

1 \_\_\_\_\_ BILL NO. \_\_\_\_\_

2 INTRODUCED BY \_\_\_\_\_  
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT IMPLEMENTING THE PROVISIONS OF HOUSE BILL 2;  
5 GENERALLY REVISING SEARCH AND RESCUE FUNDING; PROVIDING THAT CONSERVATION LICENSE  
6 REVENUE FOR SEARCH AND RESCUE FUNDING IS A VOLUNTARY DONATION; PROVIDING FOR  
7 SEGREGATION OF SURCHARGES THAT WERE MANDATORY FROM DONATIONS; AMENDING  
8 SECTIONS 10-3-801, 87-1-601, AND 87-2-202, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN  
9 APPLICABILITY DATE."

10  
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12  
13 **Section 1.** Section 10-3-801, MCA, is amended to read:

14 **"10-3-801. Account created for funding search and rescue operations -- rules.** (1) There is an  
15 account in the state special revenue fund established in 17-2-102. The account must be administered by the  
16 disaster and emergency services division of the department exclusively for the purposes of search and rescue  
17 as provided in this section. The department may retain up to 5% of the money in the account to pay its costs of  
18 administering this section.

19 (2) There must be deposited in the account:

20 (a) fund transfers pursuant to 15-1-122(2)(e);

21 (b) fund transfers pursuant to 87-1-601(10). These funds may be used only as provided in 87-1-  
22 601(10).

23 (c) all money received by the department in the form of gifts, grants, reimbursements, or  
24 appropriations from any source intended to be used for search and rescue operations.

25 (3) (a) Not less than 50% of the money in the account must be used by the department to defray  
26 costs of:

27 (i) local search and rescue units for search and rescue missions conducted through a county sheriff's  
28 office at a maximum of ~~\$6,000~~ \$25,000 for each rescue mission, regardless of the number of counties or county

1 search and rescue organizations involved. To fulfill the purposes of this subsection (3)(a)(i), the department  
2 shall transmit reimbursement money to the county treasurer, who shall deposit the funds in a separate search  
3 and rescue fund accessible by the local search and rescue unit that requested the reimbursement. The county  
4 treasurer shall notify the reimbursed local search and rescue unit by mail when the deposit occurs.

5 (ii) a county sheriff's office at a maximum of ~~\$6,000~~ \$25,000 for each rescue mission, regardless of the  
6 number of counties or county search and rescue organizations involved.

7 (b) The remaining money in the account may be used by the department:

8 (i) to match local funds for the purchase of equipment for use by local search and rescue units at a  
9 maximum of ~~\$6,000~~ \$25,000 for each unit in a calendar year. The cost-sharing match must be 35% local funds  
10 to 65% from the account.

11 (ii) for reimbursement of expenses related to the training of search and rescue volunteers.

12 (4) The department may adopt rules to implement the proper administration of the account. The rules  
13 may include:

14 (a) a method of reimbursing local search and rescue units or a county sheriff's office, on a case-by-  
15 case basis, for authorized search and rescue operations conducted pursuant to subsection (3)(a), including  
16 verification of search missions, claims procedures, fiscal accountability, and the number and circumstances of  
17 search missions involving persons engaged in hunting, fishing, and trapping in a fiscal year;

18 (b) methods for processing requests for equipment matching funds and training funds made pursuant  
19 to subsection (3)(b), including any verification and accounting necessary to ensure that the provisions of  
20 subsection (3)(b) are met, and determining the percentage of all search missions involving persons engaged in  
21 hunting, fishing, or trapping in a fiscal year;

22 (c) a system involving input from representatives of county sheriff organizations and state and local  
23 search and rescue organizations for assistance in verifying and processing claims for reimbursement,  
24 equipment, and training; and

25 (d) a method for compiling and keeping current a contact list of all search and rescue units in  
26 Montana and in neighboring states and provinces in order to ensure collaboration, communication, and  
27 cooperation between the various county search and rescue units and between the department and the county  
28 units and dedication of a page on the department's website for posting the contact list and other relevant search

1 and rescue information."

