

1 \_\_\_\_\_ BILL NO. \_\_\_\_\_

2 INTRODUCED BY \_\_\_\_\_  
3 (Primary Sponsor)

4 BY REQUEST OF THE OFFICE OF BUDGET AND PROGRAM PLANNING

5  
6 A BILL FOR AN ACT ENTITLED: "AN ACT IMPLEMENTING TRANSFER OF CERTAIN FUNDS TO THE FIRE  
7 SUPPRESSION ACCOUNT; REQUIRING TRANSFER OF THE UNOBLIGATED BALANCE OF THE  
8 APPROPRIATION FOR GOVERNOR-DECLARED DISASTERS TO THE FIRE SUPPRESSION ACCOUNT;  
9 REQUIRING TRANSFER OF A CERTAIN PERCENTAGE OF UNEXPENDED GENERAL FUND MONEY TO  
10 THE FIRE SUPPRESSION ACCOUNT; PROVIDING THAT THE MONEY IN THE FIRE SUPPRESSION  
11 ACCOUNT MAY NOT EXCEED \$100 MILLION; PROVIDING FOR A STATUTORY APPROPRIATION TO THE  
12 DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION; REQUIRING TRANSFER OF AN EXCESS  
13 AMOUNT OF CORPORATION LICENSE TAX REVENUE INTO THE FIRE SUPPRESSION ACCOUNT;  
14 AMENDING SECTIONS 10-3-312, 17-7-502, AND 76-13-150, MCA; AND PROVIDING AN IMMEDIATE  
15 EFFECTIVE DATE."

16  
17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

18  
19 **Section 1.** Section 10-3-312, MCA, is amended to read:

20 **"10-3-312. Maximum expenditure by governor -- appropriation.** (1) Whenever a disaster or an  
21 emergency, including an energy emergency as defined in 90-4-302 or an invasive species emergency declared  
22 under 80-7-1013, is declared by the governor, there is statutorily appropriated to the office of the governor, as  
23 provided in 17-7-502, and, subject to subsection (2), the governor is authorized to expend from the general fund  
24 an amount not to exceed \$16 million in any biennium, minus any amount appropriated pursuant to 10-3-310 in  
25 the same biennium. The statutory appropriation in this subsection may be used by any state agency designated  
26 by the governor.

27 (2) In the event of the recovery of money expended under this section, the spending authority must be  
28 reinstated to a level reflecting the recovery.

29 (3) If a disaster is declared by the president of the United States, there is statutorily appropriated to the  
30 office of the governor, as provided in 17-7-502, and the governor is authorized to expend from the general fund

1 an amount not to exceed \$500,000 during the biennium to meet the state's share of the individual and family grant  
 2 programs as provided in 42 U.S.C. 5178. The statutory appropriation in this subsection may be used by any state  
 3 agency designated by the governor.

4 (4) At the end of each biennium, an amount equal to the unexpended and unencumbered balance of the  
 5 \$16 million statutory appropriation in subsection (1), minus any amount appropriated pursuant to 10-3-310 in the  
 6 same biennium, must be transferred by the state treasurer from the state general fund to the fire suppression  
 7 account provided for in 76-13-150."

8

9 **Section 2.** Section 17-7-502, MCA, is amended to read:

10 **"17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory  
 11 appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the  
 12 need for a biennial legislative appropriation or budget amendment.

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

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

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

18 (3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120;  
 19 5-11-407; 5-13-403; 7-4-2502; 10-1-108; 10-1-1202; 10-1-1303; 10-2-603; 10-3-203; 10-3-310; 10-3-312;  
 20 10-3-314; 10-4-301; 15-1-121; 15-1-218; 15-31-906; 15-35-108; 15-36-332; 15-37-117; 15-39-110; 15-65-121;  
 21 15-70-101; 15-70-369; 15-70-601; 16-11-509; 17-3-106; 17-3-112; 17-3-212; 17-3-222; 17-3-241; 17-6-101;  
 22 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;  
 23 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; 23-5-306;  
 24 23-5-409; 23-5-612; 23-7-301; 23-7-402; 30-10-1004; 37-43-204; 37-51-501; 39-71-503; 41-5-2011; 42-2-105;  
 25 44-4-1101; 44-12-206; 44-13-102; 50-4-623; 53-1-109; 53-9-113; 53-24-108; 53-24-206; 60-11-115; 61-3-415;  
 26 69-3-870; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 76-13-150; 76-13-416; 77-1-108; 77-2-362; 80-2-222;  
 27 80-4-416; 80-11-518; 81-1-112; 81-7-106; 81-10-103; 82-11-161; 85-20-1504; 85-20-1505; 87-1-230; 87-1-603;  
 28 87-1-621; 90-1-115; 90-1-205; 90-1-504; 90-3-1003; 90-6-331; and 90-9-306.

