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11/19/2012

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.

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 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

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.

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

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

(END)