

SENATE BILL NO. 298

INTRODUCED BY TROPILA, BERGREN, GOLIE, KITZENBERG, MCNUTT, MUSGROVE, SMITH, STAHL,
STEINBEISSER

A BILL FOR AN ACT ENTITLED: "AN ACT ADDRESSING THE PRODUCTION OF FISH AT AND PLANTING
OF FISH FROM THE FORT PECK MULTISPECIES FISH HATCHERY; CLARIFYING THAT PRODUCTION OF
FISH SPECIES AT THE FORT PECK MULTISPECIES FISH HATCHERY IS ~~LIMITED TO WARM WATER~~
~~SPECIES ONLY, INCLUDING~~ INCLUDES PALLID STURGEON, PADDLEFISH, AND CERTAIN CLASSIFIED
WARM WATER SPECIES, ~~AND PROHIBITING THE PRODUCTION OF COLD WATER SPECIES UNLESS~~
~~SPECIFICALLY PROVIDED~~; PROVIDING THAT ANY WATERS ~~ON THE LIST ON JANUARY 1, 2004~~; LISTED
IN THE 2005 MONTANA FISHING REGULATIONS THAT REQUIRE A WARM WATER STAMP AND WATERS
PLANTED WITH FISH FROM THE FORT PECK MULTISPECIES FISH HATCHERY BE PERMANENTLY
INCLUDED IN THE LIST OF WATERS FOR WHICH A WARM WATER GAME FISH STAMP IS REQUIRED;
ALLOWING THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO ~~ADD NEW WATERS TO THE LIST~~
~~BY ADMINISTRATIVE RULE~~; AMENDING SECTIONS 87-3-235 AND 87-3-236, MCA; AND PROVIDING AN
IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 87-3-235, MCA, is amended to read:

"87-3-235. Fort Peck multispecies fish hatchery established. (1) There is a multispecies fish
hatchery near Fort Peck dam. The purpose of the hatchery is to provide healthy warm water game fish to
improve the warm water fishing opportunities in Montana with minimal impact on cold water fish populations.
Administration of the hatchery must be by the department, consistent with the department's authority provided
for in 87-3-201.

(2) The multispecies hatchery is intended to use 96 acres of rearing ponds to produce ~~only~~ warm water
species. ~~Unless otherwise provided by this section, the production of cold water species at the multispecies~~
~~hatchery is prohibited.~~ The hatchery is to employ land available through long-term lease from the U.S. army
corps of engineers. It is intended that the hatchery use free, high-quality water from the dredge cut adjacent to
Fort Peck dam. Electric power for the hatchery may be purchased from Fort Peck dam at the lowest available

1 rate.

2 (3) Warm water species to be propagated at the hatchery may include largemouth bass (*Micropterus*
3 *salmoides*), smallmouth bass (*Micropterus dolomieu*), walleye (*Stizostedion vitreum*), sauger (*Stizostedion*
4 *canadense*), black crappie (*Pomoxis nigromaculatus*), white crappie (*Pomoxis annularis*), channel catfish
5 (*Ictalurus punctatus*), yellow perch (*Perca flavescens*), northern pike (*Esox lucius*), pallid sturgeon
6 (*Scaphirhynchus albus*), paddlefish (*Polyodon spathula*), tiger muskellunge, other warm water species classified
7 as species of special concern, threatened, or endangered, and bait fish, including cisco (*Coregonus artedii*). The
8 hatchery may also include raceways for salmon.

9 (4) Costs for hatchery construction, operation, maintenance, and personnel are to be funded with
10 revenue in the warm water game fish accounts established in 87-3-236. It is intended that the hatchery be
11 constructed in stages as revenue becomes available in the warm water game fish accounts established in
12 87-3-236."

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14 **Section 2.** Section 87-3-236, MCA, is amended to read:

15 **"87-3-236. Warm water game fish surcharge and stamp -- warm water game fish defined --**
16 **accounts established -- dedication of revenue to Fort Peck multispecies fish hatchery.** (1) A person who
17 is required to be licensed in order to fish in Montana and who desires to fish for warm water game fish in waters
18 listed pursuant to subsection (9) shall, upon purchase of a Class A, Class B, Class B-4, Class B-5, or Class A-8
19 fishing license, pay a warm water game fish surcharge of \$5. The surcharge is in addition to the license fee
20 established for each class of license and entitles the holder to fish for warm water game fish as authorized by
21 the department. Payment of the surcharge must be indicated by placement of a warm water game fish stamp
22 on the fishing license.

23 (2) A warm water game fish stamp is valid for the license year in which it is purchased.

24 (3) Revenue from the warm water game fish surcharge must be placed in the account created in
25 subsection (5) and may be used only for the purposes set out in subsection (7).

26 (4) As used in this section, "warm water game fish" includes but is not limited to all species of the
27 genera *Stizostedion*, *Esox*, *Micropterus*, and *Lota* and includes largemouth bass (*Micropterus salmoides*),
28 smallmouth bass (*Micropterus dolomieu*), walleye (*Stizostedion vitreum*), sauger (*Stizostedion canadense*),
29 black crappie (*Pomoxis nigromaculatus*), white crappie (*Pomoxis annularis*), channel catfish (*Ictalurus*
30 *punctatus*), yellow perch (*Perca flavescens*), northern pike (*Esox lucius*), pallid sturgeon (*Scaphirhynchus albus*),

1 paddlefish (Polyodon spathula), other warm water species classified as species of special concern, threatened,
 2 or endangered, chinook salmon (Oncorhynchus tshawytscha), and tiger muskellunge.

3 (5) There is an account into which must be deposited:

4 (a) all proceeds from the warm water game fish surcharge established in subsection (1); and

5 (b) money received by the department in the form of gifts, grants, reimbursements, or appropriations
 6 from any source intended to be used for the Fort Peck multispecies fish hatchery.

7 (6) The department shall administer the account within the state special revenue fund established in
 8 17-2-102.

9 (7) Subject to the provisions of subsection (8), revenue collected under subsection (5) must be used
 10 by the department for the construction, operation, maintenance, and personnel costs of the Fort Peck
 11 multispecies fish hatchery established in 87-3-235, which may include a cost-share agreement with the federal
 12 government for construction of the Fort Peck multispecies fish hatchery, and beginning October 1, 2005, for the
 13 costs incurred in eradicating illegally introduced warm water species from Montana waters. No more than 15%
 14 of available revenue may be dedicated to eradication efforts.

15 (8) The department may not use any nonfederal funds for the hatchery authorized in 87-3-235 other
 16 than those in the account provided for in subsection (5). There is an account in the federal special revenue fund
 17 into which must be deposited all federal money received for purposes of the Fort Peck multispecies fish hatchery
 18 and from which the department may use funds for the hatchery authorized in 87-3-235.

19 (9) The department shall prepare a list of all waters into which fish from the Fort Peck multispecies fish
 20 hatchery will be planted. Any waters on the list on January 1, 2004, ALL WATERS LISTED IN THE 2005 MONTANA
 21 FISHING REGULATIONS THAT REQUIRE A WARM WATER STAMP and waters planted OR WATERS THAT WILL BE PLANTED
 22 with fish from the Fort Peck multispecies fish hatchery must be permanently included on the list. The waters
 23 designated in the list are the only waters for which a warm water game fish stamp is required. After [the effective
 24 date of this act], the department may add new waters to the list by administrative rule, following public hearing
 25 and comment."

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27 **NEW SECTION. Section 3. Effective date.** [This act] is effective on passage and approval.

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