29 (4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing,  
 30 paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued

1 pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana  
 2 to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state  
 3 treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory  
 4 appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the inclusion  
 5 of 19-20-604 terminates when the amortization period for the teachers' retirement system's unfunded liability is  
 6 10 years or less; pursuant to sec. 10, Ch. 10, Sp. L. May 2000, secs. 3 and 6, Ch. 481, L. 2003, and sec. 2, Ch.  
 7 459, L. 2009, the inclusion of 15-35-108 terminates June 30, 2019; pursuant to sec. 17, Ch. 593, L. 2005, and  
 8 sec. 1, Ch. 186, L. 2009, the inclusion of 15-31-906 terminates January 1, 2015; pursuant to sec. 73, Ch. 44, L.  
 9 2007, the inclusion of 19-6-410 terminates upon the death of the last recipient eligible under 19-6-709(2) for the  
 10 supplemental benefit provided by 19-6-709; pursuant to sec. 8, Ch. 330, L. 2009, the inclusion of 87-1-621  
 11 terminates June 30, 2013; pursuant to sec. 14, Ch. 374, L. 2009, the inclusion of 53-9-113 terminates June 30,  
 12 2015; pursuant to sec. 8, Ch. 427, L. 2009, the inclusion of 87-1-230 terminates June 30, 2013; pursuant to sec.  
 13 5, Ch. 442, L. 2009, the inclusion of 90-6-331 terminates June 30, 2019; pursuant to sec. 47, Ch. 19, L. 2011,  
 14 the inclusion of 87-1-621 terminates June 30, 2013; pursuant to sec. 16, Ch. 58, L. 2011, the inclusion of  
 15 30-10-1004 terminates June 30, 2017; pursuant to sec. 6, Ch. 61, L. 2011, the inclusion of 76-13-416 terminates  
 16 June 30, 2019; and pursuant to sec. 13, Ch. 339, L. 2011, the inclusion of 81-1-112 and 81-7-106 terminates  
 17 June 30, 2017.)"

18

19 **Section 3.** Section 76-13-150, MCA, is amended to read:

20 **"76-13-150. Fire suppression account -- fund transfer.** (1) There is a fire suppression account in the  
 21 state special revenue fund to the credit of the department.

22 (2) The legislature may transfer money from other funds to the account, and the money in the account  
 23 is subject to legislative fund transfers.

24 (3) Funds received for restitution by private parties must be deposited in the account.

25 (4) Money in the account may be used only for the purpose of paying expenses for fire prevention,  
 26 including fuel mitigation, grants for the purchase of fire suppression equipment for county cooperatives, and fire  
 27 suppression costs.

28 (5) Interest earned on the balance of the account is retained in the account.

29 (6) Except as provided in subsections (7) and (8), by August 15 following the end of each fiscal year, an  
 30 amount equal to the balance of unexpended and unencumbered general fund money appropriated in excess of

1 0.5% of the total general fund money appropriated for that fiscal year must be transferred by the state treasurer  
2 from the general fund to the fire suppression account. General fund appropriations that continue from one fiscal  
3 year to the next fiscal year and any general fund appropriations made pursuant to 10-3-310 or 10-3-312 are  
4 excluded from the calculation.

5 (7) The provisions of subsection (6) do not apply in a fiscal year in which reductions required by 17-7-140  
6 occur or if a transfer pursuant to subsection (6) would require reductions pursuant to 17-7-140.

7 (8) The fund balance in the account may not exceed \$100 million.

8 (9) Money in the account is statutorily appropriated to the department, as provided in 17-7-502, for the  
9 purposes described in subsection (4)."

10

11 NEW SECTION. Section 4. Fund transfer. Subject to the provisions of 76-13-150(8):

12 (1) by August 15, 2013, funds in excess of \$163 million deposited into the state general fund from the  
13 corporation license tax for the fiscal year ending June 30, 2013, collected pursuant to Title 15, chapter 31, must  
14 be transferred by the state treasurer to the fire suppression account provided for in 76-13-150;

15 (2) by August 15, 2014, funds in excess of \$188 million deposited into the state general fund from the  
16 corporation license tax for the fiscal year ending June 30, 2014, collected pursuant to Title 15, chapter 31, must  
17 be transferred by the state treasurer to the fire suppression account provided for in 76-13-150;

18 (3) by August 15, 2015, funds in excess of \$184 million deposited into the state general fund from the  
19 corporation license tax for the fiscal year ending June 30, 2015, collected pursuant to Title 15, chapter 31, must  
20 be transferred by the state treasurer to the fire suppression account provided for in 76-13-150.

21

22 NEW SECTION. Section 5. Effective date. [This act] is effective on passage and approval.

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- END -