

Subject Game and Fish

Authors Hansen, R.

Analyst Janelle Taylor

Date March 19, 2024

## Overview

This bill makes a number of changes pertaining to the state's game and fish laws being recommended by the Department of Natural Resources (DNR).

## Summary

Section	Description
1	<b>Acquisition from state.</b> Requires the DNR, when providing opportunities to make brood stock available to aquatic farms, to not cause adverse impacts to native rough fish (this is currently required for game fish).
2	<b>Listed waters.</b> Allows the DNR to deny an aquatic farm license for waters containing native rough fish of significant public value under certain circumstances (this is currently allowed for game fish).
3	<b>Aquarium facility.</b> Requires native rough fish transferred by an aquarium facility to be accompanied by a receipt containing certain information (this is currently required for game fish).
4	<b>Acquisition and purchase.</b> Prohibits live native rough fish or their viable sperm or eggs from being taken from public waters for aquaculture purposes (this is prohibited for game fish under current law).
5	<b>Acquisition of fish for brood stock.</b> Allows the state to sell native rough fish brood stock to private fish hatcheries and aquatic farms as is allowed for game fish.

<b>Section</b>	<b>Description</b>
6	<b>White Earth Indian Reservation.</b> Modifies a provision allowing an aquatic farm to acquire and transport rough fish from a Tribal member of the White Earth Reservation to limit it to native rough fish.
7	<b>Agricultural resource project; project.</b> Modifies the definition of “agricultural resource project” for purposes of provisions related to the Minnesota Agricultural and Economic Development Board under chapter 41A to accommodate the new definition of native rough fish.
8	<b>State jurisdiction over Rainy Lake and other navigable waters; duties of governor, attorney general, and other public officers.</b> Technical.
9	<b>Bow fishing.</b> Modifies the definition of “bow fishing” to mean the taking of native rough fish and common carp to accommodate the new definition for native rough fish.
10	<b>Protected wild animals.</b> Modifies the definition of “protected wild animals” to accommodate the new definition of native rough fish.
11	<b>Native rough fish.</b> Modifies the definition of “rough fish” by changing it to “native rough fish,” eliminating carp, and further define the list of native rough fish.
12	<b>Taxidermist.</b> Defines “taxidermist” for purposes of the game and fish laws.
13	<b>Minnesota migratory-waterfowl stamp.</b> Clarifies that migratory-waterfowl stamp revenues may be used for common carp barriers in response to the new definition of native rough fish.
14	<b>Liability for restitution.</b> Adds native rough fish to the list of species that a person is liable to the state for when killing, injuring, or possessing them in violation of the game and fish laws.
15	<b>Issuance after conviction; buying and selling wild animals.</b> Adds convictions for buying or selling native rough fish to the list of convictions making a person ineligible to hunt or fish for three years.

<b>Section</b>	<b>Description</b>
16	<b>Waste disposal.</b> Requires a licensed taxidermist to dispose of all cervid carcasses or parts not returned to the customer, all biosolids resulting from cleaning the skulls, and all carrion beetles and their waste used to clean the skulls. Requires disposal to be at a disposal facility or transfer station permitted to accept the waste and that proof of the disposal be retained for inspection. Exempts certain parts from the disposal requirements.
17	<b>Rules.</b> Technical.
18	<b>Fish packer.</b> Establishes a fee for a license to prepare dressed native rough fish of \$40 (the same as the fee for game fish).
19	<b>Importing Cervidae carcasses.</b> Provides an exemption from Cervidae importation restrictions for heads delivered to a license taxidermist within 48 hours of entering the state.
20	<b>Fish transported through state.</b> Prohibits native rough fish taken in another state or country transported during the closed season or in excess of possession limits unless they are transported by common carrier or tagged/sealed/marked as required by the DNR.
21	<b>Requirements.</b> Expands the apprentice hunter validation to include trappers.
22	<b>Apprentice-hunter/trapper validation; fee.</b> Conforming changes to accommodate the expansion of the apprentice hunter validation to include trappers.
23	<b>Crossbow hunting.</b> Modifies crossbow hunting provisions to accommodate the new definition of native rough fish.
24	<b>Restrictions related to motor vehicles.</b> Modifies provisions related to transporting a bow for bow fishing to accommodate the new definition of native rough fish.

<b>Section</b>	<b>Description</b>
25	<p><b>Clothing and ground blind requirements; blaze orange or blaze pink.</b></p> <p>Clarifies that requirements that ground blinds on public land have visible blaze orange apply to blinds used by deer hunters.</p>
26	<p><b>Crossbow permits for hunting and fishing.</b></p> <p>Modifies a provision allowing the DNR to issue crossbow permits to those with a disability to accommodate the new definition of native rough fish.</p>
27	<p><b>Plan for elk management.</b></p> <p>Removes a provision prohibiting the DNR from managing elk herds in certain areas in a manner that would increase their size unless the commissioner of agriculture verifies that crop and fence damages attributed to the herd have not increased for at least two years. Also eliminates the requirement that the DNR and Department of Agriculture (MDA) present evidence that the damage has not increased and detail practices to reduce elk conflicts at a public meeting prior to implementing a plan to increase an elk herd.</p>
28	<p><b>Public notice and comment.</b></p> <p>Allows public meetings regarding experimental waters designations to be held virtually and requires an opportunity for public comments to be submitted. Modifies public notice and timeline requirements. Removes a requirement that a public meeting also be held in the seven-county metropolitan area when the public water meets certain size thresholds.</p>
29	<p><b>Public notice and comment.</b></p> <p>Allows public meetings regarding special management waters designations to be held virtually. Modifies public notice and timeline requirements.</p>
30	<p><b>Fishing and motorboats restricted in certain areas.</b></p> <p>Requires DNR to consider the presence of native rough fish when determining whether to prohibit or restrict taking fish or operating a motorboat on waters licensed under a private fish hatchery or aquatic farm license.</p>
31	<p><b>Taking fish.</b></p> <p>Modifies a provision allowing the DNR to authorize taking fish when fish are in danger to allow common carp taken to be sold (under current law rough fish were allowed to be sold).</p>
32	<p><b>Commissioner may remove native rough fish.</b></p> <p>Modifies a provision allowing the DNR to take certain fish with seines, nets, and other devices to accommodate the new definition of native rough fish.</p>

