

HOUSE BILL NO. 439
INTRODUCED BY R. KOOPMAN

A BILL FOR AN ACT ENTITLED: "AN ACT EXEMPTING CERTAIN OWNERS OF PRIVATE FISH PONDS FROM LICENSING REQUIREMENTS."

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

NEW SECTION. Section 1. Determination of licensing requirements for private ponds. (1) A person who owns a private fish pond and wishes to stock the pond with game fish or other fish species from a hatchery approved by the department may be exempt from fish pond licensing requirements and imposed duties pursuant to 87-4-603 if:

- (a) the pond does not come into contact with other bodies of water and it is outside an historic flood plain;
- (b) there is no reasonable possibility of fish escaping and a threat is not posed to game fish or other fish species in nearby waters;
- (c) the pond does not exceed 50 acres in surface area; and
- (d) the department has determined that the private pond is exempt from licensing requirements after submission of a form described in subsection (2).

(2) A person who owns a private fish pond and does not wish to obtain a private fish pond license shall submit a department-generated form describing salient features of the pond, including but not limited to the pond's size, location, and contact with other bodies of water.

(3) If the department fails to issue a determination of whether the fish pond meets the criteria for exemption from licensing requirements under 87-4-603 within 30 days, the owner of a private fish pond is considered to be exempt from licensing requirements.

NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 87, chapter 4, part 6, and the provisions of Title 87, chapter 4, part 6, apply to [section 1].

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