

HOUSE BILL NO. 354

INTRODUCED BY P. CONNELL

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAWS GOVERNING THE FIRE SUPPRESSION
5 ACCOUNT; REQUIRING A \$25 MILLION FUND BALANCE IN THE ACCOUNT; REQUIRING A TRANSFER
6 EACH BIENNIUM TO THE ACCOUNT FROM THE GENERAL FUND IF THE FUND BALANCE FALLS BELOW
7 A CERTAIN AMOUNT; ALLOWING MONEY IN THE ACCOUNT TO BE USED ONLY FOR SUPPRESSION OF
8 PROJECT FIRES; REQUIRING THAT INTEREST EARNED ON THE BALANCE OF THE ACCOUNT BE
9 DEPOSITED IN THE GENERAL FUND; STATUTORILY APPROPRIATING THE MONEY TO THE
10 DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION; AMENDING SECTIONS 17-7-502 AND
11 76-13-150, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

14
15 **Section 1.** Section 17-7-502, MCA, is amended to read:

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

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

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

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

24 (3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120;
25 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;
26 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;
27 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;
28 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;
29 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;
30 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;



1 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;
 2 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;
 3 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;
 4 87-1-621; 90-1-115; 90-1-205; 90-1-504; 90-3-1003; 90-6-331; and 90-9-306.

5 (4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing,
 6 paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued
 7 pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana
 8 to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state
 9 treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory
 10 appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the inclusion
 11 of 19-20-604 terminates when the amortization period for the teachers' retirement system's unfunded liability is
 12 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.
 13 459, L. 2009, the inclusion of 15-35-108 terminates June 30, 2019; pursuant to sec. 17, Ch. 593, L. 2005, and
 14 sec. 1, Ch. 186, L. 2009, the inclusion of 15-31-906 terminates January 1, 2015; pursuant to sec. 73, Ch. 44, L.
 15 2007, the inclusion of 19-6-410 terminates upon the death of the last recipient eligible under 19-6-709(2) for the
 16 supplemental benefit provided by 19-6-709; pursuant to sec. 8, Ch. 330, L. 2009, the inclusion of 87-1-621
 17 terminates June 30, 2013; pursuant to sec. 14, Ch. 374, L. 2009, the inclusion of 53-9-113 terminates June 30,
 18 2015; pursuant to sec. 8, Ch. 427, L. 2009, the inclusion of 87-1-230 terminates June 30, 2013; pursuant to sec.
 19 5, Ch. 442, L. 2009, the inclusion of 90-6-331 terminates June 30, 2019; pursuant to sec. 47, Ch. 19, L. 2011,
 20 the inclusion of 87-1-621 terminates June 30, 2013; pursuant to sec. 16, Ch. 58, L. 2011, the inclusion of
 21 30-10-1004 terminates June 30, 2017; pursuant to sec. 6, Ch. 61, L. 2011, the inclusion of 76-13-416 terminates
 22 June 30, 2019; and pursuant to sec. 13, Ch. 339, L. 2011, the inclusion of 81-1-112 and 81-7-106 terminates
 23 June 30, 2017.)"

24

25 **Section 2.** Section 76-13-150, MCA, is amended to read:

26 **"76-13-150. Fire suppression account -- fund transfer.** (1) There is a fire suppression account in the
 27 state special revenue fund to the credit of the department.

28 (2) The legislature may transfer money from other funds to the account, ~~and the money in the account~~
 29 ~~is subject to legislative fund transfers.~~ If the money in the account that is received from other sources or fund
 30 transfers does not result in a fund balance of \$25 million at the beginning of each biennium, the department of

1 administration shall transfer from the state general fund to the account the amount necessary to achieve a \$25
2 million fund balance. The transfer must be made at the beginning of each biennium. Money in the account may
3 not exceed \$25 million, and additional transfers may not be made during the biennium without approval from the
4 legislature.

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

6 (4) Money in the account may be used only for the purpose of paying expenses for ~~fire prevention,~~
7 ~~including fuel mitigation, grants for the purchase of fire suppression equipment for county cooperatives, and fire~~
8 ~~suppression costs of project fires.~~

9 (5) Interest earned on the balance of the account ~~is retained in the account~~ must be deposited in the
10 state general fund.

11 (6) Money in the account is statutorily appropriated, as provided in 17-7-502, to the department for the
12 purposes of this section.

13 (7) For the purposes of this section, "project fire" means a wildland fire that requires prolonged activity
14 to suppress."

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16 NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval.

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