<b>Section</b>	<b>Description</b>
33	<b>Removing common carp and native rough fish from boundary waters.</b> Modifies a provision that allows the DNR to enter into agreements with neighboring states for purposes of removing rough fish to accommodate the new definition of native rough fish.
34	<b>No permit required.</b> Modifies a provision exempting fish contests from permit requirements to limit the existing rough fish exemption to common carp only.
35	<b>Price of game fish fry and eggs.</b> Allows the DNR to sell or barter native fish fry and eggs for no less than the cost associated with their production (this currently applies to game fish only).
36	<b>Species allowed.</b> Modifies the species allowed to be taken by spear to accommodate the new definition of native rough fish.
37	<b>Taking native rough fish and common carp by spearing.</b> Modifies the fish spearing season to accommodate the new definition of native rough fish and changes the dates for the season (moves it from the last Saturday in April to the last Sunday in February to May 1 through the last day in February).
38	<b>Season.</b> Modifies the dates for the bow-fishing season (moves it from the last Saturday in April to the last Sunday in February to May 1 through the last day in February).
39	<b>Returning native rough fish and common carp to waters.</b> Modifies provisions prohibiting rough fish taken by bow from being returned to the water or left on the water bank to accommodate the new native rough fish definition.
40	<b>Harpooning native rough fish.</b> Modifies a provision allowing the harpooning of rough fish to accommodate the new definition of native rough fish.
41	<b>Commissioner's authority to regulate winter fishing.</b> Requires the DNR to close the corresponding angling season for any waters the DNR closes for spearing for any native rough fish species as well as make the same possession limit reductions made for spearing for the next angling season (this is currently required for game fish). Restricts the DNR from closing more than 50 percent of a county's lakes and streams from spearing of native rough fish.

<b>Section</b>	<b>Description</b>
42	<p><b>General restrictions.</b></p> <p>Modifies an exemption from the ban on a person selling fish taken from state waters to allow only common carp to be sold (not all rough fish as currently allowed).</p>
43	<p><b>Open seasons for angling.</b></p> <p>Makes all trout angling seasons the same. Modifies a provision establishing a continuous season to take fish to clarify that it applies to channel catfish and to accommodate the new definition of native rough fish.</p>
44	<p><b>Sturgeon and paddlefish.</b></p> <p>Allows the DNR to permit the taking of lake sturgeon, shovelnose sturgeon, and paddlefish statewide; currently this is only allowed in state boundary waters and tributaries of the St. Croix River.</p>
45	<p><b>Possession of minnow dealers.</b></p> <p>Modifies a provision exempting fish under four inches incidentally taken with lawfully set nets and traps by minnow dealers from possession restrictions to add native rough fish.</p>
46	<p><b>Commercial fish netting on Mississippi River.</b></p> <p>Modifies a provision requiring a commercial fishing license to take rough fish with seines on a portion of the Mississippi River and that limits how a person can take rough fish so that the provisions apply to taking native rough fish.</p>
47	<p><b>Open season.</b></p> <p>Allows the DNR to close waters for netting lake whitefish and ciscoes if necessary to protect native rough fish (this is currently allowed for game fish).</p>
48	<p><b>No limit on native rough fish netted.</b></p> <p>Allows native rough fish netted while taking lake whitefish and ciscoes to be retained. Current law allows all rough fish.</p>
49	<p><b>Commercial fish defined.</b></p> <p>Modifies the definition of commercial fishing for purposes of inland commercial fishing provisions to mean common carp and native rough fish, excluding bowfin.</p>
50	<p><b>Lake whitefish, common carp, and native rough fish.</b></p> <p>Modifies a provision allowing rough fish to be taken from Namakan Lake and Sand Point Lake by licensed commercial fishing operator to accommodate the new definition of native rough fish.</p>

<b>Section</b>	<b>Description</b>
51	<b>Types of fish permitted.</b> Modifies a provision allowing commercial fishing of Lake Superior to accommodate the new definition of native rough fish.
52	<b>Pound nets and trap nets.</b> Modifies a provision allowing certain nets to be used to take fish from Lake Superior to accommodate the new definition of native rough fish.
53	<b>License required; records.</b> Requires a person engaged in business providing services to people fishing to have a fish packer's license to prepare dressed native rough fish for shipment (this is required for dressed game fish).
54	<b>Required rulemaking.</b> Allows the DNR to use the good cause exemption from rulemaking to adopt rules to conform with this act.
55	<b>Revisor instruction.</b> Instructs the revisor of statutes to renumber certain statutes to incorporate changes in the game and fish definitions in this bill to keep them in alphabetical order.



**MN HOUSE  
RESEARCH**

*Minnesota House Research Department provides nonpartisan legislative, legal, and information services to the Minnesota House of Representatives. This document can be made available in alternative formats.*

[www.house.mn.gov/hrd](http://www.house.mn.gov/hrd) | 651-296-6753 | 155 State Office Building | St. Paul, MN 55155