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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 4420

02/28/2024 Authored by Hansen, R., The bill was read for the first time and referred to the Committee on Environment and Natural Resources Finance and Policy

1.1 A bill for an act
1.2 relating to natural resources; modifying provisions for aquatic farm licenses,
1.3 taxidermy, taking and possessing game and fish, designating certain waters, and
1.4 elk management; amending Minnesota Statutes 2022, sections 17.4983, subdivision
1.5 2; 17.4984, subdivision 2; 17.4988, subdivision 4; 17.4992, subdivisions 1, 3;
1.6 17.4996; 41A.02, subdivision 6; 84B.061; 97A.015, subdivisions 3b, 39, 43, by
1.7 adding a subdivision; 97A.075, subdivision 2; 97A.341, subdivision 1; 97A.421,
1.8 subdivision 2; 97A.425, subdivision 4, by adding a subdivision; 97A.475,
1.9 subdivision 39; 97A.505, subdivision 8; 97A.551, subdivision 2; 97B.022,
1.10 subdivisions 2, 3; 97B.055, subdivision 2; 97B.106; 97B.516; 97C.001, subdivision
1.11 2; 97C.005, subdivision 2; 97C.025; 97C.035, subdivision 3; 97C.045; 97C.081,
1.12 subdivision 3a; 97C.211, subdivision 5; 97C.375; 97C.376, subdivisions 1, 5;
1.13 97C.381; 97C.385; 97C.391, subdivision 1; 97C.395, as amended; 97C.411;
1.14 97C.505, subdivision 8; 97C.801, subdivision 2; 97C.805, subdivisions 1, 4;
1.15 97C.811, subdivision 2; 97C.831, subdivision 1; 97C.835, subdivisions 2, 3;
1.16 97C.865, subdivision 1; Minnesota Statutes 2023 Supplement, sections 97B.037;
1.17 97B.071; 97C.041; 97C.371, subdivision 1.

1.18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.19 Section 1. Minnesota Statutes 2022, section 17.4983, subdivision 2, is amended to read:

1.20 Subd. 2. Acquisition from state. (a) The commissioner may sell aquatic life to licensed
1.21 facilities at fair wholesale market value. Fair wholesale market value must be determined
1.22 by the average market price charged in this state and contiguous states and provinces for
1.23 similar quantities.

1.24 (b) The commissioner shall establish procedures to make aquatic life available to licensed
1.25 facilities if state aquatic life would otherwise die or go to waste, such as in cases of winterkill
1.26 lakes, waters where piscicides will be applied, and waters subject to extreme draw-down.
1.27 The public must be given angling opportunities if public access is available.

2.1 (c) The commissioner shall attempt to provide opportunities to make brood stock available
 2.2 to licensed facilities to reduce reliance on out-of-state sources without causing adverse
 2.3 impacts to game fish and native rough fish populations.

2.4 (d) If the commissioner denies approval to obtain aquatic life outside the state, a written
 2.5 notice must be submitted to the applicant stating the reasons for denial, and the commissioner
 2.6 shall:

2.7 (1) designate approved sources if available to obtain the desired aquatic life; or

2.8 (2) sell the aquatic life from state hatcheries at fair wholesale market value if there is a
 2.9 surplus from state operations.

2.10 Sec. 2. Minnesota Statutes 2022, section 17.4984, subdivision 2, is amended to read:

2.11 Subd. 2. **Listed waters.** (a) An aquatic farm license must list:

2.12 (1) the specific waters of the state that may be used in connection with the licensed
 2.13 aquatic farm and the species approved for each licensed water; and

2.14 (2) whether aeration requiring a permit is approved.

2.15 Additional waters may not be used until they are approved by the commissioner.

2.16 (b) The right to use waters licensed for private fish hatchery or aquatic farm purposes
 2.17 may be transferred between licensees with prior approval by the commissioner if requirements
 2.18 for species to be raised are met. Waters that are continually connected by a permanent
 2.19 watercourse to other waters must not be approved for aquatic farm use, except that connected
 2.20 waters that are isolated from other waters may be licensed as a single water body. Waters
 2.21 that are intermittently connected or may become connected with other waters may be denied,
 2.22 or screening or other measures may be required to prevent passage of aquatic life. Listed
 2.23 waters may be changed on approval by the area fisheries supervisor or the commissioner.

