

## 1 HOUSE BILL NO. 641

2 INTRODUCED BY S. GIST, F. ANDERSON, D. BARTEL, S. BERGLEE, M. BINKLEY, L. BREWSTER, W.  
3 CURDY, N. DURAM, D. FERN, T. FRANCE, S. GALLOWAY, E. HILL, C. HINKLE, J. KASSMIER, S. KERNS,  
4 C. KNUDSEN, B. LER, R. MARSHALL, B. MITCHELL, M. NOLAND, B. PHALEN, J. READ, J. SCHILLINGER,  
5 M. THANE, B. TSCHIDA, B. USHER, T. WELCH, K. WHITMAN, K. ZOLNIKOV  
6

7 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO SEARCH AND RESCUE UNITS;  
8 AUTHORIZING A SEARCH AND RESCUE UNIT TO POSSESS HUMAN REMAINS FOR TRAINING SEARCH  
9 AND RESCUE CANINES; REVISING LAWS RELATED TO ANATOMICAL GIFTS TO ALLOW SEARCH AND  
10 RESCUE UNITS AS AUTHORIZED DONEES IN CERTAIN CIRCUMSTANCES; ALLOWING MONETARY  
11 DONATIONS FOR THE SUPPORT AND TRAINING OF SEARCH AND RESCUE UNITS; PROVIDING A  
12 STATUTORY APPROPRIATION; AND AMENDING SECTIONS 7-32-235, 17-7-502, AND 72-17-202, MCA."  
13

14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
15

16 **Section 1.** Section 7-32-235, MCA, is amended to read:

17 **"7-32-235. Search and rescue units authorized -- under control of county sheriff -- optional**  
18 **funding.** (1) A county may establish or recognize one or more search and rescue units within the county.

19 (2) (a) Except in time of martial rule as provided in 10-1-106, search and rescue units and their  
20 officers are under the operational control and supervision of the county sheriff, or the sheriff's designee, having  
21 jurisdiction and whose span of control would be considered within reasonable limits.

22 (b) A county sheriff or the sheriff's designee may authorize the participation of members of the civil air  
23 patrol, including cadets under 18 years of age, in search and rescue operations.

24 (3) Subject to 15-10-420, a county may, after approval by a majority of the people voting on the  
25 question at an election held throughout the county, levy an annual tax on the taxable value of all taxable  
26 property within the county to support one or more search and rescue units established or recognized under  
27 subsection (1). The election must be held as provided in 15-10-425.

28 (4) A search and rescue unit established or recognized by a county may possess human remains as

1 defined in 37-19-101 for the purpose of training canines used for search and rescue work.

2 (a) The county sheriff or the sheriff's designee shall keep an inventory of all human remains that are  
 3 kept for the purpose of training search and rescue canines. The inventory must be updated when the search  
 4 and rescue unit receives human remains or disposes of human remains that are no longer useful to the search  
 5 and rescue unit.

6 (b) Each search and rescue unit that possesses human remains for the purpose of training search  
 7 and rescue canines shall establish policies and standard operating procedures for access to, the inventory of,  
 8 and the possession and disposal of human remains kept for the purpose of training search and rescue  
 9 canines."

10

11 **NEW SECTION. Section 2. Account for search and rescue unit training and support.** (1)(a)

12 Subject to legislative fund transfer, there is a special revenue account within the state special revenue fund  
 13 established in 17-2-102 for county search and rescue unit training and support services.

14 (b) There must be deposited in the account all monetary contributions, gifts, and donations for the  
 15 purposes of providing educational and training services, equipment, and other materials necessary for the  
 16 operation of a search and rescue unit established or recognized by a county as allowed in 7-32-235.

17 (c) Money in the account is statutorily appropriated, as provided in 17-7-502, to the department of  
 18 administration and may only be used for those purposes provided in this section.

19 (2) A county sheriff may request to receive funding from the special revenue account created in this  
 20 section to provide additional training, support, or equipment to one or more search and rescue units in the  
 21 county established or recognized under 7-32-235.

22

23 **Section 3.** Section 17-7-502, MCA, is amended to read:

24 **"17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory  
 25 appropriation is an appropriation made by permanent law that authorizes spending by a state agency without  
 26 the need for a biennial legislative appropriation or budget amendment.

27 (2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with  
 28 both of the following provisions:

1 (a) The law containing the statutory authority must be listed in subsection (3).

2 (b) The law or portion of the law making a statutory appropriation must specifically state that a  
3 statutory appropriation is made as provided in this section.