2

3 **Section 2.** Section 87-1-601, MCA, is amended to read:

4 **"87-1-601. Use of fish and game money.** (1) (a) Except as provided in 87-1-290, 87-1-293, 87-1-  
5 623, and subsections (8) and (10) of this section, all money collected or received from the sale of hunting and  
6 fishing licenses or permits, from the sale of seized game or hides, from damages collected for violations of the  
7 fish and game laws of this state, or from appropriations or received by the department from any other state  
8 source must be turned over to the department of revenue and placed in the state special revenue fund to the  
9 credit of the department.

10 (b) Any money received from federal sources must be deposited in the federal special revenue fund  
11 to the credit of the department.

12 (c) All interest earned on money from the following sources must be placed in the state special  
13 revenue fund to the credit of the department:

14 (i) the general license account;

15 (ii) the license drawing account;

16 (iii) accounts established to administer the provisions of 87-1-246, 87-1-258, 87-1-605, 87-2-411, 87-2-  
17 722, and 87-2-724; and

18 (iv) money received from the sale of any other hunting and fishing license.

19 (2) Except as provided in 87-2-411, the money described in subsection (1) must be exclusively set  
20 apart and made available for the payment of all salaries, per diem, fees, expenses, and expenditures  
21 authorized to be made by the department under the terms of this title. The money described in subsection (1)  
22 must be spent for those purposes by the department, subject to appropriation by the legislature.

23 (3) Any reference to the fish and game fund in Title 87 means fish and game money in the state  
24 special revenue fund and the federal special revenue fund.

25 (4) Except as provided in subsections (8) and (9), all money collected or received from fines and  
26 forfeited bonds, except money collected or received by a justice's court, that relates to violations of state fish  
27 and game laws under Title 87 must be deposited by the department of revenue and credited to the department  
28 in a state special revenue fund account for this purpose. Out of any fine imposed by a court for the violation of

1 the fish and game laws, the costs of prosecution must be paid to the county where the trial was held in any  
2 case in which the fine is not imposed in addition to the costs of prosecution.

3 (5) (a) Except as provided in 87-1-621, section 2(3), Chapter 560, Laws of 2005, and subsection (6)  
4 of this section, money must be deposited in an account in the permanent fund if it is received by the department  
5 from:

6 (i) the sale of surplus real property;

7 (ii) exploration or development of oil, gas, or mineral deposits from lands acquired by the department,  
8 except royalties or other compensation based on production; and

9 (iii) leases of interests in department real property not contemplated at the time of acquisition.

10 (b) The interest derived from the account, but not the principal, may be used only for the purpose of  
11 operation, development, and maintenance of real property of the department and only upon appropriation by  
12 the legislature. If the use of money as set forth in this section would result in violation of applicable federal laws  
13 or state statutes specifically naming the department or money received by the department, then the use of this  
14 money must be limited in the manner, method, and amount to those uses that do not result in a violation.

15 (6) Money received from the sale or lease of lands acquired and managed for the purposes of Title  
16 23, chapter 1, must be deposited in the state special revenue fund in the account established for miscellaneous  
17 funds received for state parks and may be used only for the purposes of Title 23, chapter 1.

18 (7) Money received from the collection of license drawing applications is subject to the deposit  
19 requirements of 17-6-105(6) unless the department has submitted and received approval for a modified deposit  
20 schedule pursuant to 17-6-105(8).

21 (8) Money collected or received from fines or forfeited bonds for the violation of 77-1-801, 77-1-806,  
22 or rules adopted under 77-1-804 must be deposited in the state general fund.

23 (9) The department of revenue shall deposit in the state general fund one-half of the money received  
24 from the fines imposed pursuant to Title 87, chapter 6.

