

1 by commercial meat processors. For the purposes of 71-3-1505 and this section, "unclaimed meat of game
2 animals, game birds, or game fish" means the meat of processed game animals, game birds, or game fish
3 for which the owner of the meat has not paid charges for storage and processing and for which the owner
4 has not responded to reasonable requests to make payment and to claim the meat and has not responded
5 to a notice of potential loss of hunting, fishing, and trapping privileges.

6 (2) A person who fails to pay valid charges to a commercial meat processor for storage and
7 processing of the meat of game animals, game birds, or game fish, after reasonable notice from the
8 department, is subject to an administrative forfeiture of hunting, fishing, and trapping privileges until the
9 outstanding charges are paid in full. The department may administratively revoke privileges under this
10 subsection whether or not the department elects to auction unclaimed meat under this section. The
11 department shall provide the person with an opportunity for an informal hearing to contest the forfeiture
12 of hunting, fishing, and trapping privileges.

13 (3) Notwithstanding the provisions and penalties of 87-3-111, which prohibit commercial meat
14 processors from selling the unclaimed meat of game animals, game birds, or game fish to satisfy unpaid
15 charges for storage and processing, commercial meat processors may recover unpaid charges in compliance
16 with this section.

17 (4) The department shall apply the proceeds of an auction of unclaimed meat of game animals,
18 game birds, or game fish in the following manner:

19 (a) First, the proceeds must be applied to cover the department's costs of the auction.

20 (b) Second, the proceeds must be paid to the commercial meat processor to reimburse reasonable
21 and identified unpaid storage and processing charges.

22 (c) Third, any remaining proceeds must be deposited in the state special revenue fund to the credit
23 of the department.

24 (5) The owner of unclaimed meat of a game animal, game bird, or game fish is obligated for unpaid
25 charges whether or not the department auctions the unclaimed meat. If the owner pays charges after the
26 department auctions the meat, payment must be made to the department. The department shall distribute
27 the money paid as required under subsection (4).

28 (6) Any unsold meat from an auction must be distributed as provided in 87-1-512.

29 (7) The department may adopt rules to implement this section.

30

1 **Section 2.** Section 71-3-1505, MCA, is amended to read:

2 "**71-3-1505. Lien for rental on frozen food compartments -- exception.** A (1) Except as provided
3 in subsection (2), a person who operates a frozen food plant ~~which~~ that offers individual compartments to
4 the public has a lien on the property in ~~his~~ the operator's possession for rentals or other charges due. Liens
5 under this subsection may be foreclosed in the ~~same way~~ manner provided for chattel mortgages.

6 (2) Rentals or charges due for unclaimed meat of game animals, game birds, or game fish may be
7 collected only as provided in [section 1]."

8

9 **Section 3.** Section 87-1-226, MCA, is amended to read:

10 "**87-1-226. Disposition of meat of animals damaging property -- disposition of unclaimed game**
11 **meat.** (1) The meat of all animals killed or destroyed pursuant to 87-1-225 by the department or the
12 authorized landholder ~~shall~~ or unclaimed game meat under the provisions of [section 1] must be conserved
13 and given to state institutions, school lunch programs, the department of social and rehabilitation services,
14 or charitable institutions. The department shall provide transportation and distribution of the meat.

15 (2) Any meat not accepted by state institutions, school lunch programs, the department of social
16 and rehabilitation services, or charitable institutions ~~shall~~ must be sold as provided in 87-1-511."

17

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

21

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for SB0422, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act allowing the Department of Fish, Wildlife and Parks to auction unclaimed game meat in order to recover unpaid charges of commercial meat processors and providing for the administrative forfeiture of hunting, fishing, and trapping privileges for the failure to pay valid charges.

ASSUMPTIONS:

1. The rulemaking authority delegated to the Department of Fish, Wildlife and Parks is limited to administrative details of the process for the sale of unclaimed game meat in order to recover unpaid charges by commercial meat processors.
2. The owner of unclaimed meat will be notified by the processor of the owner's financial responsibility for processing and storage charges; and the possible consequences for nonpayment including the potential loss of hunting, fishing, and trapping privileges.
3. Unclaimed meat will be delivered to the Department of Fish, Wildlife and Parks regional headquarters for auction if owners have not responded to reasonable requests for payment. Commercial processors are prohibited by 87-3-111, MCA, from selling the unclaimed meat to satisfy unpaid charges for storage and processing.
4. The Department of Fish, Wildlife and Parks will conduct 14 additional game auctions to assist in the recovery of costs for the meat processors.
5. Department of Fish, Wildlife and Parks costs associated with the additional game auctions will include three hours of warden time per auction and \$500 of operational expenses including advertising and postage for all 14 additional auctions.
6. Processing costs of antelope, deer and elk are \$25.00, \$40.00, and \$80.00 respectively. Proceeds from the auction will be \$10.00 for an antelope, \$50.00 for a deer, and \$200 for an elk. Quantities sold statewide will be 100 antelope, 200 deer, and 50 elk.
7. Expenditures are anticipated to be \$15,000, \$500 for the operating expenses of the Department of Fish, Wildlife and Parks and \$14,500 to reimburse the commercial meat processors.
8. The \$21,000 of projected revenues will be used to cover the Department of Fish, Wildlife and Parks costs of the auctions and reimburse the meat processors, with the balance being deposited in the general license account.

FISCAL IMPACT:

	<u>FY96</u>	<u>FY97</u>
	<u>Difference</u>	<u>Difference</u>
<u>Expenditures:</u>		
Operating Expenses	15,000	15,000
<u>Revenues:</u>		
General License Account (02)	21,000	21,000
<u>Net Impact:</u>		
General License Account (02)	6,000	6,000

Dave Lewis 3-21-95
 DAVE LEWIS, BUDGET DIRECTOR DATE
 Office of Budget and Program Planning

Ken Miller 3-21-95
 KEN MILLER, PRIMARY SPONSOR DATE

Fiscal Note for SB0422, as introduced
 SB422

SENATE BILL NO. 422

INTRODUCED BY

Miller

BY REQUEST OF THE SENATE FISH AND GAME COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO AUCTION UNCLAIMED GAME MEAT IN ORDER TO RECOVER UNPAID CHARGES OF COMMERCIAL MEAT PROCESSORS; PROVIDING FOR THE ADMINISTRATIVE FORFEITURE OF HUNTING, FISHING, AND TRAPPING PRIVILEGES FOR THE FAILURE TO PAY VALID CHARGES; AND AMENDING SECTIONS 71-3-1505 AND 87-1-226, MCA."

STATEMENT OF INTENT

A statement of intent is needed for this bill because rulemaking authority is delegated to the department of fish, wildlife, and parks in [section 1(7)]. The rulemaking authority is to be limited to administrative details of the process for the sale of unclaimed game meat in order to recover unpaid charges by commercial meat processors.

It is intended that the rules address the following provisions:

- (1) efforts required by commercial meat processors to attempt to collect charges for unclaimed game meat;
- (2) notice to the department by commercial meat processors of the existence of unclaimed game meat;
- (3) identification of and delivery to the department of unclaimed game meat; and
- (4) any other reasonable requirements necessary to efficiently, fairly, and effectively implement [section 1].

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

NEW SECTION. Section 1. Sale of unclaimed game meat and recovery of charges by commercial meat processors -- revocation of hunting, fishing, and trapping privileges. (1) The department shall develop and administer a process to receive and to sell at auction, pursuant to 87-1-511, or, pursuant to 87-1-226(1), to otherwise dispose of the unclaimed meat of game animals, game birds, or game fish held

1 by commercial meat processors. For the purposes of 71-3-1505 and this section, "unclaimed meat of game
2 animals, game birds, or game fish" means the meat of processed game animals, game birds, or game fish
3 for which the owner of the meat has not paid charges for storage and processing and for which the owner
4 has not responded to reasonable requests to make payment and to claim the meat and has not responded
5 to a notice of potential loss of hunting, fishing, and trapping privileges.

6 (2) A person who fails to pay valid charges to a commercial meat processor for storage and
7 processing of the meat of game animals, game birds, or game fish, after reasonable notice from the
8 department, is subject to an administrative forfeiture of hunting, fishing, and trapping privileges until the
9 outstanding charges are paid in full. The department may administratively revoke privileges under this
10 subsection whether or not the department elects to auction unclaimed meat under this section. The
11 department shall provide the person with an opportunity for an informal hearing to contest the forfeiture
12 of hunting, fishing, and trapping privileges.

13 (3) Notwithstanding the provisions and penalties of 87-3-111, which prohibit commercial meat
14 processors from selling the unclaimed meat of game animals, game birds, or game fish to satisfy unpaid
15 charges for storage and processing, commercial meat processors may recover unpaid charges in compliance
16 with this section.

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21 and identified unpaid storage and processing charges.

22 (c) Third, any remaining proceeds must be deposited in the state special revenue fund to the credit
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