

CR 84-236

State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny
Secretary

BOX 7921
MADISON, WISCONSIN 53707

STATE OF WISCONSIN)
DEPARTMENT OF NATURAL RESOURCES) SS

RECEIVED

MAY 3 1985
1:30 pm
Revisor of Statutes
Bureau

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Bruce B. Braun, Deputy Secretary of the Department of Natural Resources and custodian of the official records of said Department, do hereby certify that the annexed copy of Natural Resources Board Order No. F-6-84 was duly approved and adopted by this Department on February 27, 1985. I further certify that said copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at General Executive Facility #2 in the City of Madison, this 25th day of April, 1985.

Bruce B. Braun
Bruce B. Braun, Deputy Secretary

(SEAL)

6572K

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD
RENUMBERING, REPEALING AND RECREATING, AND CREATING RULES

IN THE MATTER of renumbering s. NR 25.02(16) through (29); repealing and recreating s. NR 25.04; and creating s. NR 25.02(16) of the Wisconsin Administrative Code pertaining to commercial fishing on the outlying waters.

F-6-84

Analysis Prepared by the Department of Natural Resources

The renumbering of s. NR 25.02(16) through (29), Wis. Adm. Code, makes room for created s. NR 25.02(16), Wis. Adm. Code, defining "Immediate family."

The repeal and recreation of s. NR 25.04, Wis. Adm. Code, updates and clarifies these rules pertaining to the conditions under which licenses authorizing commercial fishing may be transferred between individuals. The reference in the existing rules regarding transfer to family members is deleted because it is unnecessary, even as now written.

In subsection (1), the current requirement for license transfer applications to be made on forms provided by the Department is continued, with minor wording changes.

In subsection (2), provision is made for the designation by a licensee of the person they wish to have their license transferred to in the event of their death or incapacitation, for offering the license to members of the immediate family in the event that no qualified designee for license transfer exists, and for holding a license in abeyance for up to two years pending the eligibility of the transferee.

The existing prohibition of transfer of licenses between individuals, either of whom has been charged with a violation which could result in revocation or suspension of that license is clarified in subsection (3), and subsection (4) adds prohibiting transfer of a license to a person who has a license under suspension or revocation.

In subsection (5), the time period within which review and approval or denial of a transfer request by the appropriate Commercial Fishing Board will be made is established as required by s. 227.0105, Stats.

Finally, it is clarified in subsection (6) that this section does not apply to the transfer of a license from one boat to another as provided for under s. 29.33(2)(d), Stats.

The creation of s. NR 25.02(16), Wis. Adm. Code, provides a definition of "Immediate family".

Pursuant to the authority vested in the State of Wisconsin Natural Resources Board by ss. 29.33 and 227.014(2)(a), Stats., the State of Wisconsin Natural Resources Board hereby renumbers, repeals and recreates, and creates rules interpreting s. 29.33, Stats., as follows:

SECTION 1. NR 25.02(16) through (29) is renumbered (17) through (30), respectively.

SECTION 2. NR 25.02(16) is created to read:

NR 25.02(16) "Immediate family" means the spouse, children by birth or adoption, parents or siblings.

SECTION 3. NR 25.04 is repealed and recreated to read:

NR 25.04 TRANSFER OF COMMERCIAL FISHING LICENSES. Any licensed commercial fisher may transfer their valid license authorizing commercial fishing in the outlying waters to another person who meets the criteria under s. NR 25.03 and s. 29.33, Stats., for obtaining such a license, subject to the conditions stated in this section.

(1) Application for license transfers shall be made on forms provided by the department.

(2) A licensee may designate on the application for their license authorizing commercial fishing in the outlying waters a person to whom the licensee wishes that license to be transferred in the event of the licensee's death or incapacity. This designation may be changed during the license year as requested in writing by the licensee. The designated person would have to meet the criteria under this section for the transfer to occur.

(a) In the absence of such a designation, or a qualified transferee, or a transferee capable of accepting the transfer under this section, members of the immediate family of the licensee who meet the eligibility requirements of this section shall be offered the license. The offer shall be made by the department in the following order:

1. Spouse;
2. Children, eldest first, then in order of age;
3. Parents;
4. Siblings, eldest first, then in order of age.

(b) Any transferee under this subsection who relies on commercial fishing gear of a deceased licensee to meet the eligibility criteria of this chapter, but such gear has not been distributed or assigned in accordance with appropriate probate procedures shall have two years from the date of acceptance of the transfer to meet those eligibility requirements. During that time, the license shall be held in abeyance by the department.

(c) All offers of transfer under this subsection shall be accepted within 30 days from the date of offer or be considered refused.

(3) Licenses may not be transferred if the licensee or the transferee is charged with a violation of outlying waters commercial fishing laws under which conviction could cause revocation or suspension of that license. This subsection shall apply from the issuance of the citation or complaint until the matter is adjudicated or dismissed.

(4) Licenses may not be transferred to any person who currently has a license authorizing commercial fishing in the outlying waters under revocation or suspension.

(5) License transfers shall be reviewed and approved or denied by the commercial fishing board of the body of water for which the license authorizes commercial fishing. Such review and approval or denial shall occur no later than the next regular quarterly meeting of the appropriate commercial fishing board.

(6) This section does not apply to the transfer of a license from one boat to another as provided for under s. 29.33(2)(d), Stats.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on February 27, 1985.

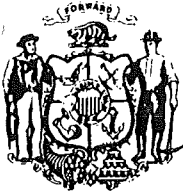
The rules contained herein shall take effect as provided in s. 227.026(1)(intro.), Stats.

Dated at Madison, Wisconsin April 24, 1985

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

By Carroll D. Besadny
Carroll D. Besadny, Secretary

(SEAL)
2358N



State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny
Secretary

BOX 7921
MADISON, WISCONSIN 53707

April 24, 1985

IN REPLY REFER TO: 1020

Mr. Orlan L. Prestegard
Revisor of Statutes
411 West
C A P I T O L

Dear Mr. Prestegard:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. F-6-84. These rules were reviewed by the Assembly Committee on Environmental Resources and the Senate Committee on Energy and Environmental Resources pursuant to s. 227.018, Stats. Summaries of the final regulatory flexibility analysis and comments of the legislative review committees is also enclosed.

You will note that this order takes effect following publication. Kindly publish it in the Administrative Code accordingly.

Sincerely,

C. D. Besadny
Secretary

Enc.

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