

## 1 HOUSE BILL NO. 469

2 INTRODUCED BY S. NOVAK

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO THE GOVERNOR'S  
5 EMERGENCY RESPONSE POWERS; ALLOWING FUNDS TO BE USED FOR PARTICIPATION IN THE  
6 EMERGENCY MANAGEMENT ASSISTANCE COMPACT; AND AMENDING SECTION 10-3-312, MCA."

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

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10 **Section 1.** Section 10-3-312, MCA, is amended to read:

11 **"10-3-312. Maximum expenditure by governor -- appropriation.** (1) (a) Whenever a disaster or an  
12 emergency, including an energy emergency as defined in 90-4-302 or an invasive species emergency declared  
13 under 80-7-1013, is declared by the governor, there is statutorily appropriated to the office of the governor, as  
14 provided in 17-7-502, and, subject to subsection (2), the governor is authorized to expend from the general fund  
15 an amount not to exceed \$16 million in any biennium, minus any amount appropriated pursuant to 10-3-310 in  
16 the same biennium. The statutory appropriation in this subsection may be used by any state agency designated  
17 by the governor.

18 (b) Absent a declaration by the governor as outlined in subsection (1)(a), up to \$6 million of the \$16  
19 million is statutorily appropriated, as provided in 17-7-502, to the governor from the general fund for use by the  
20 department of military affairs for advanced funding emergency assistance measures when:

21 (i) the state has agreed to enact the Emergency Management Assistance Compact pursuant to 10-3-  
22 1001 with another member state that has requested assistance during a declared state of emergency or  
23 disaster; and

24 (ii) the state agrees to provide resources to the requesting member state.

25 (c) Pursuant to Article IX of the Emergency Management Assistance Compact, reimbursement for  
26 expenses allowed in subsection (1)(b) must be deposited into the general fund.

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

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

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

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