SB 249

Department of Legislative Services

Maryland General Assembly
2000 Session

FISCAL NOTE

Senate Bill 249 (Senators Hollinger and Hafer)
Judicial Proceedings

Public Safety - Maryland Search and Rescue Act

This bill establishes a State Search and Rescue Office within the Department of State Police (DSP) to be responsible for the overall coordination of all search and rescue missions in the State, including those involving downed aircraft in coordination with the civil air patrol.

Fiscal Summary

State Effect: General fund expenditures would increase by $394,000 in FY 2001. Out- year costs reflect annualization and inflation. Fourth year expenditures include the cost of replacement automobiles. General fund revenues would not be affected.

(in dollars)	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
GF Revenues	$0	$0	$0	$0	$0
GF Expenditures	394,000	442,400	452,200	507,900	472,900
Net Effect	($394,000)	($442,400)	($452,200)	($507,900)	($472,900)

Note: ( ) = decrease; GF = general funds; FF = federal funds; SF = special funds; - =indeterminate effect

Local Effect: Minimal. It is assumed that participation by trained local government personnel in centrally coordinated search and rescue efforts could be accommodated with existing budgeted resources.

Small Business Effect: None.

Analysis

Bill Summary: This bill establishes a State Search and Rescue (SAR) Office within the Department of State Police (DSP). The office is authorized to adopt regulations relating to search and rescue policies and procedures.

The bill requires the Secretary of State Police to appoint a full-time civilian SAR coordinator, who is entitled to compensation in accordance with the State budget and reimbursement for expenses under the standard State travel regulations. The bill also requires the Secretary to appoint a full-time training coordinator who must be either a commissioned police officer or a civilian employee with a background in training. The SAR coordinator is required to have at least five years experience in search and rescue management and training. The bill specifies the duties of the SAR coordinator, including: (1) to administer and operate the office; (2) to develop, administer, and update a State search and rescue plan; (3) to develop specified training programs; (4) to provide specified certification programs; (5) to establish and maintain a related communication system; and (6) to develop an annual budget for the office for approval by the board and the Secretary. The training coordinator reports to the SAR coordinator.

The bill also establishes a 12-member SAR Review Board, including eight members appointed by the Governor, as specified. The bill delineates the membership, duties, and terms of the board. Among other required duties, the board must evaluate the operation of the State plan and approve the annual budget for the office. The board is required to meet at least four times annually. The board is not entitled to compensation but is entitled to expense reimbursement under the standard State travel regulations.

The bill requires there to be at least one volunteer "mission initiator" per county. The bill requires that all 911 center and dispatch centers, law enforcement agencies, law enforcement dispatchers, fire departments, rescue squads, emergency medical services agencies, and emergency management agencies make certain reports to the local mission coordinator and the SAR office whenever a search for a missing person has lasted for more than a predetermined time established by the board. In a search and rescue situation involving a child, specify missing children provisions of the Family Law Article.

The bill prohibits a person from intentionally providing, or causing to be provided, any false or misleading information that results in unnecessary search and rescue efforts or unnecessarily prolongs such an effort. The State is allowed to maintain a civil action against a violator of this provision to recover the cost of providing the search and rescue service, the cost of bringing the action, and reasonable attorney's fees. In addition, the bill prohibits a person from intentionally interfering with, hindering, or obstructing a search and rescue

operation. Violators of this provision are guilty of a misdemeanor and subject to maximum penalties of a fine of $1,000 and/or imprisonment for one year.

The bill provides that each search and rescue volunteer registered with the SAR office assisting with a mission coordinated by the office is a covered employee under specified workers' compensation provisions of the Labor and Employment Article. The bill expressly provides that, for the purposes of these provisions, "the State is the employer of each individual who is a covered employee under this section." In addition, the bill adds registered search and rescue volunteers assisting with a search and rescue mission to the list of persons or positions cited as "State personnel" under specified provisions of the State Government Article. All search and rescue mission volunteers, including county mission initiators, are not entitled to compensation by the State, but are entitled to expense reimbursement under the standard State travel regulations.

Current Law: Search and rescue efforts in the State are coordinated and operated within the jurisdiction of the mission.

