

2013 DRAFTING REQUEST

Bill

Received: 12/10/2012 Received By: rkite
Wanted: As time permits Same as LRB:
For: Legislative Council - JLC By/Representing: David Lovell
May Contact: Drafter: rkite
Subject: Nat. Res. - fish and game Addl. Drafters:
Extra Copies:

Submit via email: YES
Requester's email: David.Lovell@legis.wisconsin.gov
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Transportation of game

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rkite 1/21/2013			_____			
/P1	rkite 1/24/2013	evinz 1/22/2013	rschluet 1/23/2013	_____	lparisi 1/23/2013		
/1	rkite 2/3/2013	evinz 1/30/2013	jfrantze 1/30/2013	_____	sbasford 1/30/2013		
/2		evinz	jmurphy	_____	mbarman	lparisi	

Vers. Drafted

Reviewed
2/4/2013

Typed
2/4/2013

Proofed

Submitted
2/4/2013

Jacketed
2/13/2013

Required

FE Sent For:

Not Needed

<END>

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/1	rkite 2/3/2013	evinz 1/30/2013	jfrantze 1/30/2013	_____	sbasford 1/30/2013		
/2		evinz	jmurphy	_____	mbarman		

for Assembly
Per David
Lovell
2-13-13

Vers. Drafted

Reviewed
2/4/2013

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2/4/2013

Proofed

Submitted
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Jacketed

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FE Sent For:

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/1		evinz 1/30/2013	jfrantze 1/30/2013	_____	sbasford 1/30/2013		

FE Sent For: *12 eev 2/4/13* *Jm 2/4/13* *Jm 2/4/13*

<END>

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<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rkite 1/21/2013			_____			
/P1		evinz 1/22/2013	rschluet 1/23/2013	_____	lparisi 1/23/2013		
FE Sent For:		1/30/13	Jb 1/30	ph Jb 1/30			

<END>

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Pre Topic:

No specific pre topic given

Topic:

Transportation of game

Instructions:

See attached

Drafting History:

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

/? rkite

lc
conversion
/pl ev 1/21 /pl ev 1/22
12/3/13
PH

FE Sent For:

<END>

want, by early Feb.

Leg Council request

DLL:jal;

OK to call Quinn Williams

11/19/2012

@ DNR

1 **AN ACT** to repeal 29.047 (1) (c); to amend 29.047 (1) (a) (intro.) and 29.047 (1) (b);
 2 and to create 29.047 (1) (a) 3., 29.047 (1b), 29.047 (1e), 29.047 (1h) and 29.047 (1k)
 3 of the statutes; relating to: the transportation in this state of game taken in another
 4 state or on Indian land.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This draft was prepared for the Joint Legislative Council's Special Committee on State-Tribal Relations.

Under current law, to legally transport, possess, or control any game that was taken in another state at a time or in a manner that would be a violation of this state's conservation laws if it had been taken in this state, all of the following must apply:

NR 19
19.12

1. The game must have been taken legally in the other state.
2. The person transporting, possessing, or controlling the game must hold a license issued by the other state authorizing him or her to transport, possess, or control the game.
3. If the game is a cervid (member of the family that includes deer), the person must transport, possess, or control the cervid in compliance with rules promulgated by the department of natural resources (DNR).

The transportation of game taken on an Indian reservation or off-reservation trust land is partially addressed in administrative rules of the DNR. The rule applies to a large variety of animal species taken on an Indian reservation during the state's closed season for that species. To enable its members to comply with the rule, a tribe may either participate in the DNR's tagging system or operate its own tagging system under a memorandum of understanding with the DNR.

This draft does the following:

1. Expands the current statute relating to the transport of game into this state from another state to apply also to the transport within this state of game taken by a tribal member on the reservation or trust land of that member's tribe

2. Adds a provision to the current statute relating to those species for which the DNR has implemented a tagging program. Specifically, it requires that, to legally transport those species into or within this state, the game must have tags bearing specified information.

1 SECTION 1. 29.047 (1) (a) (intro.) of the statutes is amended to read:

2 29.047 (1) (a) (intro.) In this subsection and subs. (1b), (1e), (1h), and (1k):

3 SECTION 2m. 29.047 (1) (a) 3. of the statutes is created to read:

4 29.047 (1) (a) 3. "Indian land" means all land within the exterior boundaries of an
5 Indian reservation in this state and all other land in this state that is held in trust for a federally
6 recognized American Indian tribe or band or for a member of such a tribe or band.

7 SECTION 3. 29.047 (1) (b) of the statutes is amended to read:

8 29.047 (1) (b) No person ~~in this state~~ may transport into or through this state any game,
9 or its carcass, from any other state or from Indian land in violation of any law of the other
10 state or the federally recognized American Indian tribe or band.

