

HOUSE BILL NO. 1

INTRODUCED BY CALLAHAN

BY REQUEST OF THE GOVERNOR

1
2
3
4
5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE EMERGENCY AND DISASTER LAWS; REMOVING
6 THE DURATIONAL LIMIT ON AN EMERGENCY OR A DISASTER RELATING TO A FIRE THAT IS DECLARED
7 DURING THE MONTHS OF JULY THROUGH OCTOBER; INCREASING PROVIDING RECOVERY FUNDS
8 FOR THE STATUTORY APPROPRIATION FOR EMERGENCIES AND DISASTERS; PROVIDING FOR A
9 STUDY OF STATE FIRE SUPPRESSION METHODS AND COSTS; REQUIRING A REPORT ON
10 IMPLEMENTING AUDIT RECOMMENDATIONS; PROVIDING APPROPRIATIONS FOR FIRE SUPPRESSION
11 AND FOR DISASTER RESPONSE AND RECOVERY ACTIVITIES; AMENDING SECTIONS 10-3-302, 10-3-303,
12 AND 10-3-312, MCA PROVIDING AN APPROPRIATION FOR THE FIRE SUPPRESSION STUDY; AND
13 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

14
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

16
17 ~~Section 1.~~ Section 10-3-302, MCA, is amended to read:

18 ~~"10-3-302. Declaration of emergency -- effect and termination.~~ (1) A state of emergency may be
19 declared by the governor when he the governor determines that an emergency as defined in 10-3-103 exists.

20 ~~(2) An executive order or proclamation of a state of emergency shall activate~~ activates the emergency
21 response and disaster preparation aspects of the state disaster and emergency plan and program applicable to
22 the political subdivision or area and be is authority for the deployment and use of any forces to which the plans
23 apply and for the distribution and use of any supplies, equipment, and materials and facilities assembled,
24 stockpiled, or arranged to be made available pursuant to parts 1 through 4 of this chapter or any other provision
25 of law pertaining to disasters and disaster-related emergencies.

26 ~~(3) A~~ Except as provided in subsection (4), a state of emergency may not continue for longer than 20
27 days unless continuing conditions of the state of emergency exist, which shall must be determined by a
28 declaration of an emergency by the president of the United States or by a declaration of the legislature by joint
29 resolution of continuing conditions of the state of emergency.

30 ~~(4) A state of emergency that has been declared during the months of July through October and that~~

1 ~~relates to a fire is not subject to the 20-day time limitation contained in subsection (3)."~~

2

3 ~~Section 2. Section 10-3-303, MCA, is amended to read:~~

4 ~~"10-3-303. Declaration of disaster -- effect and termination. (1) A state of disaster may be declared~~
5 ~~by the governor when he the governor determines that a disaster has occurred.~~

6 ~~(2) An executive order or proclamation of a state of disaster shall activate activates the disaster response~~
7 ~~and recovery aspects of the state disaster and emergency plan and program applicable to the political subdivision~~
8 ~~or area and be is authority for the deployment and use of any forces to which the plans apply and for the~~
9 ~~distribution and use of any supplies, equipment, and materials and facilities assembled, stockpiled, or arranged~~
10 ~~to be made available pursuant to parts 1 through 4 of this chapter or any other provision of law pertaining to~~
11 ~~disaster and disaster-related emergencies.~~

12 ~~(3) A Except as provided in subsection (5), a state of disaster may not continue for longer than 30 days~~
13 ~~unless continuing conditions of the state of disaster exist, which shall must be determined by a declaration of a~~
14 ~~major disaster by the president of the United States or by the declaration of the legislature by joint resolution of~~
15 ~~continuing conditions of the state of disaster.~~

16 ~~(4) The governor shall terminate a state of emergency or disaster when:~~

17 ~~(a) the emergency or disaster has passed;~~

18 ~~(b) the emergency or disaster has been dealt with to the extent that emergency or disaster conditions~~
19 ~~no longer exist; or~~

20 ~~(c) at any time the legislature terminates the state of emergency or disaster by joint resolution. However,~~
21 ~~after termination of the state of emergency or disaster, disaster and emergency services required as a result of~~
22 ~~the emergency or disaster may continue.~~

23 ~~(5) A state of emergency that has been declared during the months of July through October and that~~
24 ~~relates to a fire is not subject to the 30-day time limitation contained in subsection (3)."~~

25

26 ~~Section 3. Section 10-3-312, MCA, is amended to read:~~

27 ~~"10-3-312. Maximum expenditure by governor -- appropriation. (1) Whenever an emergency,~~
28 ~~including an energy emergency as defined in 90-4-302, or a disaster is declared by the governor, there is~~
29 ~~statutorily appropriated to the office of the governor, as provided in 17-7-502, and, subject to subsection (2), the~~
30 ~~governor is authorized to expend from the general fund an amount not to exceed \$16 \$25 million in any biennium,~~



1 minus any amount appropriated pursuant to 10-3-310 in the same biennium. The statutory appropriation in this
 2 subsection may be used by any state agency designated by the governor.