Background: This bill is modeled on a similar New Mexico statute enacted in 1978. All search and rescue incidents in New Mexico are coordinated by the New Mexico State Police Division of the Department of Public Safety. The primary resources used on these incidents are volunteers. In the 22 years since the search and rescue law was passed, these volunteers have been activated thousands of times.

State Revenues: The criminal penalty provisions of this bill are not expected to significantly affect State revenues.

State Expenditures: General fund expenditures could increase by an estimated $394,035 in fiscal 2001, which accounts for the bill's October 1, 2000, effective date. This estimate reflects the cost of hiring one search and rescue coordinator, one search and rescue training coordinator, and one office secretary to coordinate search and rescue missions statewide and offer training to paid and volunteer search and rescue workers statewide. It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses, including replacement of specially equipped automobiles every four years. The information and assumptions used in calculating the estimate are stated below:

- Approximately 7,200 members (20%) of the current Maryland State Firemen's Association membership of 36,000 will participate in training for use as search and rescue workers under direction of the SAR coordinator; and

- Each of the participants is likely to be called to be engaged in some search and rescue activity per year with travel of approximately 100 miles, entitling the

participant, as a State employee, to milage reimbursement at $.30 per mile and a meal reimbursement for lunch.

Salaries and Fringe Benefits	$98,956
Travel Expenses for 7,000 SAR workers	213,300
Automobile Purchases and Operations	52,106
Other Operating Expenses	29,673
Total FY 2001 State Expenditures	**$394,035**

Future year expenditures reflect (1) full salaries with 3.5% annual increases and 3% employee turnover; (2) 1% annual increases in ongoing operating expenses; and (3) replacement costs for two specially equipped automobiles in fiscal 2004.

The criminal penalty provisions of this bill are not expected to significantly affect State expenditures.

The Department of Legislative Services notes that the Department of State Police has estimated fiscal 2001 costs for this bill at over $9 million. However, that estimate includes $8.1 million for workers' compensation payments for the 7,200 participants using a calculation methodology that is not employed for making such payments.

The Injured Workers' Insurance Fund (IWIF) is an off-budget State agency that administers workers' compensation for the State and also provides workers' compensation insurance to firms unable to procure insurance in the private market. IWIF advises that State costs for workers' compensation occur only after an actual claim has been made by a State worker to IWIF and the claim is paid. The State is then billed for the amount of the paid claim plus IWIF's administrative costs. IWIF also advises that, as of the close of the 1999 calendar year, the average cost of a workers' compensation claim involving lost time from work was $12,573. Average claims for medical costs tend to be much less (e.g., as low as $100 for a doctor's office visit). Cases involving total disability or death cost much more (e.g., the IWIF experience has been as high as $180,000). However, the cost to the State for a claim of any nature is solely dependent upon actual claims filed and awarded, which cannot be reliably estimated at this time.

In New Mexico, where a search and rescue operation has been maintained under auspices of the Division of State Police (Department of Public Safety) since 1978, state search and rescue participants are considered temporary state employee workers under the state's tort claims provisions and insurance coverage against injury or death is provided by a private insurer

(The Hartford). The annual cost for this coverage in New Mexico, calculated at a formula that reflects separate risk rates for ground workers and pilots, is approximately $6,000. In fiscal 1999, there were no claims filed under this policy, and very few can be remembered by the coordinator over several years.

In addition, the Department of Natural Resources has estimated that this bill would require additional annual costs of about $185,000 for hiring an additional sergeant and park ranger supervisor, with some additional operating expenses, to provide liaison to other agencies and administer training for agency personnel. However, since the State and several local jurisdictions already operate some specialized and applicable training programs, and the SAR participants expected to be eligible for training under this bill are already trained in their current performance capacities, it has been assumed that the training operations of this new program could be successfully upgraded and coordinated with those existing programs with minimal additional costs.

Additional Comments: The entire search and rescue program in New Mexico operates with one employee (a SAR coordinator) for a total annual budget, including insurance costs, of about $90,000.

Additional Information

Prior Introductions: None.

Cross File: HB 268 (Delegate Mohorovic, *et al.*) - Commerce and Government Matters.

Information Source(s): Department of State Police, New Mexico State Police, Injured Workers' Insurance Fund, Baltimore City, Howard County, Montgomery County, Prince George's County, Department of Legislative Services

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