11 SECTION 4. 29.047 (1) (c) of the statutes is repealed.

12 SECTION 5. 29.047 (1b) of the statutes is created to read:

13 29.047 (1b) Notwithstanding s. 29.055, a person may transport, possess, or control in
14 this state any game, or its carcass, that was taken in another state if all of the following apply:

15 (a) The game was lawfully taken in and lawfully transported from the other state.

16 (b) The person holds a license issued by the other state that authorized the person to
17 transport, possess, or control the game or its carcass.

18 (c) If the game is a cervid, the person transports, possesses, delivers, receives, or
19 controls the carcass of the cervid in compliance with rules promulgated by the department.

20 (d) If the game is of a species that the department, under rules applicable to the general
21 public, requires to be tagged prior to being transported, the game bears a registration tag that

Take
out
faces
& pen marks

1 was issued by the other state or by the department or the game bears a carcass tag that was
2 issued by the other state and that meets the requirements of sub. (1h).

3 SECTION 6. 29.047 (1e) of the statutes is created to read:

4 29.047 (1e) Notwithstanding s. 29.055, a member of a federally recognized American
5 Indian tribe or band may transport, possess, or control off the Indian land of the tribe or band
6 any game, or its carcass, that was taken on the Indian land of the tribe or band if all of the
7 following apply:

8 (a) The game was lawfully taken on and lawfully transported from the Indian land of
9 the tribe or band.

10 (c) If the game is of a species that the department, under rules applicable to the general
11 public, requires to be tagged prior to being transported, the game bears a registration tag that
12 was issued by the tribe or band or by the department or the game bears a carcass tag that was
13 issued by the tribe or band and that meets the requirements of sub. (1h).

14 SECTION 7. 29.047 (1h) of the statutes is created to read:

15 29.047 (1h) A carcass tag under sub. (1b) (d) or sub. (1e) (c) must bear the name of the
16 agency that issued the tag in a manner that cannot be erased or modified. The agency that
17 issued the tag shall record the name and address of the person to whom the tag was issued.

18 SECTION 8. 29.047 (1k) of the statutes is created to read:

19 29.047 (1k) (a) Except as provided in par. (am), no person may remove a carcass tag
20 or registration tag attached under sub. (1b) (d) or sub. (1e) (c) from a carcass until the time of
21 butchering, but the person who killed or obtained the game shall retain all required tags until
22 the meat is consumed.

*a species required to be tagged
by a person who holds an approval
under this chapter*

4/16

Tel. conf w/ Quinn Williams & Tom
Van Haren (DNR) + also David Lovell

I asked why the draft used terms
"registration tag" and "carcass tag"
and asked if there should be
a distinction made for purposes of
the draft

Quinn & Tom agreed that the draft could
just use the term "tag"



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0778/P1

RNK: f.:ph

Leev

Wanted 2/28

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SA
xct

In
2/21

regen cat.

1 AN ACT *to repeal* 29.047 (1) (c); *to amend* 29.047 (1) (a) (intro.) and 29.047 (1)
 2 (b); and *to create* 29.047 (1) (a) 3., 29.047 (1b), 29.047 (1e), 29.047 (1h) and
 3 29.047 (1k) of the statutes; **relating to:** the transportation in this state of game
 4 taken in another state or on Indian land.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

INS
ANAL

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This ~~draft~~^{bill} was prepared for the Joint Legislative Council's Special Committee on State-Tribal Relations.

Under current law, to legally transport, possess, or control any game that was taken in another state at a time or in a manner that would be a violation of this state's conservation laws if it had been taken in this state, all of the following must apply:

hunting and fishing

1. The game must have been taken legally in the other state.
2. The person transporting, possessing, or controlling the game must hold a license issued by the other state authorizing him or her to transport, possess, or control the game.
3. If the game is a cervid (member of the family that includes deer), the person must transport, possess, or control the cervid in compliance with rules promulgated by the department of natural resources (DNR).

= = =

The transportation of game taken on an Indian reservation or off-reservation trust land is partially addressed in administrative rules of the DNR. The rule applies to a large variety of animal species taken on an Indian reservation during the state's closed season for that species. To enable its members to comply with the rule, a tribe may either participate in the DNR's tagging system or operate its own tagging system under a memorandum of understanding with the DNR.

rules apply

This draft does the following:

1. Expands the current statute relating to the transport of game into this state from another state to apply also to the transport within this state of game taken by a tribal member on the reservation or trust land of that member's tribe.

2. Adds a provision to the current statute relating to those species for which the DNR has implemented a tagging program. Specifically, it requires that, to legally transport those species into or within this state, the game must have tags bearing specified information.

