

1 HOUSE BILL NO. 855

2 INTRODUCED BY K. ZOLNIKOV

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FUNDING FOR ADDITIONAL WILDLIFE
5 CROSSINGS IN MONTANA; AUTHORIZING THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO
6 ESTABLISH A SPECIALTY LICENSE PLATE; ESTABLISHING A BIG GAME AND WILDLIFE HIGHWAY
7 CROSSINGS AND ACCOMMODATIONS ACCOUNT; PROVIDING A STATUTORY APPROPRIATION;
8 PROVIDING FUNDING TO THE DEPARTMENT OF TRANSPORTATION FOR QUALIFYING PROJECTS;
9 AMENDING SECTION 17-7-502, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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11 WHEREAS, per capita Montana has the second highest number of wildlife-vehicle collisions in the
12 nation with a 1-in-54 likelihood of hitting an animal and with a minimum of 6,000 big game carcasses collected
13 each year from Montana highways; and

14 WHEREAS, wildlife accommodations, such as underpasses and overpasses with fencing on public
15 roadways, effectively reduce vehicle collisions with wildlife, save lives, and help prevent the costs associated
16 with wildlife-vehicle collisions, including vehicle damage repairs, human injuries or fatalities, emergency
17 response, and other costs estimated at a minimum of \$119,719,100 annually, as well as the costs of increased
18 insurance premiums; and

19 WHEREAS, protecting wildlife movement has been shown to improve the herd vitality of big game
20 species that are critical to Montana's outdoor recreation economy and is essential for other wildlife species; and

21 WHEREAS, most Montanans from all walks of life support constructing more wildlife crossings, 77% of
22 Montanans support providing funding for additional wildlife crossings in Montana, according to a 2023 survey
23 done by Moore Information Group, and 70% of Montanans have been involved in a wildlife-vehicle collision in
24 the state; and

25 WHEREAS, the Montana Wildlife and Transportation Partnership was created in part to assemble data
26 and supporting information to define and identify areas of greatest need for wildlife accommodations based on
27 wildlife-vehicle conflict; and

28 WHEREAS, the effectiveness and cost-efficiency of all the existing efforts in the state would be

enhanced by a comprehensive and coordinated effort through funding for highway accommodation and crossing projects.

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

NEW SECTION. Section 1. Big game and wildlife highway crossings and accommodations

license plates -- authorization. (1) An applicant for a generic specialty license plate that is sponsored by the department of fish, wildlife, and parks shall make a donation of \$20 to the department upon initial issuance of the license plates and a donation of \$20 for each annual renewal of the license plates.

(2) The department shall establish a generic specialty license plate, as defined in 61-3-473, no later than January 1, 2026.

(3) The donation provided for in subsection (1) must be paid to the county treasurer, who shall remit the entire amount to the department of revenue for deposit in the big game and wildlife highway crossings and accommodations state special revenue account established in [section 2].

NEW SECTION. Section 2. Big game and wildlife highway crossings and accommodations

account -- purpose -- funds invested -- statutory appropriation. (1) There is a big game and wildlife highway crossings and accommodations state special revenue account within the state special revenue fund established in 17-2-102 administered by the department.

(2) The purpose of the account is to provide money exclusively for the design, construction, identification, maintenance, and conservation of wildlife crossings and other related crossing accommodations to improve wildlife permeability in the state, which may include but is not limited to:

(a) matching any federal money for a project to design, construct, identify, maintain, or protect wildlife crossings and other related crossing accommodation features;

(b) conducting studies on wildlife crossings and other related crossing accommodations;

(c) designing or constructing wildlife crossings and other related crossing accommodation features;

(d) planning related to wildlife crossings and other related crossing accommodation features,

1 including assessing risk of wildlife disease transmission;

2 (e) staffing needs related to the design, construction, identification, maintenance, and conservation
3 of wildlife crossings and other related crossing accommodation features; and

4 (f) any other needs the department identified in consultation with the department of transportation
5 related to wildlife roadway accommodations.

6 (3) There must be deposited into the account transfers, gifts, grants, donations, income from
7 investment of the fund, and any other money distributed or otherwise allocated to the fund.

8 (4) Money in the account is statutorily appropriated, as provided in 17-7-502, to the department for
9 the purposes of [sections 1 and 2].

10 (5) Money in the account may be used to fund the department of transportation for eligible projects
11 or programs as determined by the department of fish, wildlife, and parks. The department of fish, wildlife, and
12 parks shall consult with the department of transportation before funding qualifying projects in the state in
13 accordance with subsection (2).

14 (6) Money that was not encumbered or expended from the account during the previous biennium
15 must remain in the account.

16 (7) Deposits to the account must be placed in short-term investments to accrue interest. The
17 interest must be deposited into the account.

18

19 **Section 3.** Section 17-7-502, MCA, is amended to read:

20 **"17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory

21 appropriation is an appropriation made by permanent law that authorizes spending by a state agency without
22 the need for a biennial legislative appropriation or budget amendment.

23 (2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with
24 both of the following provisions:

25 (a) The law containing the statutory authority must be listed in subsection (3).

26 (b) The law or portion of the law making a statutory appropriation must specifically state that a
27 statutory appropriation is made as provided in this section.

