

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(2)(e);

(b) fund transfers pursuant to 87-1-601(10);

(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:

(i) local search and rescue units for search and rescue missions conducted through a county sheriff's office at a maximum of \$12,000 for each rescue mission, regardless of the number of counties or county search and rescue organizations involved. To fulfill the purposes of this subsection (3)(a)(i), the department shall transmit reimbursement money to the county treasurer, who shall deposit the funds in a separate search and rescue fund accessible 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.

(ii) a county sheriff's office at a maximum of \$12,000 for each rescue mission, regardless of the number of counties or county search and rescue organizations involved.

(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 \$12,000 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 local search and rescue units or a county sheriff's office, 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, and fiscal accountability;

(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;

(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; and

(d) a method for compiling and keeping 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 between the various county search and rescue units and between the department and the county units and dedication of a page on the department's website for posting the contact list and other relevant search and rescue information.

History: En. Sec. 1, Ch. 534, L. 2003; amd. Sec. 2, Ch. 542, L. 2005; amd. Sec. 1, Ch. 332, L. 2007; amd. Sec. 1, Ch. 71, L. 2009; amd. Sec. 5, Ch. 486, L. 2009; amd. Sec. 1, Ch. 62, L. 2011; amd. Sec. 4, Ch. 347, L. 2015; amd. Sec. 2, Ch. 430, L. 2015; amd. Sec. 3, Ch. 343, L. 2019; amd. Secs. 2, 3, Ch. 563, L. 2021.

Compiler's Comments

2021 Amendments: (Version effective March 1, 2022) Chapter 563 in (2)(b) deleted former final sentence that read: "These funds may be used only as provided in 87-1-601(10)"; in (3)(a)(i), (3)(a)(ii), and (3)(b)(i) after "a maximum of" substituted "\$50,000" for "\$6,000"; in (4)(a) at end deleted "and the number and circumstances of search missions involving persons engaged in hunting, fishing, and trapping in a fiscal year"; in (4)(b) at end deleted "and determining the percentage of all search missions involving persons engaged in hunting, fishing, or trapping in a fiscal year"; and made minor changes in style. Amendment effective March 1, 2022.

(Version effective July 1, 2023) Chapter 563 in (3)(a)(i), (3)(a)(ii), and (3)(b)(i) after "a maximum of"

substituted "\$12,000" for "\$50,000"; and made minor changes in style. Amendment effective July 1, 2023.

2019 Amendment: Chapter 343 in (2)(a) substituted "15-1-122(2)(e)" for "15-1-122(3)(e)". Amendment effective July 1, 2019.

2015 Amendments — Composite Section: Chapter 347 in (2)(a) substituted "15-1-122(3)(f)" for "15-1-122(2)(f)". Amendment effective July 1, 2015.

Chapter 430 in (2)(a) substituted "15-1-122(2)(e)" for "15-1-122(2)(f)". Amendment effective January 1, 2016.

The code commissioner changed the subsection references to 15-1-122 to reflect the composite of that section.

Applicability: Section 7, Ch. 430, L. 2015, provided: "[This act] applies to rental car sales and use taxes levied after December 31, 2015."

2011 Amendment: Chapter 62 in (2)(b) in two places substituted "87-1-601(10)" for "87-1-601(9)". Amendment effective March 25, 2011.

2009 Amendments — Composite Section: Chapter 71 in (3)(a)(i) in first sentence and in (3)(a)(ii) near beginning increased maximum for each rescue mission from \$3,000 to \$6,000; and in (3)(b)(i) in first sentence increased maximum matching funds from \$2,000 to \$6,000 for each unit in a calendar year. Amendment effective October 1, 2009.

Chapter 486 in (2)(a) after "pursuant to" substituted "15-1-122(2)(f)" for "15-1-122(3)(f)". Amendment effective July 1, 2009.

2007 Amendment: Chapter 332 in (3)(a)(i) inserted second and third sentences concerning reimbursement to local search and rescue units; in (3)(a)(i) and (4)(a) near beginning inserted reference to local search and rescue units; inserted (3)(a)(ii) concerning maximum reimbursement regardless of counties or units involved; inserted (4)(d) requiring the compilation and website publication of a current contact list of all search and rescue units in Montana and neighboring states and provinces; and made minor changes in style. Amendment effective April 27, 2007.

2005 Amendment: Chapter 542 in (2)(a) at end substituted "15-1-122(3)(f)" for "15-1-122(3)(g)"; and made minor changes in style. Amendment effective January 1, 2006.

Effective Date: Section 10(1), Ch. 534, L. 2003, provided that this section is effective January 1, 2004.