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INTRODUCED BY Ream House BILL NO. 456

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A PERSON TO POSSESS AND DISPOSE OF A GAME ANIMAL KILLED BY A MOTOR VEHICLE UPON VERIFICATION AND PAYMENT OF A FEE; ASSESSING ON MOTOR VEHICLES A FEE TO BE USED BY THE DEPARTMENT OF TRANSPORTATION AND THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS FOR THE PICK-UP AND DISPOSAL OF ROAD-KILLED WILDLIFE; ALLOWING THE DEPARTMENTS TO CONTRACT FOR THAT SERVICE; CREATING THE ROAD-KILLED WILDLIFE DISPOSAL FUND; AND ALLOWING THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO ESTABLISH RULES FOR THE CHARITABLE, INDIVIDUAL, AND COMMERCIAL USE OF ROAD-KILLED WILDLIFE."

WHEREAS, wildlife killed by motor vehicles on the roads and highways of Montana have traditionally been pulled to the side of the road and allowed to be naturally recycled; and

WHEREAS, increasing populations of both wildlife and humans have correspondingly increased the number of wildlife-vehicle collisions, often in residential areas, and the tolerance for allowing natural recycling of road-killed wildlife is waning as the numbers increase; and

WHEREAS, the increase in collisions between wildlife and vehicles has great economic implications, with millions of total dollars in damage to vehicles, as well as over 700 human injuries and 10 human fatalities in the past 5 years; and

WHEREAS, the Department of Transportation presently removes most large road-killed animals from the interstate highway and road system of Montana, at an estimated annual cost of \$150,000 to \$200,000, which represents a drain on the Department's general road maintenance budget; and

WHEREAS, the Department of Fish, Wildlife, and Parks responds to most in-town calls and many county calls for the removal of road-killed wildlife, at an estimated annual cost of \$50,000 to \$100,000, which represents a drain on hunting and fishing license revenue and an appropriation of wardens' time away from priority work that must be performed within limited available hours.

#### STATEMENT OF INTENT

A statement of intent is required for this bill because [section 3] requires the department of

1 transportation and the department of fish, wildlife, and parks to develop rules for the pick-up and disposal  
2 of road-killed wildlife. It is intended that the rules be adopted jointly to address the departments'  
3 proportional duties associated with that pick-up and disposal. It is further intended that the department of  
4 fish, wildlife, and parks rules address the pick-up and use of road-killed wildlife by charitable organizations  
5 and, if considered appropriate, allow certain individual or commercial uses of road-killed wildlife and wildlife  
6 parts.

7  
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9  
10 NEW SECTION. **Section 1. Disposition of animals killed by motor vehicles -- verification --**  
11 **inspection fee.** Whenever a game animal is killed by a motor vehicle on a public road or highway, a person  
12 who desires to possess that animal shall notify a warden or other authorized person as soon as possible.  
13 The warden or authorized person shall inspect the animal and, if it is verified that the animal was killed by  
14 a motor vehicle, shall give a written, dated note of validation that authorizes the person whose name  
15 appears on the note to lawfully possess and dispose of the game animal. The note of validation must remain  
16 with the animal carcass while in processing or storage. There is a \$5 fee for the inspection and validation.  
17 All revenue collected under this section must be deposited in the road-killed wildlife disposal fund created  
18 in [section 3] for the uses enumerated in that section.

19  
20 NEW SECTION. **Section 2. Road-killed wildlife disposal fee.** (1) There is a fee of 30 cents imposed  
21 on the registration or reregistration of each motor vehicle subject to registration. The fee is in addition to  
22 annual registration fees and is due and payable at the time of registration.

23 (2) The fee must be collected by the county treasurer and forwarded to the state treasurer for  
24 deposit in the road-killed wildlife disposal fund created in [section 3].

25  
26 NEW SECTION. **Section 3. Road-killed wildlife disposal fund created -- use of funds.** (1) There is  
27 a road-killed wildlife disposal fund in the state special revenue account. Funds collected under [sections 1  
28 and 2] must be placed in the account and credited to the department of transportation and the department  
29 of fish, wildlife, and parks for the uses enumerated in this section.

