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09/13/2012

1 **AN ACT** *to repeal* 29.047 (1) (c); *to amend* 29.047 (1) (a) (intro.); and *to create*
2 29.047 (1) (a) 3., 29.047 (1b), 29.047 (1e), 29.047 (1h) and 29.047 (1k) of the
3 statutes; **relating to:** the transportation in this state of game taken in another state or
4 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, based on drafting instructions given at its July 18, 2012 meeting.

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 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 transports, possesses, or controls 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 plant, as well as 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):

NOTE: This provision applies existing definitions of “transport” and “game” to the new provisions created by this draft.

3 **SECTION 2.** 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) (c) of the statutes is repealed.

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

9 29.047 (1b) Notwithstanding s. 29.055, a person may transport, possess, or control in
10 this state any game, or its carcass, that was taken in another state if all of the following apply:

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

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

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

16 (d) If the game is of a species that the department requires to be tagged prior to being
17 transported, the game bears a registration tag that was issued by the other state [or by the
18 department] or the game bears a carcass tag that was issued by the other state and that meets
19 the requirements of sub. (1h).

NOTE: SECTIONS 2 and 3 replace the current language in s. 29.047 (1) (c) regarding the transport of game into Wisconsin from another state with new language on the same topic, numbered s. 29.047 (1b). Apart from the new requirement that the game be tagged, if it is of a species that must be tagged when taken in Wisconsin, the intent of this provision is to clarify the language without changing its effect.

NOTE: This provision includes optional language allowing the game to be given a registration tag by the Wisconsin DNR. This option is to allow the DNR to tag game being brought into the state in the case that another state may not have a tagging system for a particular species of game.

1 **SECTION 5.** 29.047 (1e) of the statutes is created to read:

2 29.047 **(1e)** Notwithstanding s. 29.055, a member of a federally recognized American
3 Indian tribe or band may transport, possess, or control off the Indian land of the tribe or band
4 any game, or its carcass, that was taken on the Indian land of the tribe or band if all of the
5 following apply:

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

8 (b) The person holds a license issued by the tribe or band on whose land the game was
9 taken that authorized the person to transport, possess, or control the game or its carcass [or
10 proof of membership in the tribe or band, if the tribe or band does not issue licenses. A person
11 may demonstrate membership in a tribe or band by presenting a tribal membership card or
12 other documentation issued by the tribe].

13 (c) If the game is of a species that the department requires to be tagged prior to being
14 transported, the game bears a registration tag that was issued by the tribe or band or the game
15 bears a carcass tag that was issued by the tribe or band and that meets the requirements of sub.
16 (1h).

17 **SECTION 6.** 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 following
2 information in a manner that cannot be erased or modified:

3 (a) The the name of the person to whom it was issued. The agency that issued the tag
4 must have recorded the name and address of the person to whom it was issued.

5 (b) An indication of the year, month, day, and time when the game was taken.

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

7 29.047 **(1k)** (a) A registration tag or carcass tag attached under sub. (1b) (d) or sub. (1e)
8 (c) may be removed from a gutted carcass at the time of butchering, but the person who killed
9 or obtained the animal shall retain all tags until the meat is consumed.

10 (b) Any person who retains a tag under par. (a) may give the game or meat from the game
11 to another person. The person who receives the gift of game or meat is not required to possess
12 a tag.

NOTE: Subsection (1k) is based on s. 29.347 (2m), stats.

13 (END)