



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0778/2
RNK:eev:jm

2013 BILL

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 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).

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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 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 two situations. Specifically, the bill does the following:

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.

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:

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

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

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

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

13 29.047 (1) (d) No member of an Indian tribe may transport, possess, or control
14 off of the Indian land of that Indian tribe any game, or its carcass, that was taken
15 on that Indian land in violation of any restriction on open and closed seasons
16 established under this chapter or of any bag, possession, or size limit established
17 under this chapter unless all of the following apply:

18 1. The game was taken on and transported from the Indian land in accordance
19 with the laws of the Indian tribe.

20 2. 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

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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 9.** 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 (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 (d)
9 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)