

**Amendment - 2nd Reading/2nd House-tan - Requested by: Tom McGillvray - (S) Committee of the Whole**

- 2025

69th Legislature 2025

Drafter: Casey Pallister,

HB0932.001.005

HOUSE BILL NO. 932

INTRODUCED BY K. WALSH

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO FUNDING FOR CONSERVATION; REVISING THE ALLOCATION OF THE MARIJUANA STATE SPECIAL REVENUE ACCOUNT; ESTABLISHING A HABITAT LEGACY ACCOUNT; ESTABLISHING STATE SPECIAL REVENUE ACCOUNTS FOR WILDLIFE HABITAT CONSERVATION, WILDLIFE IMPROVEMENT PROJECTS, AND WILDLIFE CROSSINGS; REVISING MEMBERSHIP FOR THE WILDLIFE HABITAT IMPROVEMENT ADVISORY COUNCIL; REVISING THE KELLY FLYNN MONTANA WILDLIFE HABITAT IMPROVEMENT ACT; REVISING RANKING CRITERIA FOR WILDLIFE HABITAT IMPROVEMENT PROJECTS; REVISING RULEMAKING AUTHORITY; PROVIDING AN APPROPRIATION; AMENDING SECTIONS 16-12-111, 87-5-801, 87-5-802, 87-5-803, 87-5-804, 87-5-806, AND 87-5-808, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

**NEW SECTION. Section 1. Habitat legacy account.** (1) There is a habitat legacy account in the state special revenue fund established in 17-2-102. The account is administered by the department of fish, wildlife, and parks. All funds received pursuant to 16-12-111(4)(b) must be deposited in the account.

(2) Except as provided in subsection (3), at the end of each fiscal year the state treasurer shall make the following transfers from this account:

(a) 75% to the land and wildlife stewardship account established in [section 2] to be used solely, together with the interest and income from the money, as funding to secure wildlife habitat pursuant to 87-1-209;

(b) 20% to the account established in [section 3]; and

(c) 5% to the account established in [section 4].

(3) If the account established in [section 2] has a balance of unobligated and unexpended funds that exceeds \$50 million, then the transfers provided for in subsection (2) may not be made, and the

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(6) Deposits to the account must be placed in short-term investments to accrue interest. The interest must be deposited in the account.

**Section 5.** Section 16-12-111, MCA, is amended to read:

**"16-12-111. Marijuana state special revenue account -- operating reserve -- transfer of excess funds.** (1) There is a dedicated marijuana state special revenue account within the state special revenue fund established in 17-2-102, to be administered by the department.

(2) The account consists of:

- (a) money deposited into the account pursuant to this chapter;
- (b) the taxes collected pursuant to Title 15, chapter 64, part 1;
- (c) license and registered cardholder fees deposited into the account pursuant to this chapter;
- (d) taxes deposited into the account pursuant to 16-12-310; and
- (e) civil penalties collected under this chapter.

(3) Except as provided in subsection (4), money in the account must be used by the department for the purpose of administering the provisions of this chapter.

(4) At the end of each fiscal year, the department shall transfer funds in excess of a 3-month operating reserve necessary to fund operating costs at the beginning of the next fiscal year in the following order:

(a) ~~an amount not to exceed \$6 million~~ 11% must be transferred to the healing and ending addiction through recovery and treatment (HEART) account established in 16-12-122;

(b) the net balance remaining after distribution to the HEART account must be distributed as follows:

(i) ~~20% to the credit of the department of fish, wildlife, and parks to be used solely as funding for wildlife habitat in the same manner as funding generated under 87-1-242 (3) and used pursuant to 87-1-209 habitat legacy account provided for in [section 1];~~

(ii) 4% to the state park account established in 23-1-105(1);

(iii) 4% to the trails and recreational facilities account established in 23-2-108;

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(iv) 4% to the nongame wildlife account established in 87-5-121;

(v) 3% or \$200,000, whichever is less, to the veterans and surviving spouses state special revenue account provided for in 10-2-108;

(vi) for the biennium beginning July 1, 2021, \$300,000 to the department of justice to administer grant funding to local and state law enforcement agencies for the purpose of purchasing and training drug detection canines and canine handlers, including canines owned by local law enforcement agencies to replace canines who were trained to detect marijuana;

(vii) \$150,000 to the board of crime control to fund crisis intervention team training as provided in 44-7-110; and

(viii) the remainder to the general fund. (Subsection (4)(b)(vi) terminates June 30, 2025--sec. 117(2), Ch. 576, L. 2021.)"

**Section 6.** Section 87-5-801, MCA, is amended to read:

**"87-5-801. Short title.** This part may be cited as the "Kelly Flynn Montana Wildlife Habitat Improvement Program and Legacy Act"."

**Section 7.** Section 87-5-802, MCA, is amended to read:

**"87-5-802. Definitions.** As used in this part, unless the context indicates otherwise, the following definitions apply:

(1) "Commission" means the fish and wildlife commission established in 2-15-3402.

(2) "Council" means the wildlife habitat improvement advisory council established in 87-5-803.

~~(2)(3)~~ "Department" means the department of fish, wildlife, and parks established in 2-15-3401.

~~(3)~~ "Native plant" means a plant indigenous to the state of Montana.

(4) "Habitat" means the natural environment where a species lives or thrives.

~~(4)(5)~~ "Noxious weed" means a weed has the same meaning as provided defined in 7-22-2101.

~~(5)~~ "Noxious weed management" means an integrated weed management program for the containment, suppression, and, where possible, eradication of noxious weeds. The term includes a long-term