

1 HOUSE BILL NO. 69

2 INTRODUCED BY V. COURT

3 BY REQUEST OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS

4

5 A BILL FOR AN ACT ENTITLED: "AN ACT EXTENDING THE PADDLEFISH ROE DONATION PROGRAM;
6 EXTENDING RULEMAKING AUTHORITY; AND AMENDING SECTION 87-4-601, MCA."

7

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

9

10 **Section 1.** Section 87-4-601, MCA, is amended to read:11 **"87-4-601. Sale of fish or spawn.** (1) Until June 30, ~~2018~~ 2020, a person issued a paddlefish tag under
12 87-2-306 who legally takes a paddlefish from the Yellowstone River between the Burlington northern railroad
13 bridge at Glendive to the North Dakota state line during an authorized paddlefish season may donate the
14 paddlefish roe, or eggs, to a Montana nonprofit corporation as specified in subsection (2) for processing and
15 marketing as caviar. A paddlefish may be brought only to the Intake fishing access site for donation to the
16 paddlefish roe donation program and must be a properly tagged, whole paddlefish. Roe separated from the
17 paddlefish is not acceptable for donation to the program. A paddlefish intentionally cut in any manner to identify
18 its sex is also unacceptable for donation to the program.19 (2) The department shall develop rules for selecting one Montana nonprofit organization to accept
20 paddlefish egg donations and process and market the eggs as caviar. The department shall also develop rules
21 for the marketing and sale of caviar under this section.22 (3) The department may enter into an agreement with the organization selected pursuant to the rules
23 provided for in subsection (2) specifying times, sites, and other conditions under which paddlefish eggs may be
24 collected. The agreement must require the organization to maintain records of revenue collected and related
25 expenses incurred and to make the records available to the department and the legislative auditor upon request.26 (4) (a) Thirty percent of the proceeds from the sale of paddlefish egg caviar products in excess of the
27 costs of collection, processing, and marketing must be deposited in a state special revenue fund established for
28 the department. The fund and any interest earned on the fund must be used to benefit the paddlefish fishery,
29 including fishing access, administration, improvements, habitat, and fisheries management, or to provide
30 information to the public regarding fishing in eastern Montana, which ~~could~~ may include the design and

1 construction of interpretive displays.

2 (b) Seventy percent of the proceeds from the sale of paddlefish egg caviar products in excess of the
3 costs of collection, processing, and marketing must be paid to the nonprofit organization that processes and
4 markets the caviar. The nonprofit organization's administrative costs must be paid from its share of the proceeds.
5 An advisory committee must be appointed by the commission and consist of one member from the organization
6 selected pursuant to the rules provided for in subsection (2), two area local government representatives, and two
7 representatives of area anglers. The advisory committee shall solicit and review historical, cultural, recreational,
8 and fish and wildlife proposals and fund projects. The committee shall notify the commission of its actions.
9 Proceeds may be used as seed money for grants.

10 (5) A person may possess and sell legally taken nongame fish, as provided in 87-4-609 and rules
11 adopted by the department pursuant to 87-4-609."

12 - END -