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

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

10
 11 NEW SECTION. SECTION 1. FIRE SUPPRESSION COMMITTEE -- STUDY. (1) THERE IS A FIRE SUPPRESSION
 12 COMMITTEE ESTABLISHED TO CONDUCT A COMPREHENSIVE FIRE SUPPRESSION STUDY.

13 (2) THE COMMITTEE CONSISTS OF SIX SENATORS APPOINTED BY THE COMMITTEE ON COMMITTEES AND SIX
 14 REPRESENTATIVES APPOINTED BY THE SPEAKER OF THE HOUSE. THREE SENATORS AND THREE REPRESENTATIVES MUST
 15 BE MEMBERS OF THE MAJORITY PARTY, AND THREE SENATORS AND THREE REPRESENTATIVES MUST BE MEMBERS OF THE
 16 MINORITY PARTY.

17 (3) THE LEGISLATIVE SERVICES DIVISION SHALL PROVIDE STAFF ASSISTANCE TO THE COMMITTEE, AND THE
 18 COMMITTEE MAY RECEIVE STAFF ASSISTANCE FROM THE LEGISLATIVE FISCAL DIVISION AND THE LEGISLATIVE AUDIT
 19 DIVISION. THE COMMITTEE SHALL CONDUCT MEETINGS IN MILES CITY, LIBBY, THOMPSON FALLS, LEWISTOWN, AND
 20 HAMILTON.

21 (4) THE STUDY MUST INCLUDE:

22 (A) AN INVESTIGATION OF FIREFIGHTING OPERATIONS IN MONTANA, INCLUDING OPERATIONS ON TRIBAL LAND AND
 23 PRIVATE LAND, BY THE STATE AND FEDERAL GOVERNMENTS AND THE MANAGEMENT POLICIES AFFECTING THE SUCCESS
 24 OF THOSE OPERATIONS;

25 (B) AN INVESTIGATION OF THE EFFICIENT USE OF FIRE SUPPRESSION RESOURCES, INCLUDING EQUIPMENT AND
 26 FIREFIGHTERS;

27 (C) AN INVESTIGATION OF IMPACTS OF OPERATIONS ON PRIVATE LAND AND ON THE EFFECTIVE USE OF PRIVATE
 28 RESOURCES TO FIGHT FIRES; AND

29 (D) AN INVESTIGATION OF STATE AND FEDERAL FOREST MANAGEMENT POLICIES AND HOW THOSE POLICIES MAY
 30 CONTRIBUTE TO AN INCREASED NUMBER OF WILDFIRES, GREATER SAFETY RISK TO FIREFIGHTERS, OR COMPROMISED

1 EFFECTIVENESS OF FIRE SUPPRESSION EFFORTS.

2 (5) THE FIRE SUPPRESSION COMMITTEE SHALL COMPLETE THE STUDY BY SEPTEMBER 15, 2008, AND REPORT
3 TO THE 61ST LEGISLATURE ON ITS FINDINGS AND RECOMMENDATIONS, INCLUDING ANY RECOMMENDATIONS FOR
4 LEGISLATION.

6 NEW SECTION. SECTION 2. REPORT ON IMPLEMENTING AUDIT RECOMMENDATIONS. THE DEPARTMENT OF
7 NATURAL RESOURCES AND CONSERVATION SHALL PREPARE A REPORT TO THE GOVERNOR AND THE 61ST LEGISLATURE
8 ON ITS PROGRESS IN IMPLEMENTING THE 27 RECOMMENDATIONS OF THE LEGISLATIVE AUDIT DIVISION CONTAINED IN THE
9 DECEMBER 2004 PERFORMANCE AUDIT ENTITLED "WILDLAND FIRE ADMINISTRATION".

11 NEW SECTION. Section 3. Appropriations. (1) ~~The following amounts are appropriated~~ THERE IS
12 APPROPRIATED \$39 MILLION from the state general fund to the department of natural resources and conservation
13 for wildfire suppression and for WILDFIRE disaster response and recovery activities in Montana:

14	_____ Fiscal year 2008 _____	\$39 million
15	_____ Fiscal year 2009 _____	\$10 million.

16 (2) There is appropriated \$3 million from the general fund to the department of military affairs for fiscal
17 year 2008 for wildfire suppression and for WILDFIRE disaster response and recovery activities in Montana.

18 (3) Of the \$42 million appropriated to the departments of natural resources and conservation and military
19 affairs for fiscal year 2008, up to \$16 million is intended to be treated as the recovery of money previously
20 expended under 10-3-312 in fiscal year 2008.

21 (4) THE AMOUNTS APPROPRIATED IN [THIS ACT] MAY NOT BE USED TO PURCHASE OR LEASE CAPITAL ASSETS ON
22 A LONG-TERM BASIS.

24 NEW SECTION. SECTION 4. APPROPRIATION. THERE IS APPROPRIATED FROM THE STATE GENERAL FUND TO
25 THE LEGISLATIVE SERVICES DIVISION \$200,000 FOR THE PURPOSE OF CONDUCTING THE STUDY PROVIDED FOR IN
26 [SECTION 1].

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

29 - END -

