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1 **AN ACT** *to create* 29.049 of the statutes; **relating to:** the transportation in this state of
2 game taken 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 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 creates a new statute to address the transport of game taken on an Indian reservation. This statute is intended to have the same effect as the current law provision relating to the transportation of game from another state, although the drafting is modified for greater clarity. In addition, the draft adds a requirement relating to species for which the DNR has implemented a tagging program. Specifically, it requires that, to legally transport game of those species, the game must have tags bearing specified information.

This draft does not affect the current law provision relating to the transport of game taken in another state.

1 **SECTION 1.** 29.049 of the statutes is created to read:

2 **29.049 Transportation of game taken on Indian land.** (1) In this section, “Indian
3 land” means all land within the exterior boundaries of an Indian reservation in this state and
4 all other land in this state that is held in trust for a federally recognized American Indian tribe
5 or band or for a member of such a tribe or band.

6 (2) Notwithstanding s. 29.055, a member of a federally recognized American Indian
7 tribe or band in this state may transport, possess, or control off the Indian land of the tribe or
8 band game, or its carcass, that was taken on the Indian land of the tribe or band if all of the
9 following apply:

10 (a) The game was lawfully taken on and lawfully transported from the Indian land of
11 the person’s tribe or band.

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

17 (c) If the game is of a species that the department requires to be tagged prior to being
18 transported, the game bears a registration tag that was issued by the tribe or band or the game
19 bears a carcass tag that was issued by the tribe or band and that bears the following information
20 in a manner that cannot be erased or modified:

21 1. The the name of the person to whom it was issued. The agency that issued the tag
22 must have recorded the name and address of the person to whom it was issued.

2. An indication of the year, month, day, and time when the game was taken.

(3) (a) A carcass tag attached under sub. (2) (c) may be removed from a gutted carcass at the time of butchering, but the person who killed or obtained the animal shall retain all tags until the meat is consumed.

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

NOTE: Subsection (3) is based on s. 29.347 (2m), stats.

(END)