1 SECTION 1. 29.047 (1) (a) (intro.) of the statutes is amended to read:

2 29.047 (1) (a) (intro.) In this subsection and subs. (1b), (1e), (1h), and (1k):

3 SECTION 2m. 29.047 (1) (a) 3. of the statutes is created to read:

4 29.047 (1) (a) 3. "Indian land" means all land within the exterior boundaries

5 of an Indian reservation in this state and all other land in this state that is held in

6 trust for a federally recognized American Indian tribe or band or for a member of such

7 *an Indian*
~~a~~ tribe or band.

8 SECTION 3. 29.047 (1) (b) of the statutes is amended to read:

9 29.047 (1) (b) No person in this state may transport into or through this state
10 any game, or its carcass, from any other state or from Indian land in violation of
11 any law of the other state or the federally recognized American Indian tribe or band.

12 SECTION 4. 29.047 (1) (c) of the statutes is repealed.

13 SECTION 5. 29.047 (1b) of the statutes is created to read:

14 29.047 (1b) Notwithstanding s. 29.055, a person may transport, possess, or
15 control in this state any game, or its carcass, that was taken in another state if all
16 of the following apply:

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1 (a) The game was lawfully taken in and lawfully transported from the other
2 state.

3 (b) The person holds a license issued by the other state that authorized the
4 person to transport, possess, or control the game or its carcass.

5 (c) If the game is a cervid, the person transports, possesses, delivers, receives,
6 or controls the carcass of the cervid in compliance with rules promulgated by the
7 department.

8 ^{4.} (d) If the game is of a species that the department, under rules applicable to
9 the general public, requires to be tagged prior to being transported, the game bears
10 a registration tag that was issued by the other state or by the department or the game
11 bears a carcass tag that was issued by the other state and that meets the
12 requirements of sub. (1h).

INS.
3-12

13 SECTION 6. 29.047 (1e) of the statutes is created to read:

14 29.047 (1e) Notwithstanding s. 29.055, a member of a federally recognized
15 American Indian tribe or band ^{No person} may transport, possess, or control ^{of} the Indian land
16 of the tribe or band any game, or its carcass, that was taken on the Indian land of the
17 tribe or band ^{unless} if all of the following apply:

18 (a) The game was lawfully taken on and lawfully transported from the Indian
19 land ^{by a member} of the tribe ^{or band} ^{Indian} for which the Indian land is held in trust

20 (c) ^(b) If the game is of a species that the department, under rules applicable to the
21 general public, requires to be tagged prior to being transported, the game bears a
22 registration tag that was issued by the ^{Indian or} tribe or band or by the department or the
23 game bears a carcass tag that was issued by the ^{Indian} tribe or band and that meets the
24 requirements of sub. (1h).

INS.
3-24

25 SECTION 7. 29.047 (1h) of the statutes is created to read:

1 ~~29.047 (1h) A carcass tag under sub. (1b) (d) or sub. (1e) (c) must bear the name~~
 2 ~~of the agency that issued the tag in a manner that cannot be erased or modified. The~~
 3 ~~agency that issued the tag shall record the name and address of the person to whom~~
 4 ~~the tag was issued.~~

5 SECTION 8. 29.047 (1k) of the statutes is created to read:

6 ^{required} 29.047 (1k) (a) Except as provided in par. ^(b) (am), no person may remove a carcass
 7 tag ^{or registration tag} attached under sub. (1b) (d) or sub. ^{set} (1e) (c) from a carcass until
 8 the time of butchering, but the person who killed or obtained the game shall retain
 9 all required tags until the meat is consumed.

10 ^(b) (am) No person may remove a carcass tag or registration ^{required} tag attached under
 11 sub. ^(b) (1b) (d) or ^(b) (sub) (1e) (c) from the carcass of a fur ^{set} bearing animal until the carcass
 12 is prepared for preservation, mounting, or tanning.

13 ^(c) (b) A person who retains a tag under par. (a) or ^(b) (am) may give the carcass or
 14 any part of the carcass to another person. The person who receives the gift of the
 15 carcass or part of the carcass is not required to possess a tag.

16 (END)

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0778/P1ins.
RNK:.....

INSERT ANALYSIS

This bill is explained in the Notes ^(CS) provided by the Joint Legislative Council in the bill.

INSERT 2-2

1 SECTION 1. 29.047[✓] (1) (a) (intro.) of the statutes is amended to read:
2 29.047 (1) (a) (intro.) In this subsection section[✓]:

History: 1985 a. 29; 1991 a. 269, 316; 1995 a. 79; 1997 a. 27; 1997 a. 248 ss. 95, 96, 518 to 521; Stats. 1997 s. 29.047; 2001 a. 56, 109; 2005 a. 286.

SECTION #. RN; 29.047(1)(a)1. ; 29.047(1)(a)5.

