

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(1) THROUGH (5) 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~~ AN APPLICATION described in subsection (2) AND AN ONSITE INSPECTION IF REQUESTED BY THE DEPARTMENT PURSUANT TO SUBSECTION (3).

(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 APPLICATION describing salient features of the pond, including ~~but not limited to~~ the pond's size, location, ~~and~~ contact with other bodies of water-, AND APPROPRIATE WATER RIGHTS.

(3) IF REQUESTED, THE POND OWNER SHALL PROVIDE ACCESS FOR AN ONSITE INSPECTION BY THE DEPARTMENT PRIOR TO A DECISION BY THE DEPARTMENT AS TO WHETHER A LICENSING EXEMPTION WILL BE GRANTED.

~~(3)~~(4) If the department fails to issue a determination of whether the fish PRIVATE pond meets the criteria for exemption from licensing requirements under 87-4-603 within 30 days OF RECEIPT OF A COMPLETE APPLICATION, 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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