4 (3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120; 5-11-  
5 407; 5-13-403; 5-13-404; 7-4-2502; section 2; 10-1-108; 10-1-1202; 10-1-1303; 10-2-603; 10-2-807; 10-3-203;  
6 10-3-310; 10-3-312; 10-3-314; 10-3-802; 10-3-1304; 10-4-304; 15-1-121; 15-1-218; 15-31-1004; 15-31-1005;  
7 15-35-108; 15-36-332; 15-37-117; 15-39-110; 15-65-121; 15-70-101; 15-70-130; 15-70-433; 16-11-119; 16-11-  
8 509; 17-3-106; 17-3-212; 17-3-222; 17-3-241; 17-6-101; 17-7-215; 18-11-112; 19-3-319; 19-3-320; 19-6-404;  
9 19-6-410; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 19-20-607; 19-21-  
10 203; 20-8-107; 20-9-534; 20-9-622; 20-9-905; 20-26-617; 20-26-1503; 22-1-327; 22-3-116; 22-3-117; 22-3-  
11 1004; 23-4-105; 23-5-306; 23-5-409; 23-5-612; 23-7-301; 23-7-402; 30-10-1004; 37-43-204; 37-50-209; 37-54-  
12 113; 39-71-503; 41-5-2011; 42-2-105; 44-4-1101; 44-12-213; 44-13-102; 50-1-115; 53-1-109; 53-6-148; 53-9-  
13 113; 53-24-108; 53-24-206; 60-11-115; 61-3-321; 61-3-415; 67-1-309; 69-3-870; 69-4-527; 75-1-1101; 75-5-  
14 1108; 75-6-214; 75-11-313; 75-26-308; 76-13-151; 76-13-150; 76-17-103; 76-22-109; 77-1-108; 77-2-362; 80-  
15 2-222; 80-4-416; 80-11-518; 80-11-1006; 81-1-112; 81-1-113; 81-7-106; 81-7-123; 81-10-103; 82-11-161; 85-2-  
16 526; 85-20-1504; 85-20-1505; [85-25-102]; 87-1-603; 90-1-115; 90-1-205; 90-1-504; 90-6-331; and 90-9-306.

17 (4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing,  
18 paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued  
19 pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of  
20 Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined  
21 by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have  
22 statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the  
23 inclusion of 19-20-604 terminates contingently when the amortization period for the teachers' retirement  
24 system's unfunded liability is 10 years or less; pursuant to sec. 73, Ch. 44, L. 2007, the inclusion of 19-6-410  
25 terminates contingently upon the death of the last recipient eligible under 19-6-709(2) for the supplemental  
26 benefit provided by 19-6-709; pursuant to sec. 27, Ch. 285, L. 2015, and sec. 1, Ch. 292, L. 2015, the inclusion  
27 of 53-9-113 terminates June 30, 2021; pursuant to sec. 6, Ch. 291, L. 2015, the inclusion of 50-1-115  
28 terminates June 30, 2021; pursuant to sec. 5, Ch. 383, L. 2015, the inclusion of 85-25-102 is effective on

1 occurrence of contingency; pursuant to sec. 6, Ch. 423, L. 2015, the inclusion of 22-3-116 and 22-3-117  
 2 terminates June 30, 2025; pursuant to sec. 33, Ch. 457, L. 2015, the inclusion of 20-9-905 terminates  
 3 December 31, 2023; pursuant to sec. 12, Ch. 55, L. 2017, the inclusion of 37-54-113 terminates June 30, 2023;  
 4 pursuant to sec. 4, Ch. 122, L. 2017, the inclusion of 10-3-1304 terminates September 30, 2025; pursuant to  
 5 sec. 55, Ch. 151, L. 2017, the inclusion of 30-10-1004 terminates June 30, 2021; pursuant to sec. 1, Ch. 213, L.  
 6 2017, the inclusion of 90-6-331 terminates June 30, 2027; pursuant to secs. 5, 8, Ch. 284, L. 2017, the  
 7 inclusion of 81-1-112, 81-1-113, and 81-7-106 terminates June 30, 2023; pursuant to sec. 1, Ch. 340, L. 2017,  
 8 the inclusion of 22-1-327 terminates July 1, 2023; pursuant to sec. 10, Ch. 374, L. 2017, the inclusion of 76-17-  
 9 103 terminates June 30, 2027; pursuant to sec. 5, Ch. 50, L. 2019, the inclusion of 37-50-209 terminates  
 10 September 30, 2023; pursuant to sec. 1, Ch. 408, L. 2019, the inclusion of 17-7-215 terminates June 30, 2029;  
 11 pursuant to secs. 11, 12, and 14, Ch. 343, L. 2019, the inclusion of 15-35-108 terminates June 30, 2027;  
 12 pursuant to sec. 7, Ch. 465, L. 2019, the inclusion of 85-2-526 terminates July 1, 2023; and pursuant to sec. 5,  
 13 Ch. 477, L. 2019, the inclusion of 10-3-802 terminates June 30, 2023.)"