INSERT 3-12

3 SECTION 2. 29.047[✓] (1) (a) 4. of the statutes is created[✓] to read:
4 29.047 (1) (a) 4. "Indian tribe" means a federally recognized American Indian
5 tribe or band.

6 SECTION 3. 29.047[✓] (1) (b) of the statutes is renumbered 29.047 (1) (b) 1.

7 SECTION 4. 29.047[✓] (1) (b) 2. of the statutes is created[✓] to read:

8 29.047 (1) (b) 2. No person may transport into or through this state any game,
9 or its carcass, from the Indian land of a ^{Indian} Indian tribe in violation of the law of that
10 Indian tribe.

11 SECTION 5. 29.047[✓] (1) (c) (intro.) of the statutes is amended to read:

12 29.047 (1) (c) (intro.) No person in this state may transport, possess, or control
13 in this state any game, or its carcass, that was taken in another state ~~in violation of~~
14 ~~any restriction on open and closed seasons established under this chapter or of any~~
15 ~~bag, possession or size limit established under this chapter~~ unless ^{all} of the following
16 apply:

History: 1985 a. 29; 1991 a. 269, 316; 1995 a. 79; 1997 a. 27; 1997 a. 248 ss. 95, 96, 518 to 521; Stats. 1997 s. 29.047; 2001 a. 56, 109; 2005 a. 286.

17 SECTION 6. 29.047 (1) (c) 4. of the statutes is created to read:

29.047 (1) (c)

1 4. If the game is a member of a species that the department requires to be
 2 tagged prior to being transported, the game bears a tag on which is printed, in a
 3 manner that cannot be modified or erased, the name of the department or, if the tag
 4 was issued by another state, the name of the other state's agency that issued the tag.
 5 A tag issued under this paragraph ^{subdivision} by another state is not valid unless the other state,
 6 at the time of issuance, recorded the name and address of the person to whom the tag
 7 was issued.

INSERT 3-24

8 (b) If the game is a member of a species that the department requires to be
 9 tagged prior to being transported, the game bears a tag on which is printed, in a
 10 manner that cannot be modified or erased, the name of the department or, if the tag
 11 was issued by an Indian tribe, the name of the Indian tribe. A tag issued under this
 12 parágraph by an Indian tribe is not valid unless the Indian tribe, at the time of
 13 issuance, recorded the name and address of the person to whom the tag was issued.

a person holding an approval under this chapter to ~~take~~
 before transporting



wanted 2/1
State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0778/P19
RNK:eev:rs

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Stays

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

PF

In
1/24

regen. cat

1 AN ACT to renumber 29.047 (1) (a) 1. and 29.047 (1) (b); to amend 29.047 (1) (a)
2 (intro.) and 29.047 (1) (c) (intro.); and to create 29.047 (1) (a) 3., 29.047 (1) (a)
3 4., 29.047 (1) (b) 2., 29.047 (1) (c) 4., 29.047 (1e) and 29.047 (1k) of the statutes;
4 relating to: the transportation in this state of game taken in another state or
5 on Indian land.

Analysis by the Legislative Reference Bureau

This bill is explained in the NOTES provided by the Joint Legislative Council in the bill.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill was prepared for the Joint Legislative Council's Special Committee on State-Tribal Relations.

Under current law, to legally transport, possess, or control any game that was taken in another state at a time or in a manner that would be a violation of this state's hunting and fishing laws if it had been taken in this state, all of the following must apply:

1. The game must have been taken legally in the other state.
2. The person transporting, possessing, or controlling the game must hold a license issued by the other state authorizing him or her to transport, possess, or control the game.

3. If the game is a cervid (member of the family that includes deer), the person must transport, possess, or control the cervid in compliance with rules promulgated by the Department of Natural Resources (DNR).

The transportation of game taken on an Indian reservation or off-reservation trust land is partially addressed in DNR's administrative rules. The rules apply to a large variety of animal species taken on an Indian reservation during the state's closed season for that species. To enable its members to comply with the rule, a tribe may either participate in DNR's tagging system or operate its own tagging system under a memorandum of understanding with DNR.

This draft does the following:

1. Expands the current statute relating to the transport of game into this state from another state to apply also to the transport within this state of game taken by a tribal member on the reservation or trust land of that member's tribe.

2. Adds a provision to the current statute relating to those species for which DNR has implemented a tagging program. Specifically, it requires that, to legally transport those species into or within this state, the game must have tags bearing specified information.

1 **SECTION 1.** 29.047 (1) (a) (intro.) of the statutes is amended to read:

2 29.047 (1) (a) (intro.) In this ~~subsection~~ section:

3 **SECTION 2.** 29.047 (1) (a) 1. of the statutes is renumbered 29.047 (1) (a) 5.

