subsection (1)."

15

16 **Section 21.** Section 37-60-406, MCA, is amended to read:

17 **"37-60-406. Peace officer's casual employment.** (1) A peace officer, as defined in 46-1-202, ~~or~~
18 a reserve officer, as defined in 7-32-201, or a reserve park ranger, as defined in [section 1], is not
19 prohibited or restricted from accepting and engaging in employment as a security guard during his off-duty
20 hours, provided that:

21 (a) ~~he the officer or ranger~~ does not advertise ~~his the officer's or ranger's~~ services or solicit
22 employment; ~~and further provided that~~

23 (b) the sheriff, chief, or director of his the officer's or ranger's department previously approves the
24 off-duty employment.

25 (2) A peace officer, ~~or~~ reserve officer, or reserve park ranger engaged in casual employment is
26 exempt from the provisions of this chapter only if the casual employment is authorized in writing by ~~his the~~
27 officer's sheriff or chief of police or the ranger's department director."

28

29 **Section 22.** Section 87-1-503, MCA, is amended to read:

30 **"87-1-503. Ex officio wardens.** (1) The following are ex officio wardens, without pay, as the

1 director may appoint:

2 (a) ~~All~~ all sheriffs and their deputies;

3 (b) all constables;

4 (c) all peace officers of the state or any subdivision of the state;

5 (d) the executive director and investigators of the board of outfitters;

6 (e) all state forest officers;

7 (f) as authorized by cooperative agreement, any officers of the United States forest service, agents
8 of the United States fish and wildlife service, and peace officers of the bureau of land management, national
9 park service, and corps of engineers that are assigned to duty in this state;

10 (g) former fish and game wardens; ~~and~~

11 (h) reserve park rangers, as defined in [section 1]; and

12 (i) field personnel of the department, ~~as the director may appoint are ex officio wardens, without~~
13 ~~pay, except that the~~

14 (2) The department may, in its discretion, allow travel expenses as provided for in 2-18-501
15 through 2-18-503, which, if allowed, must be paid upon proper vouchers from the state fish and game
16 funds.

17 (3) Ex officio wardens have the same powers with reference to the enforcement of the fish and
18 game laws of this state and the laws relating to parks and outdoor recreation contained in Title 23, chapters
19 1 and 2, except chapter 2, part 7, as regularly appointed wardens, and it is their duty to assist, whenever
20 possible, in the enforcement of those laws."

21

22 NEW SECTION. Section 23. Codification instruction. [Sections 1 through 18] are intended to be
23 codified as an integral part of Title 23, chapter 1, part 1, and the provisions of Title 23, chapter 1, part 1,
24 apply to [sections 1 through 18].

25

26 NEW SECTION. Section 24. Effective date. [This act] is effective July 1, 1997.

27

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for SB0091, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An bill establishing a reserve park ranger and auxiliary park ranger program, granting rulemaking authority to the Department of Fish, Wildlife and Parks to determine the training course content and curriculum for reserve park rangers, allowing reserve park rangers to be ex officio wardens.

ASSUMPTIONS:

1. The program will be restricted to one or two regions of the Department of Fish, Wildlife and Parks (FWP) for the first two or three years.
2. Existing law enforcement officers of FWP will be assigned to manage the program.
3. Initial training will take place at the Montana Law Enforcement Academy.
4. Miscellaneous minor costs will be covered by existing budgets.

FISCAL IMPACT:

No fiscal impact.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

Should the program prove successful and be expanded statewide, FWP may need additional resources for expenses and for supervision of these volunteer rangers.

 1-11-97

DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

 1-13-97

LORENTS GROSFIELD, PRIMARY SPONSOR DATE

Fiscal Note for SB091, as introduced

SB 91

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for SB0091, as revised

DESCRIPTION OF PROPOSED LEGISLATION:

An bill establishing a reserve park ranger and auxiliary park ranger program, granting rulemaking authority to the Department of Fish, Wildlife and Parks to determine the training course content and curriculum for reserve park rangers, allowing reserve park rangers to be ex officio wardens.

ASSUMPTIONS:

1. The program will be restricted to one or two regions of the Department of Fish, Wildlife and Parks (FWP) for the first two or three years.
2. Existing law enforcement officers of FWP will be assigned to manage the program.
3. Eight reserve park rangers will be added to the program each year.
4. Initial training will take place at the Montana Law Enforcement Academy. Eight reserve park rangers will receive 10 days of training at \$275 per ranger.
5. Each reserve member will prevent \$400 of vandalism and will collect \$80 in camping fees and \$75 in entry fees that would otherwise not have been collected.
6. Worker Compensation rates are \$0.25 per hour. The eight park rangers will work 180 hours a year.

FISCAL IMPACT:

<u>Expenditures:</u>	<u>FY98</u>	<u>FY99</u>
	<u>Difference</u>	<u>Difference</u>
Workers' Comp	360	720
Training	2,200	2,200
Uniforms	1,200	1,200
Operations	2,000	4,000
Repairs	<u>(3,200)</u>	<u>(6,400)</u>
	2,560	1,720
 <u>Revenues:</u>		
Camping Fees	640	1,280
Entrance Fees	<u>600</u>	<u>1,200</u>
Total	1,240	2,480
 <u>Net Impact on Fund Balance:</u> (Revenue minus expense)		
Parks Misc. (02)	(1,320)	760

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

Should the program prove successful and be expanded statewide, the department may need additional resources for expenses and for supervision of these volunteer rangers.

Dave Lewis 1-14-97
 DAVE LEWIS, BUDGET DIRECTOR DATE
 Office of Budget and Program Planning

Lorents Grosfield Jan 15 1997
 LORENTS GROSFIELD, PRIMARY SPONSOR DATE
 Fiscal Note for SB0091, as revised

Rev. SB-91 #2