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11/01/2012

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, based on drafting instructions given at its July 18, 2012 meeting and revised based on a memorandum distributed to the committee at its September 25, 2012 meeting by Quinn Williams, natural resources section chief, bureau of legal services, department of natural resources (DNR).

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 must transport, possess, or control the cervid in compliance with rules promulgated by the 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):

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

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.

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

3 (d) If the game is of a species that the department, under rules applicable to the general
4 public, requires to be tagged prior to being transported, the game bears a registration tag that
5 was issued by the other state [or by the department] or the game bears a carcass tag that was
6 issued by the other state and that meets 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.

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

8 29.047 (1e) Notwithstanding s. 29.055, a member of a federally recognized American
9 Indian tribe or band may transport, possess, or control off the Indian land of the tribe or band
10 any game, or its carcass, that was taken on the Indian land of the tribe or band if all of the
11 following apply:

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

14 (b) The person holds a license issued by the tribe or band that authorized the person to
15 transport, possess, or control the game or its carcass [or proof of membership in the tribe or
16 band, if the tribe or band does not issue licenses. A person may demonstrate membership in

1 a tribe or band by presenting a tribal membership card or other documentation issued by the
2 tribe].

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

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

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

10 29.047 **(1h)** A carcass tag under sub. (1b) (d) or sub. (1e) (c) must bear the following
11 information in a manner that cannot be erased or modified:

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

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

15 (c) An indication of the species of the game.

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

17 29.047 **(1k)** (a) Except as provided in par. (am), no person may remove a carcass tag
18 or registration tag attached under sub. (1b) (d) or sub. (1e) (c) from a carcass until the time of
19 butchering, but the person who killed or obtained the game shall retain all required tags until
20 the meat is consumed.

21 (am) No person may remove a carcass tag or registration tag attached under sub. (1b)
22 (d) or sub. (1e) (c) from the carcass of a fur bearing animal until the carcass is prepared for
23 preservation, mounting, or tanning.

1 (b) A person who retains a tag under par. (a) or (am) may give the carcass or any part
 2 of the carcass to another person. The person who receives the gift of the carcass or part of the
 3 carcass is not required to possess a tag.

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

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(END)