

HOUSE BILL NO. 887

INTRODUCED BY K. ZOLNIKOV, S. KERNS

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A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR A WILDLIFE ACCOMMODATION AND CROSSING ACCOUNT; PROVIDING A DEFINITION; PROVIDING A STATUTORY APPROPRIATION; PROVIDING FOR A TRANSFER OF FUNDS; AMENDING SECTION 17-7-502, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

WHEREAS, Montana has the second highest number of wildlife-vehicle collisions in the nation with 17,000 incidents reported annually, resulting in 53 fatalities between 2011 and 2020; and

WHEREAS, wildlife accommodations on public roadways effectively reduce vehicle collisions with wildlife, save lives, and help prevent costly repairs and increased insurance premiums; and

WHEREAS, conserving wildlife movement has been shown to improve the herd vitality of big game species that are critical to Montana's outdoor recreation economy; and

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

WHEREAS, the effectiveness and cost-efficiency of all of the existing efforts in the state will be enhanced by a comprehensive and coordinated effort through funding for department projects.

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

NEW SECTION. Section 1. Wildlife accommodation and crossing account. (1) There is a wildlife accommodation and crossing account in the state special revenue fund provided for in 17-2-102.

(2) Funds in this account are statutorily appropriated, as provided in 17-7-502, to the department of transportation for the design, construction, identification, restoration, and protection of wildlife crossings and other highway features to reduce wildlife-vehicle collisions in this state. Authorized uses of funds in the account include but are not limited to:

1 (a) providing matching funds for federal money for a project of the department of a political
 2 subdivision of the state to design, construct, identify, restore, or protect wildlife crossings and other related
 3 highway features;

4 (b) conducting studies on wildlife crossings and other related highway features;

5 (c) designing or constructing wildlife crossings and other related highway features;

6 (d) planning related to wildlife crossings and other related highway features; and

7 (e) staffing needs related to the design, construction, identification, restoration, and protection of
 8 wildlife crossings and other related highway features.

9 (3) The department may accept gifts, grants, and bequests of money earmarked for the purposes
 10 provided in subsection (2) from any public or private source. The money must be deposited in the state treasury
 11 for credit to the wildlife accommodation and crossing account.

12 (4) As used in this section, "political subdivision" has the meaning provided in 2-9-101.

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14 **Section 2.** Section 17-7-502, MCA, is amended to read:

15 **"17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory
 16 appropriation is an appropriation made by permanent law that authorizes spending by a state agency without
 17 the need for a biennial legislative appropriation or budget amendment.

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

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

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

23 (3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120; 5-
 24 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-
 25 807; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-3-802; 10-3-1304; 10-4-304; 10-4-310; 15-1-121; 15-1-218;
 26 15-31-165; 15-31-1004; 15-31-1005; 15-35-108; 15-36-332; 15-37-117; 15-39-110; 15-65-121; 15-70-101; 15-
 27 70-130; [section 1]; 15-70-433; 16-11-119; 16-11-509; 17-3-106; 17-3-212; 17-3-222; 17-3-241; 17-6-101; 17-7-
 28 215; 18-11-112; 19-3-319; 19-3-320; 19-6-404; 19-6-410; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-

1 305; 19-19-506; 19-20-604; 19-20-607; 19-21-203; 20-8-107; 20-9-534; 20-9-622; [20-15-328]; 20-26-617; 20-
2 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-
3 402; 30-10-1004; 37-43-204; 37-50-209; 37-54-113; 39-71-503; 41-5-2011; 42-2-105; 44-4-1101; 44-12-213;
4 44-13-102; 46-32-108; 50-1-115; 53-1-109; 53-6-148; 53-9-113; 53-24-108; 53-24-206; 60-5-530; 60-11-115;
5 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-
6 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;
7 81-1-112; 81-1-113; 81-7-106; 81-7-123; 81-10-103; 82-11-161; 85-2-526; 85-20-1504; 85-20-1505; [85-25-
8 102]; 87-1-603; 87-5-909; 90-1-115; 90-1-205; 90-1-504; 90-6-331; and 90-9-306.

9 (4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing,
10 paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued
11 pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of
12 Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined
13 by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have
14 statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the
15 inclusion of 19-20-604 terminates contingently when the amortization period for the teachers' retirement
16 system's unfunded liability is 10 years or less; pursuant to sec. 73, Ch. 44, L. 2007, the inclusion of 19-6-410
17 terminates contingently upon the death of the last recipient eligible under 19-6-709(2) for the supplemental
18 benefit provided by 19-6-709; pursuant to sec. 5, Ch. 383, L. 2015, the inclusion of 85-25-102 is effective on
19 occurrence of contingency; pursuant to sec. 6, Ch. 423, L. 2015, the inclusion of 22-3-116 and 22-3-117
20 terminates June 30, 2025; pursuant to sec. 12, Ch. 55, L. 2017, the inclusion of 37-54-113 terminates June 30,
21 2023; pursuant to sec. 4, Ch. 122, L. 2017, the inclusion of 10-3-1304 terminates September 30, 2025;
22 pursuant to sec. 1, Ch. 213, L. 2017, the inclusion of 90-6-331 terminates June 30, 2027; pursuant to secs. 5, 8,
23 Ch. 284, L. 2017, the inclusion of 81-1-112, 81-1-113, and 81-7-106 terminates June 30, 2023; pursuant to sec.
24 1, Ch. 340, L. 2017, the inclusion of 22-1-327 terminates July 1, 2023; pursuant to sec. 10, Ch. 374, L. 2017,
25 the inclusion of 76-17-103 terminates June 30, 2027; pursuant to sec. 5, Ch. 50, L. 2019, the inclusion of 37-50-
26 209 terminates September 30, 2023; pursuant to sec. 1, Ch. 408, L. 2019, the inclusion of 17-7-215 terminates
27 June 30, 2029; pursuant to secs. 11, 12, and 14, Ch. 343, L. 2019, the inclusion of 15-35-108 terminates June
28 30, 2027; pursuant to sec. 7, Ch. 465, L. 2019, the inclusion of 85-2-526 terminates July 1, 2023; pursuant to

1 sec. 5, Ch. 477, L. 2019, the inclusion of 10-3-802 terminates June 30, 2023; pursuant to secs. 1, 2, 3, Ch. 139,
 2 L. 2021, the inclusion of 53-9-113 terminates June 30, 2027; pursuant to sec. 8, Ch. 200, L. 2021, the inclusion
 3 of 10-4-310 terminates July 1, 2031; pursuant to secs. 3, 4, Ch. 404, L. 2021, the inclusion of 30-10-1004
 4 terminates June 30, 2027; pursuant to sec. 5, Ch. 548, L. 2021, the inclusion of 50-1-115 terminates June 30,
 5 2025; pursuant to secs. 5 and 12, Ch. 563, L. 2021, the inclusion of 22-3-1004 is effective July 1, 2027; and
 6 pursuant to sec. 15, Ch. 574, L. 2021, the inclusion of 46-32-108 terminates June 30, 2023.)"

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8 **NEW SECTION. Section 3. Transfer of funds.** Before June 30, 2023, the state treasurer shall
 9 transfer \$1 million from the general fund to the wildlife accommodation and crossing account provided for in
 10 [section 1].

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12 **NEW SECTION. Section 4. Codification instruction.** [Section 1] is intended to be codified as an
 13 integral part of Title 60, chapter 3, part 2, and the provisions of Title 60, chapter 3, part 2, apply to [section 1].

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

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