



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2013 Wisconsin Act 85
[2013 Assembly Bill 30]

**Transport of Game Taken in
Another State or on Indian Lands**

2013 Wisconsin Act 85 establishes rules governing the transportation, possession, or control of game that was legally taken in another state or on an Indian reservation or off-reservation trust land (termed “Indian land” in the Act) in this 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 and not on Indian lands.

Under prior 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 was required:

- The game must have been taken legally under the laws of the other state.
- The person transporting, possessing, or controlling the game must have held a license issued by the other state authorizing him or her to transport, possess, or control the game.
- If the game were a cervid (member of the family that includes deer), the person must have transported, possessed, or controlled the cervid in compliance with rules promulgated by the Department of Natural Resources (DNR).

Under prior law, the transportation of game taken on Indian land was partially addressed in a DNR rule. The rule applied 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 could either participate in the DNR's tagging system or operate its own tagging system under a memorandum of understanding with the DNR.

Act 85 expands the statute relating to the transport of game from another state so that it applies as well to game taken by a tribal member on the Indian land of that person's tribe. It establishes requirements that are identical for the two situations, except that it does not make reference to the transport of cervids taken on Indian land.

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.wisconsin.gov>.

In addition, the Act creates a tagging requirement that applies to both game taken in another state and game taken on Indian land. Specifically, if the game is of a species for which the DNR has a tagging requirement, the following apply:

- 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.
- 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.
- 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.

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