

Proposed 2011 Session Legislation

Agency Name & No: MILITARY AFFAIRS 67010

Priority Number: 1 Filename: 670112-001

Short Title: Federal Regulations to Govern (10-1-104, MCA)

Agency Contact Person/Phone: BG John E. Walsh / 324-3000

1. Purpose:

Amend 10-1-104, MCA to make federal military related laws and regulations, as they will exist on October 1, 2011, apply to members of the Montana National Guard (when they are not in a federalized military status).

2. Background:

The proposed legislation is a biennial "Housekeeping" measure that is a result of the MT Supreme court's holding in Lee v. Montana (the court held that the MT legislature has the right to adopt "existing" federal laws and regulations, as state law, but may not adopt changes to federal law that are to occur some time in the future (i.e., prospectively)).

3. Fiscal Impact by Fund Type: This impact should be as specific as possible.

No fiscal impact

4. Summary Checklist [Check & complete all that apply]--

- Housekeeping Only, Federal Requirement, Audit Recommendation, Major Legislation, Anticipated to be Controversial Legislation, Bill Draft has been included in Legislation Submittal, Supports Submitted EPP Item Number, Local Government Fiscal Impact, Increases/Decreases FTE, Revenue changes (Tax, Fee, Penalty), Previous Legislative Sessions, Other state agencies affected, Special Interest Groups Affected, Other.

Proposed 2011 Session Legislation

Agency Name & No: MILITARY AFFAIRS 67010

Priority Number: 2 | Filename: 670121-002

Short Title: Act to clarify 10-3-801, MCA Search and Rescue Fund

Agency Contact Person/Phone: Ken Mesch 841-3911

1. Purpose:

Clarify language in 10-3-801, MCA to allow for continued reimbursement of local SAR Units and Sheriff's Departments

2. Background:

Since the conception of this important funding mechanism to local Search and Rescue (SAR) Units and Sheriff's Offices, the Division has administered the fund and has made monthly reimbursements for SAR Missions, Training and Equipment. Mission reimbursements generally reparative to adverse weather conditions during hunting and fishing seasons. They are affected by annual snow depth for winter recreationists. During years of mild weather the mission numbers are down but the training and equipment needs continue to exist. The amendment to this statute would allow an annual "snapshot" at the start of each fiscal year to set the amount of funding available for that fiscal year to be split between SAR Missions and Training and equipment reimbursements. It is estimated that within the next biennium, there will be more training and equipment reimbursement requests than the 50% of the funds will allow to be paid.

3. Fiscal Impact by Fund Type: This impact should be as specific as possible.

This change would allow the division to pay an estimated additional \$100,000 each biennium to local Search and Rescue Units and Sheriff's offices. The funds are available and there is no needed increase in revenue.

4. Summary Checklist [Check & complete all that apply]--

- Housekeeping Only, Federal Requirement, Audit Recommendation (Audit No.), Major Legislation, Anticipated to be Controversial Legislation, Bill Draft has been included in Legislation Submittal (if available), Supports Submitted EPP Item Number, Local Government Fiscal Impact, Increases FTE, or Decreases FTE by, List FTE amount and program, Increases Existing Revenue (Tax, Fee, Penalty), Decreases Existing Revenue (Tax, Fee, Penalty), Establishes New Revenue (Tax, Fee, Penalty), Leg. has been Submitted in Previous Legislative Sessions (list priority no, LC no, or bill no), Legislation would affect other state agencies (list), Special Interest Groups Affected (list), Other.