

## DMA 4 - Bill Proposal

### Disaster Resiliency Account -- Fund Transfer

#### New Section

**10-3-???. Disaster resiliency account -- fund transfer.** (1) There is a disaster resiliency 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.

(3) Money in the account may be used for:

(a) a minimum of 25% funding for wildfire mitigation projects;

(b) preparedness and mitigation projects for local jurisdictions in good standing with the division's disaster resiliency program;

(c) development and sustainment of emergency management resources and systems;

(d) grants for the purchase of hazardous material equipment and training to increase local capacity respond to hazardous material incidents as defined in 10-3-1204 (7);

(e) grants for equipment, training, and planning for local emergency management programs as provided for in the division's disaster resiliency program;

(f) state level all-hazard disaster mitigation projects.

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

(5) Except as provided in subsections (6) and (7), by August 15 following the end of each fiscal year, an amount equal to 50% of 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 from the general fund to the disaster resiliency account. General fund appropriations that continue from a fiscal year to the next fiscal year and any general fund appropriations made pursuant to **10-3-310** or **10-3-312** are excluded from the calculation.

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

(7) The fund balance in the account may not exceed \$10 million at the end of the most recently completed odd-numbered fiscal year. By August 15 of each odd numbered year, the excess balance must be transferred to the fire suppression account provided for in 76-12-150.

(8) Money in the account is statutorily appropriated, as provided in **17-7-502**, to the department for the purposes described in subsection (3).

# Maximum Expenditure By Governor -- Appropriation

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

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

(3) If a disaster is declared by the president of the United States, there is statutorily appropriated to the office of the governor, as provided in **17-7-502**, and the governor is authorized to expend from the general fund an amount not to exceed \$500,000 during the biennium to meet the state's share of the individuals and households grant programs as provided in 42 U.S.C. 5174. The statutory appropriation in this subsection may be used by any state agency designated by the governor.

(4) At the end of each biennium, an amount equal to the unexpended and unencumbered balance of the \$16 million statutory appropriation in subsection (1), minus any amount appropriated pursuant to **10-3-310** in the same biennium, 50% must be transferred by the state treasurer from the state general fund to the fire suppression account provided for in **76-13-150** and 50% must be transferred to the disaster resiliency account provided for in **10-3-309**.

(a) If the fund balance of the account provided for in **76-13-150** is below \$30 million at the end of each biennium, an amount equal to the unexpended and unencumbered balance of the \$16 million statutory appropriation in subsection (1), minus any amount appropriated pursuant to **10-3-310** in the same biennium, must be transferred by the state treasurer from the state general fund to the fire suppression account provided for in **76-13-150**.

# Fire Suppression Account -- Fund Transfer

**76-13-150. Fire suppression account -- fund transfer.** (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.

(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 50% of 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 from the general fund to the fire suppression account. General fund appropriations that continue from a fiscal year to the next fiscal year and any general fund appropriations made pursuant to **10-3-310** or **10-3-312** are excluded from the calculation.

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

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

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

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