

HOUSE BILL NO. 276

INTRODUCED BY G. HERTZ

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A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT LEGISLATIVE TRANSFERS FROM THE FIRE SUPPRESSION ACCOUNT BE AUTHORIZED BY TWO-THIRDS OF THE MEMBERS OF EACH HOUSE OF THE LEGISLATURE; AMENDING SECTION 76-13-150, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

**Section 1.** Section 76-13-150, MCA, is amended to read:

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

(2) The legislature may transfer money from other funds to the account, ~~and the money in the account is subject to legislative fund transfers.~~ Money may not be transferred from the account unless authorized by a vote of two-thirds of the members of each house of the legislature or by the governor pursuant to 17-7-140.

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

(4) Money in the account may be used only for:

- (a) fire suppression costs;
- (b) fuel reduction and mitigation;
- (c) forest restoration;
- (d) grants for the purchase of fire suppression equipment for county cooperatives;
- (e) forest management projects on federal land;
- (f) support for collaborative groups that include at least one representative of an affected county commission that is engaged with a federal forest project and for local governments engaged in litigation related to federal forest projects; and
- (g) road maintenance on federal lands.

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

(6) Except as provided in subsections (7) and (8), by August 15 following the end of each fiscal year, an amount equal to the balance of unexpended and unencumbered general fund money appropriated in excess of 0.5% of the total general fund money appropriated for that fiscal year must be transferred by the state treasurer

1 from the general fund to the fire suppression account. General fund appropriations that continue from a fiscal year  
 2 to the next fiscal year and any general fund appropriations made pursuant to 10-3-310 or 10-3-312 are excluded  
 3 from the calculation.

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

6 (8) The fund balance in the account may not exceed 4% of all general fund appropriations in the second  
 7 year of the biennium.

8 (9) Beginning on July 1, 2019, by August 15 of each even-numbered fiscal year, if the balance in the  
 9 account at the end of the most recently completed odd-numbered fiscal year exceeds \$40 million, the excess,  
 10 up to \$5 million, must be used in the biennium for the purposes in subsections (4)(b) through (4)(g). Of that  
 11 amount, no more than 5% may be used for the purposes of subsection (4)(f).

12 ~~(10) For the fiscal year ending June 30, 2017, the state treasurer may not transfer from the general fund~~  
 13 ~~to the fire suppression account.~~

14 ~~(10)~~ Money in the account is statutorily appropriated, as provided in 17-7-502, to the department for  
 15 the purposes described in subsection (4). (Terminates June 30, 2019--secs. 29, 35, Ch. 429, L. 2017.)

16 **76-13-150. (Effective July 1, 2019) Fire suppression account -- fund transfer authority.** (1) There  
 17 is a fire suppression account in the state special revenue fund to the credit of the department.

18 (2) The legislature may transfer money from other funds to the account, ~~and the money in the account~~  
 19 ~~is subject to legislative fund transfers.~~ Money may not be transferred from the account unless authorized by a  
 20 vote of two-thirds of the members of each house of the legislature or by the governor pursuant to 17-7-140.

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

22 (4) Money in the account may be used only for:

23 (a) fire suppression costs;

24 (b) fuel reduction and mitigation;

25 (c) forest restoration;

26 (d) grants for the purchase of fire suppression equipment for county cooperatives;

27 (e) forest management projects on federal land;

28 (f) support for collaborative groups that include at least one representative of an affected county  
 29 commission that is engaged with a federal forest project and for local governments engaged in litigation related  
 30 to federal forest projects; and

1 (g) road maintenance on federal lands.

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

3 (6) Except as provided in subsections (7) and (8), by August 15 following the end of each fiscal year, an  
4 amount equal to the balance of unexpended and unencumbered general fund money appropriated in excess of  
5 0.5% of the total general fund money appropriated for that fiscal year must be transferred by the state treasurer  
6 from the general fund to the fire suppression account. General fund appropriations that continue from a fiscal year  
7 to the next fiscal year and any general fund appropriations made pursuant to 10-3-310 or 10-3-312 are excluded  
8 from the calculation.

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

11 (8) The fund balance in the account may not exceed 4% of all general fund appropriations in the second  
12 year of the biennium.

13 (9) By August 15 of each even-numbered fiscal year, if the balance in the account at the end of the most  
14 recently completed odd-numbered fiscal year exceeds \$40 million, the excess, up to \$5 million, must be used in  
15 the biennium for the purposes in subsections (4)(b) through (4)(g). Of that amount, no more than 5% may be used  
16 for the purposes of subsection (4)(f).

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

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20 NEW SECTION. **Section 2. Effective date.** [This act] is effective July 1, 2019.

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