4 **SECTION 3.** 29.047 (1) (a) 3. of the statutes is created to read:

5 29.047 (1) (a) 3. "Indian land" means all land within the exterior boundaries
6 of an Indian reservation in this state and all other land in this state that is held in
7 trust for an Indian tribe or for a member of an Indian tribe.

8 **SECTION 4.** 29.047 (1) (a) 4. of the statutes is created to read:

9 29.047 (1) (a) 4. "Indian tribe" means a federally recognized American Indian
10 tribe or band.

11 **SECTION 5.** 29.047 (1) (b) of the statutes is renumbered 29.047 (1) (b) 1.

12 **SECTION 6.** 29.047 (1) (b) 2. of the statutes is created to read:

13 29.047 (1) (b) 2. No person may transport into or through this state any game,
14 or its carcass, from the Indian land of an Indian tribe in violation of the law of that
15 Indian tribe.

16 ~~**SECTION 7.** 29.047 (1) (c) (intro.) of the statutes is amended to read:~~

1 ~~29.047 (1) (c) (intro.) No person in this state may transport, possess, or control~~
 2 ~~in this state any game, or its carcass, that was taken in another state in violation of~~
 3 ~~any restriction on open and closed seasons established under this chapter or of any~~
 4 ~~bag, possession or size limit established under this chapter unless all of the following~~
 5 ~~apply:~~

6 **SECTION 8.** 29.047 (1) (c) 4. of the statutes is created to read:

7 29.047 (1) (c) 4. If the game is a member of a species that the department
 8 requires a person holding an approval under this chapter to tag before transporting,
 9 the game bears a tag on which is printed, in a manner that cannot be modified or
 10 erased, the name of the department or, if the tag was issued by another state, the
 11 name of the other state's agency that issued the tag. A tag issued under this
 12 subdivision by another state is not valid unless the other state, at the time of
 13 issuance, recorded the name and address of the person to whom the tag was issued.

14 **SECTION 9.** ^(b) 29.047 ^{(1) (d)} (1e) of the statutes is created to read:

15 ^{(1) (d)} 29.047 (1e) No person may transport, possess, or control off of Indian land any
 16 game, or its carcass, that was taken on the Indian land unless all of the following
 17 apply:

18 ^{1.} (a) The game was lawfully taken on and lawfully transported from the Indian
 19 land by a member of the Indian tribe for which the Indian land is held in trust.

20 ^{2.} (b) If the game is a member of a species that the department requires a person
 21 holding an approval under this chapter to tag before transporting, the game bears
 22 a tag on which is printed, in a manner that cannot be modified or erased, the name
 23 of the department or, if the tag was issued by an Indian tribe, the name of the Indian
 24 tribe. A tag issued under this paragraph by an Indian tribe is not valid unless the

in violation of any restriction on open and closed seasons established under this chapter or of any bag, possession, or size limit established under this chapter

1 Indian tribe, at the time of issuance, recorded the name and address of the person
2 to whom the tag was issued.

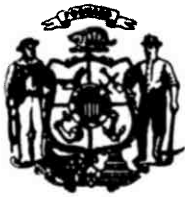
3 SECTION 10. 29.047 (1k) of the statutes is created to read:

4 29.047 (1k) (a) Except as provided in par. (b), no person may remove a required
5 tag attached under sub. (1) (c) 4. or ~~(1e) (b)~~ ^{(d) 2.} from a carcass until the time of butchering,
6 but the person who killed or obtained the game shall retain all required tags until
7 the meat is consumed.

8 (b) No person may remove a required tag attached under sub. (1) (c) 4. or ~~(1e)~~
9 ~~(b)~~ ^{(d) 2.} from the carcass of a fur-bearing animal until the carcass is prepared for
10 preservation, mounting, or tanning.

11 (c) A person who retains a tag under par. (a) or (b) may give the carcass or any
12 part of the carcass to another person. The person who receives the gift of the carcass
13 or part of the carcass is not required to possess a tag.

14 (END)



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0778/1
RNK:eev:jf

2013 BILL

David
Lowell's
redraft
instruction

1 **AN ACT to renumber** 29.047 (1) (a) 1. and 29.047 (1) (b); **to amend** 29.047 (1) (a)
2 (intro.); and **to create** 29.047 (1) (a) 3., 29.047 (1) (a) 4., 29.047 (1) (b) 2., 29.047
3 (1) (c) 4., 29.047 (1) (d) and 29.047 (1k) of the statutes; **relating to:** the
4 transportation in this state of game taken in another state or on Indian land.

Analysis by the Legislative Reference Bureau

This bill is explained in the NOTES provided by the Joint Legislative Council in the bill.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill was prepared for the Joint Legislative Council's Special Committee on State-Tribal Relations.