14

15 **Section 4.** Section 72-17-202, MCA, is amended to read:

16 **"72-17-202. Persons who may become donees -- purposes for which anatomical gifts may be**  
 17 **made.** (1) The following persons may become donees of anatomical gifts for the purposes stated if named in  
 18 the document of gift:

19 (a) a hospital, surgeon, physician, or procurement organization, an accredited medical school, dental  
 20 school, college, or university, ~~or~~ another appropriate person for education or research, a search and rescue unit  
 21 established or recognized by a county as provided in 7-32-235, or persons certified by a state or local law  
 22 enforcement agency to train search and rescue canines;

23 (b) subject to subsection (2), an individual designated by the person making the anatomical gift if the  
 24 individual is the recipient of the part; or

25 (c) an eye bank or tissue bank.

26 (2) If an anatomical gift to an individual under subsection (1)(b) cannot be transplanted into the  
 27 individual, the part passes in accordance with subsection (7) in the absence of an express, contrary indication  
 28 by the person making the anatomical gift.

1           (3) If an anatomical gift of one or more specific parts or of all parts is made in a document of gift that  
2 does not name a person described in subsection (1) but identifies the purpose for which an anatomical gift may  
3 be used, the following rules apply:

4           (a) If the part is an eye and the gift is for the purpose of transplantation or therapy, the gift passes to  
5 the appropriate eye bank.

6           (b) If the part is tissue and the gift is for the purpose of transplantation or therapy, the gift passes to  
7 the appropriate tissue bank.

8           (c) If the part is an organ and the gift is for the purpose of transplantation or therapy, the gift passes to  
9 the appropriate organ procurement organization as custodian of the organ.

10           (d) If the part is an organ, an eye, or tissue and the gift is for the purpose of research or education,  
11 the gift passes to the appropriate organ procurement organization.

12           (e) If the part is for the purpose of training a search and rescue canine as allowed in 7-32-235(4), the  
13 gift passes to the search and rescue unit established or recognized by the county in which the gift was made. A  
14 county coroner or sheriff may transfer the gift to an established or recognized canine search and rescue unit in  
15 another county or to a person certified by a state or local law enforcement agency to train search and rescue  
16 canines if the county in which the gift was made has not established or recognized a search and rescue unit.

17           (4) For the purpose of subsection (3), if there is more than one purpose of an anatomical gift set forth  
18 in the document of gift but the purposes are not set forth in any priority, the anatomical gift must be used for  
19 transplantation or therapy, if suitable. If the anatomical gift cannot be used for transplantation or therapy, the gift  
20 may be used for:

21           (a) research or education; or

22           (b) the training of search and rescue canines.

23           (5) If an anatomical gift of one or more specific parts is made in a document of gift that does not name  
24 a person described in subsection (1) and does not identify the purpose of the gift, the gift may be used only for  
25 transplantation or therapy and the gift passes in accordance with subsection (7).

26           (6) If a document of gift specifies only a general intent to make an anatomical gift by words such as  
27 "donor", "organ donor", or "body donor" or by a symbol or statement of similar import, the gift may be used only  
28 for transplantation or therapy and the gift passes in accordance with subsection (7).

1 (7) For purposes of subsections (2), (5), and (6), the following rules apply:

2 (a) If the part is an eye, the gift passes to the appropriate eye bank.

3 (b) If the part is tissue, the gift passes to the appropriate tissue bank.

4 (c) If the part is an organ, the gift passes to the appropriate organ procurement organization as  
5 custodian of the organ.

6 (8) An anatomical gift of an organ for transplantation or therapy, other than an anatomical gift under  
7 subsection (1)(b), passes to the organ procurement organization as custodian of the organ.

8 (9) If an anatomical gift does not pass pursuant to subsections (1) through (8) or the decedent's body  
9 or part is not used for transplantation, therapy, research, ~~or~~ education, or training search and rescue canines,  
10 custody of the body or part passes to the person under obligation to dispose of the body or part.

11 (10) If the donee knows of the decedent's refusal or contrary indications to make an anatomical gift or  
12 that an anatomical gift by a member of a class having priority to act is opposed by a member of the same class  
13 or a prior class under 72-17-214, the donee may not accept the anatomical gift. For the purposes of this  
14 subsection, if a person knows that an anatomical gift was made on a document of gift, the person is considered  
15 to know of any amendment or revocation of the anatomical gift or any refusal to make an anatomical gift on the  
16 same document of gift.

17 (11) Except as otherwise provided in subsection (1)(b), nothing in this section affects the allocation of  
18 organs for transplantation or therapy."

19  
20 **NEW SECTION. Section 5. Codification instruction.** [Section 2] is intended to be codified as an  
21 integral part of Title 7, chapter 32, part 2, and the provisions of Title 7, chapter 32, part 2, apply to [section 2].

22 - END -