

## 1 HOUSE BILL NO. 66

2 INTRODUCED BY R. HAWK

3 BY REQUEST OF THE LEGISLATIVE FINANCE COMMITTEE

4  
 5 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A FIRE SUPPRESSION ACCOUNT TO BE USED FOR  
 6 FIRE SUPPRESSION COSTS; PROVIDING FUNDING FOR THE ACCOUNT FROM REIMBURSEMENTS  
 7 FROM THE FEDERAL GOVERNMENT FOR FIRE SUPPRESSION COSTS; STATUTORILY APPROPRIATING  
 8 THE ACCOUNT; TRANSFERRING FUNDS FROM THE STATE GENERAL FUND TO THE FIRE  
 9 SUPPRESSION ACCOUNT; AMENDING SECTIONS 10-3-203, 10-3-312, AND 17-7-502, MCA; AND  
 10 PROVIDING AN EFFECTIVE DATE."

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

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 14 **NEW SECTION. Section 1. Fire suppression account -- fund transfer.** (1) There is a fire suppression  
 15 account in the federal special revenue fund to the credit of the department of natural resources and conservation.

16 (2) Money provided to the state from federal entities for fire suppression activities and reimbursement  
 17 of costs must be deposited in the account. If the money received pursuant to this subsection does not result in  
 18 a fund balance in the account of at least \$25 million, the department of administration shall transfer from the state  
 19 general fund to the account the amount necessary to achieve a \$25 million fund balance. The transfer must be  
 20 made at the beginning of each fiscal year. The legislature may transfer money from other funds to the account.

21 (3) Money in the account may be used only for the purpose of fire suppression costs.

22 (4) The account is statutorily appropriated, as provided in 17-7-502, to the department for use as  
 23 provided in this section.

24  
 25 **Section 2.** Section 10-3-203, MCA, is amended to read:

26 **"10-3-203. Acceptance of services, gifts, grants, and loans.** (1) ~~Whenever~~ Subject to [section 1],  
 27 whenever the federal government or any agency or officer of the federal government offers to the state, or through  
 28 the state to any political subdivision of the state, services, equipment, supplies, materials, or funds by way of gift,  
 29 grant, reimbursement of mutual aid, or loan for purposes of emergency or disaster services, the state, acting  
 30 through the governor, or the political subdivision, acting through its executive officer or governing body, may

1 accept the offer. Upon the acceptance, the governor of the state or the executive officer or governing body of the  
2 political subdivision may authorize any officer of the state or of the political subdivision to receive the services,  
3 equipment, supplies, materials, or funds on behalf of the state or political subdivision and subject to the terms  
4 of the offer and the rules, if any, of the agency making the offer.

5 (2) The funds, items, and services set forth in subsection (1) are statutorily appropriated, as provided  
6 in 17-7-502, to the governor for the purposes set forth in subsection (1) or to the department of natural resources  
7 and conservation for fire suppression purposes or costs."

8

9 **Section 3.** Section 10-3-312, MCA, is amended to read:

10 **"10-3-312. Maximum expenditure by governor -- appropriation.** (1) Whenever an emergency or  
11 disaster is declared by the governor, there is statutorily appropriated to the office of the governor, as provided  
12 in 17-7-502, and, subject to subsection (2), the governor is authorized to expend from the general fund an amount  
13 not to exceed \$16 million in any biennium, minus any amount appropriated pursuant to 10-3-310 in the same  
14 biennium. The statutory appropriation in this subsection may be used by any state agency designated by the  
15 governor.

16 (2) ~~In~~ Subject to [section 1], in the event of the recovery of money expended under this section, the  
17 spending authority must be reinstated to a level reflecting the recovery.

18 (3) If a disaster is declared by the president of the United States, there is statutorily appropriated to the  
19 office of the governor, as provided in 17-7-502, and the governor is authorized to expend from the general fund  
20 an amount not to exceed \$500,000 during the biennium to meet the state's share of the individual and family grant  
21 programs as provided in 42 U.S.C. 5178. The statutory appropriation in this subsection may be used by any state  
22 agency designated by the governor."

23

24 **Section 4.** Section 17-7-502, MCA, is amended to read:

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

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

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

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

3 (3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-407;  
4 5-13-403; 10-2-603; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-4-301; 15-1-111; 15-1-113; 15-1-121;  
5 15-23-706; 15-31-906; 15-35-108; 15-36-332; 15-37-117; 15-38-202; 15-65-121; 15-70-101; 15-70-369;  
6 15-70-601; 16-11-509; 17-3-106; 17-3-212; 17-3-222; 17-3-241; 17-6-101; 17-7-304; 18-11-112; 19-3-319;  
7 19-6-404; 19-6-410; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 20-8-107;  
8 20-9-534; 20-9-622; 20-26-1503; 22-3-1004; 23-4-105; 23-4-202; 23-4-204; 23-4-302; 23-4-304; 23-5-306;  
9 23-5-409; 23-5-612; 23-7-301; 23-7-402; 37-43-204; 37-51-501; 39-71-503; 41-5-2011; 42-2-105; 44-1-504;  
10 44-12-206; 44-13-102; 50-4-623; 53-1-109; 53-6-703; 53-24-108; 53-24-206; 60-11-115; 61-3-415; 69-3-870;  
11 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; [section 1]; 77-2-362; 80-2-222; 80-4-416; 80-5-510; 80-11-518;  
12 82-11-161; 87-1-513; 90-1-115; 90-1-205; 90-3-1003; and 90-9-306.

13 (4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing,  
14 paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued  
15 pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana  
16 to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state  
17 treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory  
18 appropriation authority for the payments. (In subsection (3): pursuant to Ch. 422, L. 1997, the inclusion of  
19 15-1-111 terminates on July 1, 2008, which is the date that section is repealed; pursuant to sec. 10, Ch. 360, L.  
20 1999, the inclusion of 19-20-604 terminates when the amortization period for the teachers' retirement system's  
21 unfunded liability is 10 years or less; pursuant to sec. 4, Ch. 497, L. 1999, the inclusion of 15-38-202 terminates  
22 July 1, 2014; pursuant to sec. 10(2), Ch. 10, Sp. L. May 2000, and secs. 3 and 6, Ch. 481, L. 2003, the inclusion  
23 of 15-35-108 terminates June 30, 2010; pursuant to sec. 7, Ch. 314, L. 2005, the inclusion of 23-4-105, 23-4-202,  
24 23-4-204, 23-4-302, and 23-4-304 becomes effective July 1, 2007; and pursuant to sec. 17, Ch. 593, L. 2005,  
25 the inclusion of 15-31-906 terminates January 1, 2010.)"

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27 **NEW SECTION. Section 5. Fund transfer.** The amount of \$25 million is transferred from the state  
28 general fund to the fire suppression account established in [section 1].

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30 **NEW SECTION. Section 6. Codification instruction.** [Section 1] is intended to be codified as an

1 integral part of Title 76, chapter 13, and the provisions of Title 76, chapter 13, apply to [section 1].

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3 NEW SECTION. **Section 7. Effective date.** [This act] is effective July 1, 2007.

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