Under current law, to legally transport, possess, or control any game that was taken in another state at a time or in a manner that would be a violation of this state's hunting and fishing laws if it had been taken in this state, all of the following must apply:

1. The game must have been taken legally in the other state.
2. The person transporting, possessing, or controlling the game must hold a license issued by the other state authorizing him or her to transport, possess, or control the game.
3. If the game is a cervid (member of the family that includes deer), the person must transport, possess, or control the cervid in compliance with rules promulgated by the Department of Natural Resources (DNR).

BILL

The transportation of game taken on an Indian reservation or off-reservation trust land is partially addressed in DNR's administrative rules. The rules apply to a large variety of animal species taken on an Indian reservation during the state's closed season for that species. To enable its members to comply with the rule, a tribe may either participate in DNR's tagging system or operate its own tagging system under a memorandum of understanding with DNR.

This draft does the following:

1. Expands the current statute relating to the transport of game into this state from another state to apply also to the transport within this state of game taken by a tribal member on the reservation or trust land of that member's tribe.

2. Adds a provision to the current statute relating to those species for which DNR has implemented a tagging program. Specifically, it requires that, to legally transport those species into or within this state, the game must have tags bearing specified information.

1 **SECTION 1.** 29.047 (1) (a) (intro.) of the statutes is amended to read:

2 29.047 (1) (a) (intro.) In this ~~subsection~~ section:

3 **SECTION 2.** 29.047 (1) (a) 1. of the statutes is renumbered 29.047 (1) (a) 5.

4 **SECTION 3.** 29.047 (1) (a) 3. of the statutes is created to read:

5 29.047 (1) (a) 3. "Indian land" means all land within the exterior boundaries
6 of an Indian reservation in this state and all other land in this state that is held in
7 trust for an Indian tribe or for a member of an Indian tribe.

8 **SECTION 4.** 29.047 (1) (a) 4. of the statutes is created to read:

9 29.047 (1) (a) 4. "Indian tribe" means a federally recognized American Indian
10 tribe or band.

11 **SECTION 5.** 29.047 (1) (b) of the statutes is renumbered 29.047 (1) (b) 1.

12 **SECTION 6.** 29.047 (1) (b) 2. of the statutes is created to read:

13 29.047 (1) (b) 2. No person ^{who is a member of an Indian tribe} may transport into or through this state any game,
14 or its carcass, from the Indian land of ^{the} an Indian tribe ^{of which the person is a member} in violation of the law of that
15 Indian tribe.

16 **SECTION 7.** 29.047 (1) (c) 4. of the statutes is created to read:

BILL

1 29.047 (1) (c) 4. If the game is a member of a species that the department
2 requires a person holding an approval under this chapter to tag before transporting,
3 the game bears a tag on which is printed, in a manner that cannot be modified or
4 erased, the name of the department or, if the tag was issued by another state, the
5 name of the other state's agency that issued the tag. A tag issued under this
6 subdivision by another state is not valid unless the other state, at the time of
7 issuance, recorded the name and address of the person to whom the tag was issued.

8 **SECTION 8.** 29.047 (1) (d) of the statutes is created to read:

9 29.047 (1) (d) No person ^{who is a member of an Indian tribe} may transport, possess, or control ^{the} off of Indian land
10 any game, or its carcass, that was taken on ^{off the Indian tribe of which the person is} the Indian land in violation of any ^a restriction
11 on open and closed seasons established under this chapter or of any bag, ^{member}
12 possession, or size limit established under this chapter unless all of the following
13 apply: *[The person took the game and transported it from the Indian land in compliance with the laws of the Indian tribe.]*

14 1. The game was lawfully taken on and lawfully transported from the Indian
15 land ^{under the laws} by ~~a member~~ of the Indian tribe for ~~which the Indian land is held in trust.~~

16 2. If the game is a member of a species that the department requires a person
17 holding an approval under this chapter to tag before transporting, the game bears
18 a tag on which is printed, in a manner that cannot be modified or erased, the name
19 of the department or, if the tag was issued by an Indian tribe, the name of the Indian
20 tribe. A tag issued under this paragraph by an Indian tribe is not valid unless the
21 Indian tribe, at the time of issuance, recorded the name and address of the person
22 to whom the tag was issued.

23 **SECTION 9.** 29.047 (1k) of the statutes is created to read:

24 29.047 (1k) (a) Except as provided in par. (b), no person may remove a required
25 tag attached under sub. (1) (c) 4. or (d) 2. from a carcass until the time of butchering,

BILL

1 but the person who killed or obtained the game shall retain all required tags until
2 the meat is consumed.

3 (b) No person may remove a required tag attached under sub. (1) (c) 4. or (d)
4 2. from the carcass of a fur-bearing animal until the carcass is prepared for
5 preservation, mounting, or tanning.