28 (3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120; 5-

11-407; 5-13-403; 5-13-404; 7-4-2502; 7-4-2924; 7-32-236; 10-1-108; 10-1-1202; 10-1-1303; 10-2-603; 10-2-807; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-3-316; 10-3-802; 10-3-1304; 10-4-304; 10-4-310; 15-1-121; 15-1-142; 15-1-143; 15-1-218; 15-1-2302; 15-31-165; 15-31-1004; 15-31-1005; 15-35-108; 15-36-332; 15-37-117; 15-39-110; 15-65-121; 15-70-128; 15-70-131; 15-70-132; 15-70-433; 16-11-119; 16-11-509; 17-3-106; 17-3-212; 17-3-222; 17-3-241; 17-6-101; 17-6-214; 17-7-133; 17-7-215; 18-11-112; 19-3-319; 19-3-320; 19-6-410; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 19-20-607; 19-21-203; 20-3-369; 20-7-1709; 20-8-107; 20-9-250; 20-9-534; 20-9-622; [20-15-328]; 20-26-617; 20-26-1503; 22-1-327; 22-3-116; 22-3-117; [22-3-1004]; 23-4-105; 23-5-306; 23-5-409; 23-5-612; 23-7-301; 23-7-402; 30-10-1004; 37-43-204; 37-50-209; 37-54-113; 39-71-503; 41-5-2011; 42-2-105; 44-4-1101; 44-4-1506; 44-12-213; 44-13-102; 50-1-115; 53-1-109; 53-6-148; 53-9-113; 53-24-108; 53-24-206; 60-5-530; 60-11-115; 61-3-321; 61-3-415; 67-1-309; 69-3-870; 69-4-527; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 75-26-308; 76-13-150; 76-13-151; 76-13-417; 76-17-103; 77-1-108; 77-2-362; 80-2-222; 80-4-416; 80-11-518; 80-11-1006; 81-1-112; 81-1-113; 81-2-203; 81-7-106; 81-7-123; 81-10-103; 82-11-161; 85-20-1504; 85-20-1505; [85-25-102]; 87-1-603; [section 2]; 87-5-909; 90-1-115; 90-1-205; 90-1-504; 90-6-331; and 90-9-306.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and any costs or fees associated with issuing, paying, securing, redeeming, or defeasing all bonds, notes, or other obligations, as due in the ordinary course or when earlier called for redemption or defeased, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the inclusion of 19-20-604 terminates contingently when the amortization period for the teachers' retirement system's unfunded liability is 10 years or less; pursuant to sec. 73, Ch. 44, L. 2007, the inclusion of 19-6-410 terminates contingently upon the death of the last recipient eligible under 19-6-709(2) for the supplemental benefit provided by 19-6-709; pursuant to sec. 5, Ch. 383, L. 2015, the inclusion of 85-25-102 is effective on occurrence of contingency; pursuant to sec. 6, Ch. 423, L. 2015, the inclusion of 22-3-116 and 22-3-117 terminates June 30, 2025; pursuant to sec. 4, Ch. 122, L. 2017, the inclusion of 10-3-1304 terminates September 30, 2025; pursuant to sec. 1, Ch. 213, L. 2017, the inclusion of 90-6-331 terminates June 30, 2027;

pursuant to sec. 10, Ch. 374, L. 2017, the inclusion of 76-17-103 terminates June 30, 2027; pursuant to secs. 11, 12, and 14, Ch. 343, L. 2019, the inclusion of 15-35-108 terminates June 30, 2027; pursuant to sec. 1, Ch. 408, L. 2019, the inclusion of 17-7-215 terminates June 30, 2029; pursuant to secs. 1, 2, 3, Ch. 139, L. 2021, the inclusion of 53-9-113 terminates June 30, 2027; pursuant to sec. 8, Ch. 200, L. 2021, the inclusion of 10-4-310 terminates July 1, 2031; pursuant to secs. 3, 4, Ch. 404, L. 2021, the inclusion of 30-10-1004 terminates June 30, 2027; pursuant to sec. 5, Ch. 548, L. 2021, the inclusion of 50-1-115 terminates June 30, 2025; pursuant to secs. 5 and 12, Ch. 563, L. 2021, the inclusion of 22-3-1004 is effective July 1, 2027; pursuant to sec. 1, Ch. 20, L. 2023, sec. 2, Ch. 20, L. 2023, and sec. 3, Ch. 20, L. 2023, the inclusion of 81-1-112, 81-1-113, and 81-7-106 terminates June 30, 2029; pursuant to sec. 9, Ch. 44, L. 2023, the inclusion of 15-1-142 terminates December 31, 2025; pursuant to sec. 10, Ch. 47, L. 2023, the inclusion of 15-1-2302 terminates June 30, 2025; pursuant to sec. 2, Ch. 374, L. 2023, the inclusion of 10-3-802 terminates June 30, 2031; pursuant to sec. 12, Ch. 558, L. 2023, the inclusion of 20-9-250 terminates December 31, 2029; pursuant to sec. 4, Ch. 621, L. 2023, the inclusion of 22-1-327 terminates July 1, 2029; pursuant to sec. 24, Ch. 722, L. 2023, the inclusion of 17-7-133 terminates June 30, 2027; pursuant to sec. 10, Ch. 758, L. 2023, the inclusion of 44-4-1506 terminates June 30, 2027; and pursuant to sec. 10, Ch. 764, L. 2023, the inclusion of 15-1-143 terminates December 31, 2025.)"

NEW SECTION. Section 4. Transfer of funds. By June 30, 2025, the state treasurer shall transfer \$100 from the general fund to the big game and wildlife highway crossings and accommodations state special revenue account established in [section 2].

NEW SECTION. Section 5. Notification to tribal governments. The secretary of state shall send a copy of [this act] to each federally recognized tribal government in Montana.

NEW SECTION. Section 6. Codification instruction. [Sections 1 and 2] are intended to be codified as an integral part of Title 87, chapter 1, part 6, and the provisions of Title 87, chapter 1, part 6, apply to [sections 1 and 2].

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