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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.

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

29.049 Transportation of game taken on Indian land. Notwithstanding s. 29.055, a member of a federally recognized American Indian tribe or band in this state may transport, possess, or control off the reservation or off-reservation trust land of the person's tribe or band any game, or its carcass, that was lawfully taken on and lawfully transported from the reservation or off-reservation trust land of the person's tribe or band. A person may demonstrate membership in a tribe or band by presentation of a tribal membership card or other documentation issued by the tribe or band.

(END)