6 (c) A person who retains a tag under par. (a) or (b) may give the carcass or any
7 part of the carcass to another person. The person who receives the gift of the carcass
8 or part of the carcass is not required to possess a tag.

9 (END)

Kite, Robin

From: Lovell, David
Sent: Thursday, January 31, 2013 10:44 AM
To: Kite, Robin
Subject: transport of game

Robin,

In preparing my report for the JLC, I came up with a description of the transport of game draft that I like better than the pref. note in the draft you are preparing. If the draft is still at a point where it would not be a hassle to do so, could you put this text in, in place of the current pref. note? I know you are very busy, so if this is not totally easy to do, don't worry – I can live with the other.

Thanks –

David

David L. Lovell, Senior Analyst
Wisconsin Legislative Council
608-266-1537

Joint Legislative Council Prefatory Note: Under current law, to legally transport, possess, or control any game that was taken in another state at a time or in a manner that would be a violation of this state's conservation laws if it had been taken in this state, all of the following must apply:

1. The game must have been taken legally under the laws of the other state.
2. The person transporting, possessing, or controlling the game must hold a license issued by the other state authorizing him or her to transport, possess, or control the game.
3. If the game is a cervid (member of the family that includes deer), the person must transport, possess, or control the cervid in compliance with rules promulgated by the department of natural resources (DNR).

Under current law, the transportation of game taken on an Indian reservation or off-reservation trust land is partially addressed in administrative rules of the DNR. The rule applies to a large variety of animal species taken on an Indian reservation during the state's closed season for that species. To enable its members to comply with the rule, a tribe may either participate in the DNR's tagging system or operate its own tagging system under a memorandum of understanding with the DNR.

This draft expands the statute relating to the transport of game from another state to apply as well to game taken by a tribal member on that person's tribe's reservation or off-reservation trust land (termed "Indian land" in the draft). It establishes requirements that are similar, but not identical, for the two situations. Specifically, the draft does the following:

1. Requires that game taken by a tribal member on Indian land and transported off that land must have been taken legally under the laws of the tribe.
2. Creates a tagging requirement that applies to both game taken in another state and game taken on a reservation. Specifically, if the game is of a species for which the DNR has a tagging requirement, the following apply:

- a. The game must bear a tag issued by the other state or the tribe, or by the DNR, identifying the department or tribe that issued the tag. To be valid, the department or tribe that issued the tag must have recorded the name and address of the person to whom the tag was issued.
- b. The tag may not be removed until the time of butchering or, in the case of a fur-bearing animal, until the time the carcass is prepared for preservation, mounting, or tanning.
- c. If the person who possesses the game gives all or part of it to another person, the other person is not required to have a tag.



Rm
run
2

LRB-0778/02
RNK:eev:jf

stays

2013 BILL

1 **AN ACT** ^{regen} *to renumber* 29.047 (1) (a) 1. and 29.047 (1) (b); *to amend* 29.047 (1) (a)
 2 (intro.); and *to create* 29.047 (1) (a) 3., 29.047 (1) (a) 4., 29.047 (1) (b) 2., 29.047
 3 (1) (c) 4., 29.047 (1) (d) and 29.047 (1k) of the statutes; **relating to:** the
 4 transportation in this state of game taken in another state or on Indian land.

Analysis by the Legislative Reference Bureau

This bill is explained in the NOTES provided by the Joint Legislative Council in the bill.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill was prepared for the Joint Legislative Council's Special Committee on State-Tribal Relations.

Under current law, to legally transport, possess, or control any game that was taken in another state at a time or in a manner that would be a violation of this state's hunting and fishing laws if it had been taken in this state, all of the following must apply:

1. The game must have been taken legally ^{under the laws of} ~~in~~ the other state.
2. The person transporting, possessing, or controlling the game must hold a license issued by the other state authorizing him or her to transport, possess, or control the game.
3. If the game is a cervid (member of the family that includes deer), the person must transport, possess, or control the cervid in compliance with rules promulgated by the Department of Natural Resources (DNR).

BILL

Under current law,

The transportation of game taken on an Indian reservation or off-reservation trust land is partially addressed in DNR's administrative rules. The rules apply to a large variety of animal species taken on an Indian reservation during the state's closed season for that species. To enable its members to comply with the rule, a tribe may either participate in DNR's tagging system or operate its own tagging system under a memorandum of understanding with DNR.

This draft does the following:

- 1. Expands the current statute relating to the transport of game into this state from another state to apply also to the transport within this state of game taken by a tribal member on the reservation or trust land of that member's tribe.
- 2. Adds a provision to the current statute relating to those species for which DNR has implemented a tagging program. Specifically, it requires that, to legally transport those species into or within this state, the game must have tags bearing specified information.

