

HOUSE BILL NO. 759

INTRODUCED BY HENDRICK, MORGAN, LAMBERT, VINCENT, ANKNEY, OLSON

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING SEARCH AND RESCUE LAWS; CREATING A SEARCH AND RESCUE ADVISORY COUNCIL; PROVIDING FOR THE APPOINTMENT AND DUTIES OF COUNCIL MEMBERS; PROVIDING THAT MONEY IN THE SPECIAL REVENUE ACCOUNT ADMINISTERED BY THE DISASTER AND EMERGENCY SERVICES DIVISION FOR SEARCH AND RESCUE OPERATIONS BE REIMBURSED TO LOCAL SEARCH AND RESCUE UNITS TO DEFRAY COSTS OF SEARCH AND RESCUE MISSIONS; PROVIDING THAT MONEY IN THE FISH, WILDLIFE, AND PARKS SPECIAL REVENUE ACCOUNT FOR SEARCH AND RESCUE REMAIN AVAILABLE FOR REIMBURSEMENT OF SEARCH AND RESCUE MISSIONS AND TO PROVIDE MATCHING FUNDS TO REIMBURSE COUNTIES FOR SEARCH AND RESCUE TRAINING AND EQUIPMENT COSTS ON AN ONGOING BASIS; AMENDING SECTIONS 10-3-801 AND 87-1-601, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

NEW SECTION. Section 1. Creation of search and rescue advisory council -- appointment of members -- duties. (1) The governor shall appoint a search and rescue advisory council to advise the department on issues related to search and rescue.

(2) The search and rescue advisory council must be composed of ~~44~~ SEVEN members as follows:

(a) ~~eight~~ FOUR search and rescue volunteers who are current members of county search and rescue units;

(b) one county sheriff;

(c) one member representing the disaster and emergency services division of the department; and

(d) one member representing the department of fish, wildlife, and parks.

(3) The search and rescue advisory council is attached to the department in an advisory capacity only, as defined in 2-15-102.

(4) (a) The search and rescue advisory council shall advise the department regarding the possible adoption of qualification standards for local search and rescue units, which may be based on model standards promulgated by the national association for search and rescue.

(b) The search and rescue advisory council shall serve as the primary liaison to coordinate

communication between the various county search and rescue units and between the department and the county units. To facilitate coordination, the search and rescue advisory council shall, in conjunction with the department, compile and keep current a contact list of all search and rescue units in Montana and in neighboring states and provinces in order to ensure collaboration, communication, and cooperation. The department may dedicate a page on the department's website for posting the contact list and other relevant search and rescue information.

(c) The search and rescue advisory council shall accept reports from county search and rescue units concerning each unit's needs for equipment and supplies and advise the department regarding the possibility of procuring the needed equipment and supplies through the state agency for surplus property under Title 18, chapter 5, part 2, or through the department of administration under Title 18, chapter 6, part 1.

(5) Search and rescue advisory council members are entitled to compensation and travel expenses as provided in 2-15-122.

Section 2. Section 10-3-801, MCA, is amended to read:

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

(2) There must be deposited in the account:

- (a) fund transfers pursuant to 15-1-122(3)(f);
- (b) fund transfers pursuant to 87-1-601(9). These funds may be used only as provided in 87-1-601(9).
- (c) all money received by the department in the form of gifts, grants, reimbursements, or appropriations from any source intended to be used for search and rescue operations.

(3) (a) Not less than 50% of the money in the account must be used by the department to defray costs of local search and rescue units for search and rescue missions conducted by a county sheriff's office at a maximum of \$3,000 for each rescue mission, regardless of the number of counties or county search and rescue organizations involved. The department shall transmit the reimbursement money to the county treasurer for deposit in a separate search and rescue account as part of each county's treasury, and upon deposit, the money must be accessible immediately by the local search and rescue unit that requested the reimbursement. The county treasurer shall notify the reimbursed local search and rescue unit by mail when the deposit occurs.

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

(i) to match local funds for the purchase of equipment for use by local search and rescue units at a maximum of \$2,000 for each unit in a calendar year. The cost-sharing match must be 35% local funds to 65% from the account.

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

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

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

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

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

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

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

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

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

(i) the general license account;

(ii) the license drawing account;

(iii) accounts established to administer the provisions of 87-1-246, 87-1-258, 87-1-605, 87-2-411,

87-2-722, and 87-2-724; and

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

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

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

(4) Except as provided in subsections (7) and (8), all money collected or received from fines and forfeited bonds, except money collected or received by a justice's court, that relates to violations of state fish and game laws under Title 87 must be deposited by the department of revenue and credited to the department in a state special revenue fund account for this purpose. Out of any fine imposed by a court for the violation of the fish and game laws, the costs of prosecution must be paid to the county where the trial was held in any case in which the fine is not imposed in addition to the costs of prosecution.

(5) (a) Except as provided in section 2(3), Chapter 560, Laws of 2005, money must be deposited in an account in the permanent fund if it is received by the department from:

(i) the sale of surplus real property;

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

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

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

(6) Money received from the collection of license drawing applications is not subject to the deposit requirements of 17-6-105. The department shall deposit license drawing application money within a reasonable time after receipt.

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

(8) The department of revenue shall deposit in the state general fund one-half of the money received

from the fines pursuant to 87-1-102.

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

(b) Upon certification by the department of reimbursement requests submitted by the department of military affairs for search and rescue missions involving persons engaged in hunting, fishing, or trapping, the department may transfer funds from the special revenue account to the search and rescue account provided for in 10-3-801 to reimburse counties for the costs of those missions as provided in 10-3-801.

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

(d) Any money deposited in the special revenue account ~~in a fiscal year~~ is available for reimbursement of search and rescue missions and to provide matching funds to reimburse counties for search and rescue training and equipment costs. ~~during the fiscal year when the money is deposited and during the following fiscal year. After this period, any money remaining in the special revenue account after the transfers provided for in this section must be transferred to the general license account of the department."~~

NEW SECTION. Section 4. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 10, chapter 3, part 8, and the provisions of Title 10, chapter 3, part 8, apply to [section 1].

NEW SECTION. Section 5. Effective date. [This act] is effective on passage and approval.

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