

HOUSE BILL NO. 3

INTRODUCED BY RIPLEY, HAWK

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

11  
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13  
14 NEW SECTION. Section 1. Fire suppression account -- fund transfer. (1) There is a fire suppression  
15 account in the federal STATE special revenue fund to the credit of the department of natural resources and  
16 conservation.

17 (2) ~~Money provided to the state from federal entities for fire suppression activities and reimbursement~~  
18 ~~of costs must be deposited in the account. If the money received pursuant to this subsection does not result in~~  
19 ~~a fund balance in the account of at least \$25 million, the~~ THE department of administration shall transfer from the  
20 state general fund to the account the amount necessary to achieve a ~~\$25~~ \$40 million fund balance. The transfer  
21 must be made at the beginning of each fiscal year. The legislature may transfer money from other funds to the  
22 account.

23 (3) FUNDS RECEIVED FOR RESTITUTION BY PRIVATE PARTIES MUST BE DEPOSITED IN THE ACCOUNT.

24 ~~(3)~~(4) Money in the account may be used only for the purpose of paying fire suppression costs.

25 ~~(4)~~(5) ~~The~~ BEGINNING JULY 1, 2008, THE money in the account is statutorily appropriated, as provided in  
26 17-7-502, to the department for use as provided in this section.

27 (6) INTEREST EARNED ON THE BALANCE OF THE ACCOUNT IS RETAINED IN THE ACCOUNT.

28  
29 ~~Section 2. Section 10-3-203, MCA, is amended to read:~~

30 ~~"10-3-203. Acceptance of services, gifts, grants, and loans. (1) Whenever Subject to [section 1],~~



1 ~~whenever the federal government or any agency or officer of the federal government offers to the state, or through~~  
 2 ~~the state to any political subdivision of the state, services, equipment, supplies, materials, or funds by way of gift,~~  
 3 ~~grant, reimbursement of mutual aid, or loan for purposes of emergency or disaster services, the state, acting~~  
 4 ~~through the governor, or the political subdivision, acting through its executive officer or governing body, may~~  
 5 ~~accept the offer. Upon the acceptance, the governor of the state or the executive officer or governing body of the~~  
 6 ~~political subdivision may authorize any officer of the state or of the political subdivision to receive the services,~~  
 7 ~~equipment, supplies, materials, or funds on behalf of the state or political subdivision and subject to the terms~~  
 8 ~~of the offer and the rules, if any, of the agency making the offer.~~

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

12  
 13 ~~———— **Section 3.** Section 10-3-312, MCA, is amended to read:~~

14 ~~———— "**10-3-312. Maximum expenditure by governor -- appropriation.** (1) Whenever an emergency,~~  
 15 ~~including an energy emergency as defined in 90-4-302, or a disaster is declared by the governor, there is~~  
 16 ~~statutorily appropriated to the office of the governor, as provided in 17-7-502, and, subject to subsection (2), the~~  
 17 ~~governor is authorized to expend from the general fund an amount not to exceed \$16 million in any biennium,~~  
 18 ~~minus any amount appropriated pursuant to 10-3-310 in the same biennium. The statutory appropriation in this~~  
 19 ~~subsection may be used by any state agency designated by the governor.~~

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

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

27  
 28 **Section 2.** Section 17-7-502, MCA, is amended to read:

29 **"17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory  
 30 appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the

1 need for a biennial legislative appropriation or budget amendment.

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

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

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

7 (3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120;  
8 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;  
9 10-4-301; 15-1-111; 15-1-121; 15-1-218; 15-23-706; 15-31-906; 15-35-108; 15-36-332; 15-37-117; 15-39-110;  
10 15-65-121; 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;  
11 17-7-304; 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;  
12 19-19-506; 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;  
13 23-4-202; 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;  
14 37-51-501; 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;  
15 53-24-108; 53-24-206; 60-11-115; 61-3-415; 69-3-870; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; section 1;  
16 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;  
17 90-3-1003; 90-9-306; and section 2, Chapter 6, Special Laws of May 2007.

18 (4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing,  
19 paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued  
20 pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana  
21 to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state  
22 treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory  
23 appropriation authority for the payments. (In subsection (3): pursuant to Ch. 422, L. 1997, the inclusion of  
24 15-1-111 terminates on July 1, 2008, which is the date that section is repealed; pursuant to sec. 10, Ch. 360, L.  
25 1999, the inclusion of 19-20-604 terminates when the amortization period for the teachers' retirement system's  
26 unfunded liability is 10 years or less; pursuant to sec. 4, Ch. 497, L. 1999, the inclusion of 15-38-202 terminates  
27 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  
28 of 15-35-108 terminates June 30, 2010; pursuant to sec. 17, Ch. 593, L. 2005, the inclusion of 15-31-906  
29 terminates January 1, 2010; pursuant to sec. 73, Ch. 44, L. 2007, the inclusion of 19-6-410 terminates upon the  
30 death of the last recipient eligible under 19-6-709(2) for the supplemental benefit provided by 19-6-709; and

1 pursuant to sec. 10, Ch. 6, Sp. L. May 2007, the inclusion of section 2, Chapter 6, Special Laws of May 2007,  
2 terminates July 1, 2008.)"

3  
4 NEW SECTION. Section 3. Fund transfer. The amount of ~~\$25~~ \$40 million is transferred from the state  
5 general fund to the fire suppression account established in [section 1].

6  
7 NEW SECTION. Section 4. Codification instruction. [Section 1] is intended to be codified as an  
8 integral part of Title 76, chapter 13, and the provisions of Title 76, chapter 13, apply to [section 1].

9  
10 NEW SECTION. Section 5. Effective date. ~~[This (1) EXCEPT AS PROVIDED IN SUBSECTION (2), [THIS act]~~  
11 is effective on passage and approval.

12 (2) [SECTION 2] IS EFFECTIVE JULY 1, 2008.

13  
14 NEW SECTION. SECTION 6. TERMINATION. [THIS ACT] TERMINATES JUNE 30, 2009.

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