30 (2) The department of transportation and the department of fish, wildlife, and parks may use funds

1 in the road-killed wildlife disposal fund:

2 (a) to defray the departmental costs of pick-up and disposal of road-killed wildlife from the highway  
3 system of this state;

4 (b) to contract with private persons or companies who can provide that service; and

5 (c) for accident prevention at highway locations that sustain a high collision rate between vehicles  
6 and wildlife.

7 (3) The departments may adopt joint rules to address the departments' proportional duties  
8 associated with the pick-up and disposal of road-killed wildlife. The department of fish, wildlife, and parks  
9 may by rule establish procedures that allow the pick-up and use of road-killed wildlife by charitable  
10 organizations and that allow certain individual or commercial uses of road-killed wildlife and wildlife parts.

11  
12 **NEW SECTION. Section 4. Codification instruction.** (1) [Section 1] is intended to be codified as  
13 an integral part of Title 87, chapter 1, and the provisions of Title 87, chapter 1, apply to [section 1].

14 (2) [Section 2] is intended to be codified as an integral part of Title 61, chapter 3, part 5, and the  
15 provisions of Title 61, chapter 3, part 5, apply to [section 2].

16 (3) [Section 3] is intended to be codified as an integral part of Title 60, chapter 3, part 2, and the  
17 provisions of Title 60, chapter 3, part 2, apply to [section 3].

18 -END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0456, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act allowing possession and or disposition of road-killed game animals upon verification and payment of a fee; assessing on motor vehicles a fee to be used by the Departments of Transportation and Fish, Wildlife & Parks for the pick up and disposal of road-killed wildlife; allowing the departments to contract for pick up and disposal; and allow Fish, Wildlife and Parks to establish rules for the charitable, individual and commercial use of road-killed wildlife.

ASSUMPTIONS:

1. The Departments of Transportation (DOT) and Fish, Wildlife and Parks (FWP) are responsible for pick-up and disposal of road-killed wildlife, either directly or through contract.
2. The departments will adopt a joint set of rules dealing with pick up and disposal of road-killed animals.
3. FWP's game wardens, DOT staff, and other authorized personnel will be involved in the inspection, verification, removal, and disposal of wildlife killed by motor vehicles.
4. Annually, 980,000 motor vehicles will be assessed the \$.30 road-kill disposal fee, which will generate \$294,000 annually.
5. There will be 150 requests for inspection/validation each year, generating \$5.00 of revenue per inspection/validation, for a total of \$750 per year.
6. The average cost by FWP to do an inspection/validation is projected at \$40.20 or \$6,030 annually. Estimated costs for the pick up and disposal of road kill is \$100,000 per year.
7. DOT spends approximately 7,000 hours per year on road kill removal at a cost of approximately \$22.00 per hour for a total of \$154,000. These costs would be reimbursed from the disposal account, thereby freeing up dollars for other road maintenance activities.

FISCAL IMPACT:

	<u>FY96</u>	<u>FY97</u>
	<u>Difference</u>	<u>Difference</u>
<u>Expenditures:</u>		
Department of Fish, Wildlife & Parks	106,030	106,030
Department of Transportation	<u>154,000</u>	<u>154,000</u>
Total	260,030	260,030
<u>Revenues:</u>		
Motor Vehicle Disposal Fees (02)	294,000	294,000
Inspection/validation Fees (02)	<u>750</u>	<u>750</u>
Total	294,750	294,750
<u>Net Impact:</u>		
State Special Revenue (02)	34,720	34,720

*Dave Lewis* 2-13-95  
 DAVE LEWIS, BUDGET DIRECTOR      DATE  
 Office of Budget and Program Planning

*Bob Ream* 2/14/95  
 BOB REAM, PRIMARY SPONSOR      DATE

Fiscal Note for HB0456, as introduced  
**HB456**