



1995 SENATE BILL 457

December 13, 1995 - Introduced by Senators COWLES, BURKE and CLAUSING, cosponsored by Representative JOHNSRUD. Referred to Committee on Environment and Energy.

1 **AN ACT to amend** 29.33 (1) and 29.33 (7); and **to create** 29.33 (8) of the statutes;
2 **relating to:** allotment of individual licensee catch quotas among holders of
3 commercial fishing licenses and granting rule-making authority.

Analysis by the Legislative Reference Bureau

Under current law, the Lake Michigan commercial fishing board and the Lake Superior commercial fishing board establish criteria for the allotment of individual licensee catch quotas to commercial fishers for the commercial harvesting of certain species of fish from the Great Lakes. A commercial fisher's individual licensee catch quota determines the amount of a certain species of fish that a fisher may catch during a fishing season. This bill requires that the department of natural resources, instead of the fishing boards, establish formulas to be used for these catch quotas after giving consideration to recommendations of the boards. The bill also requires that the formulas be promulgated by rule.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

4 **SECTION 1.** 29.33 (1) of the statutes is amended to read:
5 29.33 (1) LICENSE AUTHORIZED. Any person desiring to conduct commercial
6 fishing operations on any of the outlying waters shall first obtain a commercial
7 fishing license. The department may limit the number of licenses issued under this

1 section and designate the areas in the outlying waters under the jurisdiction of this
2 state where commercial fishing operations shall be restricted. The department may
3 establish species harvest limits; promulgate rules to establish formulas for the
4 allocation of the species harvest limits among commercial fishing licensees or for the
5 allotment of individual licensee catch quotas, after giving due consideration to the
6 recommendations made by the commercial fishing boards under sub. (7); and
7 allocate the harvest limits among commercial fishing licensees. The department
8 may designate the kind, size and amount of gear to be used in the harvest. The
9 limitations on licenses, restricted fishing areas, harvests and gear shall be based on
10 the available harvestable population of fish and in the wise use and conservation of
11 the fish so as to prevent overexploitation. The department may promulgate rules
12 defining the qualifications of licensees in the reasonable exercise of this authority,
13 giving due consideration to residency, past record including compliance with the
14 reporting requirements of sub. (5), fishing and navigation ability and quantity and
15 quality of equipment possessed. Rules relating to licensing commercial fishers shall
16 be based on criteria provided by the commercial fishing boards under sub. (7). The
17 application for the license shall be made to the department on a blank provided for
18 that purpose, accompanied by the fee specified in s. 29.092 (7). The application shall
19 state the name, birthdate, description and residence of the applicant, the manner in
20 which he or she proposes to fish, the name or number and overall length of his or her
21 boats, the name of the hailing port from which the boats will operate, and the number
22 and kind of nets or other gear he or she intends to use in connection with commercial
23 fishing and any other information required by the department for statistical
24 purposes. The applicant shall provide an itemized listing of commercial fishing gear
25 and equipment with the current values of those items of commercial fishing

1 equipment, sufficient to meet the investment requirements for licensing as
2 established in rules promulgated under this section. "Overall length" means the
3 minimum distance between the extreme outside end of the bow and the stern using
4 the nearest whole number of feet. The license shall be issued in accordance with s.
5 29.09. No outlying waters commercial fishing license may be issued to a person
6 under the age of 18 years.

7 **SECTION 2.** 29.33 (7) of the statutes is amended to read:

8 29.33 (7) COMMERCIAL FISHING BOARDS. The Lake Superior and Lake Michigan
9 commercial fishing boards established under s. 15.345 (2) and (3) shall review and
10 consider applications for a transfer of license under this section and shall approve
11 or deny applications on the basis of rules promulgated by the department. The
12 boards shall ~~establish criteria~~ recommend to the department formulas for the
13 allotment of individual licensee catch quotas ~~and shall allot the catch quotas~~ when
14 the department establishes species ~~harvests~~ harvest limits for allocation among
15 licensees. The boards shall assist the department in establishing criteria for
16 identifying inactive licensees. The criteria established for identifying inactive
17 licensees shall be the basis for rules governing the issuance of licenses.

18 **SECTION 3.** 29.33 (8) of the statutes is created to read:

19 29.33 (8) EXISTING CRITERIA. Individual licensee catch quotas established by the
20 Lake Superior and Lake Michigan commercial fishing boards under s. 29.33 (7), 1993
21 stats., before the effective date of this subsection [revisor inserts date], shall
22 remain valid until modified by the department under sub. (1).

23 **SECTION 4. Initial applicability.**