INSERT
Pref Note

1 **SECTION 1.** 29.047 (1) (a) (intro.) of the statutes is amended to read:

2 29.047 (1) (a) (intro.) In this ~~subsection~~ section:

3 **SECTION 2.** 29.047 (1) (a) 1. of the statutes is renumbered 29.047 (1) (a) 5.

4 **SECTION 3.** 29.047 (1) (a) 3. of the statutes is created to read:

5 29.047 (1) (a) 3. "Indian land" means all land within the exterior boundaries
6 of an Indian reservation in this state and all other land in this state that is held in
7 trust for an Indian tribe or for a member of an Indian tribe.

8 **SECTION 4.** 29.047 (1) (a) 4. of the statutes is created to read:

9 29.047 (1) (a) 4. "Indian tribe" means a federally recognized American Indian
10 tribe or band.

11 **SECTION 5.** 29.047 (1) (b) of the statutes is renumbered 29.047 (1) (b) 1.

12 **SECTION 6.** 29.047 (1) (b) 2. of the statutes is created to read:

13 29.047 (1) (b) 2. No ~~person~~ ^{member of an Indian tribe} may transport into or through this state any game,
14 or its carcass, from the Indian land of ~~an~~ ^{that} Indian tribe in violation of the law of that
15 Indian tribe.

16 **SECTION 7.** 29.047 (1) (c) 4. of the statutes is created to read:

BILL

of that Indian tribe

1 29.047 (1) (c) 4. If the game is a member of a species that the department
2 requires a person holding an approval under this chapter to tag before transporting,
3 the game bears a tag on which is printed, in a manner that cannot be modified or
4 erased, the name of the department or, if the tag was issued by another state, the
5 name of the other state's agency that issued the tag. A tag issued under this
6 subdivision by another state is not valid unless the other state, at the time of
7 issuance, recorded the name and address of the person to whom the tag was issued.

SECTION 8. 29.047 (1) (d) of the statutes is created to read:

8 29.047 (1) (d) No ~~person~~ ^{member of an Indian tribe} may transport, possess, or control off of ^{the} Indian land,
9 any game, or its carcass, that was taken on ~~the~~ ^{that} Indian land in violation of any
10 restriction on open and closed seasons established under this chapter or of any bag,
11 possession, or size limit established under this chapter unless all of the following
12 apply:
13

14 1. The game was ~~lawfully~~ taken on and ~~lawfully~~ transported from the Indian
15 land ~~by a member of~~ ^{in accordance with the laws of} the Indian tribe ~~for which the Indian land is held in trust.~~

16 2. If the game is a member of a species that the department requires a person
17 holding an approval under this chapter to tag before transporting, the game bears
18 a tag on which is printed, in a manner that cannot be modified or erased, the name
19 of the department or, if the tag was issued by an Indian tribe, the name of the Indian
20 tribe. A tag issued under this paragraph by an Indian tribe is not valid unless the
21 Indian tribe, at the time of issuance, recorded the name and address of the person
22 to whom the tag was issued.

SECTION 9. 29.047 (1k) of the statutes is created to read:

23 29.047 (1k) (a) Except as provided in par. (b), no person may remove a required
24 tag attached under sub. (1) (c) 4. or (d) 2. from a carcass until the time of butchering,
25

BILL

1 but the person who killed or obtained the game shall retain all required tags until
2 the meat is consumed.

3 (b) No person may remove a required tag attached under sub. (1) (c) 4. or (d)
4 2. from the carcass of a fur-bearing animal until the carcass is prepared for
5 preservation, mounting, or tanning.

6 (c) A person who retains a tag under par. (a) or (b) may give the carcass or any
7 part of the carcass to another person. The person who receives the gift of the carcass
8 or part of the carcass is not required to possess a tag.

9 (END)

**2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0778/2ins.
RNK:.....

INS. Pref. Note

This bill expands the statute relating to the transport of game from another state to apply as well to game taken by a tribal member on that person's tribe's reservation or off-reservation trust land (termed "Indian land" in the bill). It establishes requirements that are similar, but not identical, for the ⁽²⁾ situations. Specifically, the bill does the following:

TWO

1. Requires that game taken by a tribal member on Indian land and transported off of that land must have been taken legally under the laws of the tribe.

2. Creates a tagging requirement that applies to both game taken in another state and game taken on the reservation. Specifically, if the game is of a species for which DNR has a tagging requirement, the following apply:

a. The game must bear a tag issued by the other state or the tribe, or by DNR, identifying DNR or the tribe that issued the tag. To be valid, DNR or the tribe that issued the tag must have recorded the name and address of the person to whom the tag was issued.

b. The tag may not be removed until the time of butchering or, in the case of a fur-bearing animal, until the time that the carcass is prepared for preservation, mounting, or tanning.

c. If the person who possesses the game gives all or part of it to another person, the other person is not required to have a tag.