2.24 (c) The commissioner shall conduct an inspection of waters to be licensed prior to
 2.25 approving or denying initial licensing of the waters. When artificial tanks, jars, or other
 2.26 containers are added to existing licensed facilities, an additional inspection is not required.

2.27 (d) Waters containing ~~game~~ fish of significant public value, including game fish and
 2.28 native rough fish, may be denied licensing unless the applicant can demonstrate exclusive
 2.29 riparian control.

2.30 (e) Waters containing ~~game~~ fish of significant public value, including game fish and
 2.31 native rough fish, may be denied licensing unless the game fish and native rough fish of
 2.32 significant public value are, at the commissioner's option, and taking into consideration the

3.1 recommendation of the licensed applicant, sold to the licensee, or removed by the Department
3.2 of Natural Resources or disposed of as provided in writing by the commissioner.

3.3 (f) Waters licensed under an aquatic farm license may be aerated during open water
3.4 periods without a separate aeration permit.

3.5 (g) Common carp and bullheads may be removed from licensed waters, and transported
3.6 and disposed of by the licensee.

3.7 Sec. 3. Minnesota Statutes 2022, section 17.4988, subdivision 4, is amended to read:

3.8 Subd. 4. **Aquarium facility.** (a) A person operating a commercial aquarium facility
3.9 must have a commercial aquarium facility license issued by the commissioner if the facility
3.10 contains species of aquatic life that are for sale and that are present in waters of the state.
3.11 The commissioner may require an aquarium facility license for aquarium facilities importing
3.12 or holding species of aquatic life that are for sale and that are not present in Minnesota if
3.13 those species can survive in waters of the state. The fee for an aquarium facility license is
3.14 \$90.

3.15 (b) Game fish and native rough fish transferred by an aquarium facility must be
3.16 accompanied by a receipt containing the information required on a shipping document by
3.17 section 17.4985, subdivision 3, paragraph (b).

3.18 Sec. 4. Minnesota Statutes 2022, section 17.4992, subdivision 1, is amended to read:

3.19 Subdivision 1. **Acquisition and purchase.** Game fish and native rough fish sperm,
3.20 viable game fish and native rough fish eggs, or live game fish and native rough fish may
3.21 not be taken from public waters for aquaculture purposes, but may be purchased from the
3.22 state or acquired from aquatic farms.

3.23 Sec. 5. Minnesota Statutes 2022, section 17.4992, subdivision 3, is amended to read:

3.24 Subd. 3. **Acquisition of fish for brood stock.** (a) Game fish brood stock and native
3.25 rough fish brood stock may be sold to private fish hatcheries or aquatic farms by the state
3.26 at fair wholesale market value. For brood stock development, up to 20 pair of adults of each
3.27 species requested may be provided to a licensee once every three years, if available, by the
3.28 state through normal operations.

3.29 (b) If brood stock is not available by the June 1 following the request under paragraph
3.30 (a) and a permit to take brood stock by angling is requested by the licensee, within 30 days
3.31 of the request, the commissioner may issue a permit to the licensee to take, by angling, up

4.1 to 20 pairs of each species requested. Game and fish laws and rules relating to daily limits,
4.2 seasons, and methods apply to the taking of fish by angling pursuant to a permit issued
4.3 under this paragraph.

4.4 Sec. 6. Minnesota Statutes 2022, section 17.4996, is amended to read:

4.5 **17.4996 WHITE EARTH INDIAN RESERVATION.**

4.6 Until the commissioner reaches an agreement with the White Earth Indian Reservation
4.7 regarding the acquisition and sale of aquatic life from public waters, an aquatic farm licensee
4.8 may acquire and transport native rough fish, as defined in section 97A.015, subdivision 43,
4.9 and yellow perch lawfully acquired and possessed by a tribal member for sale under tribal
4.10 laws and regulations on the White Earth Reservation. Transportation of yellow perch off
4.11 the reservation must be accompanied by documentation showing the source and number of
4.12 the yellow perch.

