

State of Wisconsin



1997 Assembly Bill 873

Date of enactment: **July 1, 1998**
Date of publication*: **July 15, 1998**

1997 WISCONSIN ACT 321

AN ACT to create 29.062 of the statutes; relating to: distribution and processing costs of seized or confiscated fish and game.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 29.062 of the statutes is created to read:

29.062 Distribution of fish and game to food distribution services. (1) Notwithstanding s. 29.06, the department may distribute for free carcasses from fish and game seized or confiscated under s. 29.05 that are suitable for eating to food distribution services, as defined in s. 46.765 (1) (b). The department may have the fish or game that is seized or confiscated processed before distributing that fish or game to food distribution services. The department may collect the costs of the processing of the fish or game from the person from whom the fish and game was seized or confiscated.

(2) The department may notify the person from whom the fish or game was seized or confiscated under s. 29.05 that he or she is liable for the costs incurred by the department for processing the fish or game under this section. The notification shall be mailed to the person's last-known address and shall include the amount that the person is required to pay as well as the address where payment shall be sent.

(3) If a person fails to pay the processing costs as requested under sub. (2), the department may submit a certification under oath to the clerk of circuit court in the county where the processed fish or game was seized or confiscated. The certification shall state the amount of

processing costs unpaid, the name and last-known address of the person who is liable for those costs and such other information as the court considers necessary. The court shall order that the amount certified by the department be a judgment on behalf of the state and against the person if the person fails to submit a written objection to the court within 30 days after the court receives the certification from the department unless the department notifies the court that the envelope including the certification mailed to the person under sub. (4) was returned unopened to the department. If the person timely submits a written objection to the certification, the court shall consider the objection to be a complaint in a civil action and proceed under the rules of procedure under chs. 799 or 801 to 847, without requiring the service of a summons or the payment of filing fees.

(4) On the same day that the department submits the certification to the court, the department shall send a copy of the certification to the person at his or her last-known address by 1st class mail. Mailing of the certification shall be considered service of that certification when it is mailed unless the envelope containing the certification is returned unopened to the department. The department shall include with the certification a notice informing the person of all of the following:

(a) That, if the person fails to submit a written objection to the court within 30 days after the court receives the certification from the department, the court shall order

* Section 991.11, WISCONSIN STATUTES 1995-96: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

that the amount certified by the department be a judgment on behalf of the state and against the person.

(b) The name and address of the circuit court where the certification was submitted and the date of that submittal.

(c) That, if the person timely objects to the certification, the objection will be considered a complaint for purposes of the commencement of a civil suit under ch. 799 or 801.

(d) That the person is required to submit a copy of the objection to the department at the time that he or she submits the objection to the clerk of circuit court.

(e) The address of the department where the person is required to submit a copy of the objection.

(5) The department shall mail the certification under sub. (4) in an envelope that includes the department's return address. The department shall notify the court if the envelope is returned to the department unopened.
