

HOUSE BILL NO. 251

INTRODUCED BY D. ANKNEY

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A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A WILDFIRE SUPPRESSION AND HAZARDOUS FUELS MITIGATION ACCOUNT INTO WHICH CERTAIN FEDERAL REIMBURSEMENTS MUST BE DEPOSITED; PROVIDING AUTHORIZED USES FOR THE MONEY IN THE ACCOUNT; STATUTORILY APPROPRIATING MONEY IN THE ACCOUNT TO THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION; AMENDING SECTIONS 10-3-312 AND 17-7-502, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

NEW SECTION. Section 1. Account for federal emergency management agency wildfire reimbursements -- authorized uses. (1) There is a wildfire suppression and hazardous fuels mitigation account

in the federal special revenue fund to be used for the following purposes:

- (a) to pay a portion of the state's wildland fire suppression costs;
- (b) to contribute to payment of costs associated with the pilot program for mechanized fuels reduction and fire suppression established in [Senate Bill No. 113]; and
- (c) hazardous fuels mitigation projects conducted by the department.

(2) Money received by the state from the federal emergency management agency as a result of wildfire emergencies or disasters must be deposited in the account.

(3) Money in the account is statutorily appropriated to the department, as provided in 17-7-502.

(4) (a) The department shall report to the next meeting of the legislative finance committee after money is received in the account and provide information on how it intends to allocate the money among the uses authorized under subsection (1). The allocation must be based on projected or actual wildfire season severity and suppression costs.

(b) The legislative finance committee may make recommendations on the allocation.

Section 2. Section 10-3-312, MCA, is amended to read:

"10-3-312. Maximum expenditure by governor -- appropriation. (1) Whenever an emergency,



1 including an energy emergency as defined in 90-4-302, or a disaster is declared by the governor, there is
 2 statutorily appropriated to the office of the governor, as provided in 17-7-502, and, subject to subsection (2), the
 3 governor is authorized to expend from the general fund an amount not to exceed \$16 million in any biennium,
 4 minus any amount appropriated pursuant to 10-3-310 in the same biennium. The statutory appropriation in this
 5 subsection may be used by any state agency designated by the governor.

6 (2) ~~In~~ Except as provided in [section 1], in the event of the recovery of money expended under this
 7 section, the spending authority must be reinstated to a level reflecting the recovery.

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

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

15 **"17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory
 16 appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the
 17 need for a biennial legislative appropriation or budget amendment.

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

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

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

23 (3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120;
 24 5-11-407; 5-13-403; 7-4-2502; 10-1-1202; 10-1-1303; 10-2-603; 10-3-203; 10-3-310; 10-3-312; 10-3-314;
 25 10-4-301; 15-1-121; 15-1-218; 15-23-706; 15-31-906; 15-35-108; 15-36-332; 15-37-117; 15-39-110; 15-65-121;
 26 15-70-101; 15-70-369; 15-70-601; 16-11-509; 17-3-106; 17-3-212; 17-3-222; 17-3-241; 17-6-101; 17-7-304;
 27 18-11-112; 19-3-319; 19-6-404; 19-6-410; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506;
 28 19-20-604; 19-20-607; 19-21-203; 20-8-107; 20-9-534; 20-9-622; 20-26-1503; 22-3-1004; 23-4-105; 23-4-202;
 29 23-4-204; 23-4-302; 23-4-304; 23-5-306; 23-5-409; 23-5-612; 23-7-301; 23-7-402; 37-43-204; 37-51-501;
 30 39-71-503; 41-5-2011; 42-2-105; 44-1-504; 44-12-206; 44-13-102; 50-4-623; 53-1-109; 53-6-703; 53-24-108;

1 53-24-206; 60-11-115; 61-3-415; 69-3-870; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 76-13-150; [section 1];
2 77-1-108; 77-2-362; 80-2-222; 80-4-416; 80-5-510; 80-11-518; 82-11-161; 87-1-513; 90-1-115; 90-1-205;
3 90-3-1003; and 90-9-306.

4 (4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing,
5 paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued
6 pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana
7 to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state
8 treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory
9 appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the inclusion
10 of 19-20-604 terminates when the amortization period for the teachers' retirement system's unfunded liability is
11 10 years or less; pursuant to sec. 4, Ch. 497, L. 1999, the inclusion of 15-38-202 terminates July 1, 2014;
12 pursuant to sec. 10(2), Ch. 10, Sp. L. May 2000, and secs. 3 and 6, Ch. 481, L. 2003, the inclusion of 15-35-108
13 terminates June 30, 2010; pursuant to sec. 17, Ch. 593, L. 2005, the inclusion of 15-31-906 terminates January
14 1, 2010; pursuant to sec. 73, Ch. 44, L. 2007, the inclusion of 19-6-410 terminates upon the death of the last
15 recipient eligible under 19-6-709(2) for the supplemental benefit provided by 19-6-709; and pursuant to sec. 6,
16 Ch. 2, Sp. L. September 2007, the inclusion of 76-13-150 terminates June 30, 2009.)"

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18 NEW SECTION. Section 4. Codification instruction. [Section 1] is intended to be codified as an
19 integral part of Title 76, chapter 13, part 1, and the provisions of Title 76, chapter 13, part 1, apply to [section 1].

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21 COORDINATION SECTION. Section 5. Coordination instruction. If Senate Bill No. 113 is not passed
22 and approved, then [section 1(1)(b)] is void.

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24 NEW SECTION. Section 6. Effective date. [This act] is effective July 1, 2009.

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