25 (10) (a) The department shall deposit all money received from the voluntary search and rescue  
26 ~~surcharge donation~~ donation in 87-2-202 in a state special revenue account to the credit of the department for search  
27 and rescue purposes as provided for in 10-3-801.

28 (b) Upon certification by the department of reimbursement requests submitted by the department of

1 military affairs for search and rescue missions ~~involving persons engaged in hunting, fishing, or trapping~~, the  
 2 department may transfer funds from the special revenue account to the search and rescue account provided for  
 3 in 10-3-801 to reimburse counties for the costs of those missions as provided in 10-3-801.

4 (c) Using funds in the department's search and rescue account that are not already committed to  
 5 reimbursement for search and rescue missions, the department may provide matching funds to the department  
 6 of military affairs to reimburse counties for search and rescue training and equipment costs up to the proportion  
 7 that the number of search and rescue missions ~~involving persons engaged in hunting, fishing, or trapping~~ bears  
 8 to the statewide total of search and rescue missions.

9 (d) Any money deposited in the special revenue account is available for reimbursement of search and  
 10 rescue missions and to provide matching funds to reimburse counties for search and rescue training and  
 11 equipment costs."  
 12

13 **Section 3.** Section 87-2-202, MCA, is amended to read:

14 **"87-2-202. Application -- fee.** (1) Except as provided in 87-2-817(2), a wildlife conservation license  
 15 must be sold upon written application. The application must contain the applicant's name, age, [last four digits  
 16 of the applicant's social security number,] occupation, street address of permanent residence, mailing address,  
 17 qualifying length of time as a resident in the state of Montana, and status as a citizen of the United States or as  
 18 an alien and must be signed by the applicant. The applicant shall present a valid Montana driver's license, a  
 19 Montana driver's examiner's identification card, a tribal identification card, or other identification specified by the  
 20 department to substantiate the required information when applying for a wildlife conservation license. It is the  
 21 applicant's burden to provide documentation establishing the applicant's identity and qualifications to purchase  
 22 a wildlife conservation license or to receive a free wildlife conservation license pursuant to 87-2-817(2).

23 (2) Hunting, fishing, or trapping licenses issued in a form determined by the department must be  
 24 recorded according to rules that the department may prescribe.

25 (3) (a) Resident wildlife conservation licenses may be purchased for a fee of \$8, of which 25 cents is  
 26 a voluntary search and rescue surcharge donation.

27 (b) Nonresident wildlife conservation licenses may be purchased for a fee of \$10, of which 25 cents is  
 28 a voluntary search and rescue surcharge donation.

1           (c) A person who purchases a wildlife conservation license may make a written election not to pay the  
2 additional search and rescue donation in subsections (3)(a) and (3)(b). If a written election is made, the  
3 donation may not be collected.

4           [(4) The department shall keep the applicant's social security number confidential, except that the  
5 number may be provided to the department of public health and human services for use in administering Title  
6 IV-D of the Social Security Act.]

7           (5) The department shall delete the applicant's social security number in any electronic database [5  
8 years after the date that application is made for the most recent license]. *(Bracketed language terminates or is*  
9 *amended on occurrence of contingency--sec. 3, Ch. 321, L. 2001. The \$2 wildlife conservation license fee*  
10 *increases in subsections (3)(a) and (3)(b) enacted by Ch. 596, L. 2003, are void on occurrence of contingency--*  
11 *sec. 8, Ch. 596, L. 2003.)"*

12

13           **NEW SECTION. Section 4. Transition.** The department of fish, wildlife, and parks shall segregate  
14 search and rescue surcharges that were collected before [the effective date of this act] and administer the  
15 surcharges without regard to the amendments provided in [this act].

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17           **NEW SECTION. Section 5. Effective date.** [This act] is effective July 1, 2021.

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19           **NEW SECTION. Section 6. Applicability.** [This act] applies to wildlife conservation licenses  
20 purchased after June 30, 2021.

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