

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: SB 1262 (First Edition)

SHORT TITLE: Parks and Rec Mutual Aid Agreement

SPONSOR(S): Senators Albertson, Clodfelter and Odom

FISCAL IMPACT				
Yes ()	No (X)	No Estimate Available ()		
<u>FY 2002-03</u>	<u>FY 2003-04</u>	<u>FY 2004-05</u>	<u>FY 2005-06</u>	<u>FY 2006-07</u>
REVENUES				
EXPENDITURES				
POSITIONS:				
PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED: Department of Environment and Natural Resources and local law enforcement agencies (municipal police departments, county police departments or sheriff's departments).				
EFFECTIVE DATE: This act effective when it becomes law.				

BILL SUMMARY: The bill authorizes the Department of Environment and Natural Resources (DENR) to enter into mutual aid agreements with municipal and county law enforcement agencies on behalf of its special peace officers, which have been designated as such for the purpose of enforcing the laws and rules governing the State parks system.

ASSUMPTIONS AND METHODOLOGY:

Background: DENR employees who are designated as Special Peace Officers have the authority to enforce any law or rule on or relating to the State parks, lakes, reservations and other lands or waters under the control or supervision of the Department, but their territorial jurisdiction is limited to the boundaries of the State parks, lakes, reservations, etc. This bill would authorize the Department of Environment and Natural Resources (DENR) to enter into mutual aid agreements with municipal and county law enforcement agencies as allowed by G.S. 160A-288, Cooperation Between Law Enforcement Agencies. While operating under the mutual aid agreement, the territorial and subject matter jurisdiction of the Special Peace Officers would be temporarily expanded to match the jurisdiction, powers, rights, privileges and immunities of the requesting local law enforcement agency.

Division of Parks and Recreation: According to the Division of Parks and Recreation (DPR), State park rangers are an active part of their surrounding communities and are increasingly interacting with county and municipal law enforcement agencies in an attempt to address a

variety of public safety issues, such as directing traffic leaving crowded State parks and search and rescue situations. The Division envisions that its use of a mutual aid agreement would be limited to emergency situations of short duration and within close proximity to the affected park.

There is no fiscal impact on the Division of Parks and Recreation to enter into mutual aid agreements. This bill simply allows the Department to enter into formal agreements with the appropriation law enforcement agencies to provide and receive assistance. While providing assistance, a Special Peace Officer is subject to the lawful operational commands of his superior officers in the requesting agency, but remains under the control of his own agency for personnel and administrative purposes, including pay. As a result, neither agency incurs the personnel expenses of the other agency. The statute governing mutual aid agreements also authorizes agencies to *loan* equipment and supplies. However, in most instances, the Division would use its assigned state vehicles and equipment when assisting another law enforcement agency. Thus, the purchase of new equipment and supplies is not necessary in carrying out these agreements.

Local Law Enforcement Agencies: No local law enforcement agencies were contacted in preparing this fiscal note. This note assumes, however, that there will be no fiscal impact on local law enforcement agencies for the same reasons this bill has no fiscal impact on DENR.

SOURCES OF DATA: Division of Parks and Recreation

TECHNICAL CONSIDERATIONS: None

FISCAL RESEARCH DIVISION: (919) 733-4910

PREPARED BY: Jennifer Hoffmann

APPROVED BY: James D. Johnson

DATE: July 9, 2002



Signed Copy Located in the NCGA Principal Clerk's Offices