

SENATE BILL NO. 402  
INTRODUCED BY S. KITZENBERG

A BILL FOR AN ACT ENTITLED: "AN ACT REPEALING THE WARM WATER GAME FISH SURCHARGE AND STAMP AND INCREASING THE COST OF RESIDENT AND NONRESIDENT FISHING LICENSES TO PROVIDE REVENUE LOST THROUGH REPEAL OF THE WARM WATER GAME FISH SURCHARGE; AMENDING SECTIONS 87-2-301, 87-2-302, AND 87-3-235, MCA; REPEALING SECTION 87-3-236, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

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

**Section 1.** Section 87-2-301, MCA, is amended to read:

**"87-2-301. Class A--resident fishing license.** A resident, as defined by 87-2-102, upon payment of a fee of ~~\$18~~ \$20, is entitled to receive a Class A license that authorizes the holder of the license to fish with hook and line or rod as prescribed by rules of the department."

**Section 2.** Section 87-2-302, MCA, is amended to read:

**"87-2-302. Class B--nonresident fishing license.** Any person not a resident, as defined in 87-2-102, upon payment of the sum of ~~\$60~~ \$62 to any agent of the department authorized to issue fishing and hunting licenses, is entitled to a Class B license that entitles the holder to fish with hook and line as authorized by the rules and regulations of the department."

**Section 3.** 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 warm water species. 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 rate.

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

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

NEW SECTION. **Section 4. Repealer.** Section 87-3-236, MCA, is repealed.

NEW SECTION. **Section 5. Effective date.** [This act] is effective March 1, 2008.

- END -