4.13 Sec. 7. Minnesota Statutes 2022, section 41A.02, subdivision 6, is amended to read:

4.14 Subd. 6. **Agricultural resource project; project.** "Agricultural resource project" or
4.15 "project" means (1) any facility, or portion of a facility, located in the state which is operated
4.16 or to be operated primarily for the production from agricultural resources of marketable
4.17 products, (2) buildings, equipment, and land used for the commercial production of turkeys
4.18 or turkey products, (3) a facility or portion of a facility used for the commercial production
4.19 of fish or of products made from commercially produced fish or native rough fish, as defined
4.20 in section 97A.015, subdivision 43, or common carp that are not commercially produced,
4.21 or (4) real or personal property used or useful in connection with a revenue-producing
4.22 enterprise, or a combination of two or more revenue-producing enterprises engaged in a
4.23 business, that is not used for the production of livestock, other than poultry, or for the
4.24 production of crops, plants, or milk. The land in clause (2) is limited to land on which
4.25 buildings and equipment are situated and immediately surrounding land used for storage,
4.26 waste disposal, or other functions directly related to the commercial production of turkeys
4.27 or turkey products at that project site. The land in clause (2) does not include land used for
4.28 the growing or raising of crops or the grazing of livestock other than poultry. A project
4.29 includes a facility or portion of a facility for mixing or producing substances to be mixed
4.30 with other substances for use as a fuel or as a substitute for petroleum or petrochemical
4.31 feedstocks.

5.1 Sec. 8. Minnesota Statutes 2022, section 84B.061, is amended to read:

5.2 **84B.061 STATE JURISDICTION OVER RAINY LAKE AND OTHER**
5.3 **NAVIGABLE WATERS; DUTIES OF GOVERNOR, ATTORNEY GENERAL, AND**
5.4 **OTHER PUBLIC OFFICERS.**

5.5 As required by this chapter and the act of Congress authorizing Voyageurs National
5.6 Park, the state of Minnesota donated in excess of 35,000 acres of state and other publicly
5.7 owned land for the park, roughly one-fourth of the land area of the park, at a cost of over
5.8 \$5,000,000 to the state. More than 24,000 acres of this land was state trust fund land which
5.9 the state condemned before making its donation. Pursuant to section 84B.06, lands donated
5.10 by the state, along with other lands acquired by the National Park Service for the park, were
5.11 made subject to concurrent jurisdiction by the state and the United States under section
5.12 1.041. In making these donations, none of the navigable waters within the park and the
5.13 lands under them have been donated to the United States. These navigable waters include
5.14 the following: Rainy, Kabetogama, Namakan, Sand Point, and Crane Lakes. Pursuant to
5.15 applicable federal and state law, navigable waters and their beds are owned by the state.
5.16 Ownership of and jurisdiction over these waters and their beds has not been ceded by the
5.17 state, either expressly or implicitly, to the United States. Unlike section 1.044 relating to
5.18 the Upper Mississippi Wildlife and Fish Refuge, where the state expressly granted its consent
5.19 and jurisdiction to the United States to acquire interests in water, as well as land, the consent
5.20 granted by the state in section 84B.06 to acquisitions by the United States for Voyageurs
5.21 National Park is limited to land, only. In the discharge of their official duties, the governor,
5.22 attorney general, other constitutional officers, and other public officials, such as the
5.23 commissioner of natural resources, shall vigorously assert and defend, in all forums, the
5.24 state's ownership of and jurisdiction over these waters and their beds and related natural
5.25 resources, together with associated rights of the state and its citizens arising from the state's
5.26 ownership and jurisdiction. In discharging their duties, the governor, attorney general, other
5.27 constitutional officers, and other public officials shall, additionally, be especially cognizant
5.28 of the free rights of travel afforded to citizens of Minnesota and others under the
5.29 Webster-Ashburton Treaty (proclaimed November 10, 1842) and the Root-Bryce Treaty
5.30 (proclaimed May 13, 1910) on international and associated boundary waters. Also, in
5.31 furtherance of duties under this section, the commissioner of natural resources shall continue
5.32 in effect the commercial removal of native rough fish, as defined in section 97A.015,
5.33 subdivision 43, from these waters, together with any rights to do so possessed by any person
5.34 on January 1, 1995, so long as the commissioner determines that such taking is desirable
5.35 to the management of the native fishery.

6.1 Sec. 9. Minnesota Statutes 2022, section 97A.015, subdivision 3b, is amended to read:

6.2 Subd. 3b. **Bow fishing.** "Bow fishing" means taking native rough fish and common carp
6.3 by archery where the arrows are tethered or controlled by an attached line.

6.4 Sec. 10. Minnesota Statutes 2022, section 97A.015, subdivision 39, is amended to read:

6.5 Subd. 39. **Protected wild animals.** "Protected wild animals" means big game, small
6.6 game, game fish, native rough fish, minnows, leeches, ~~alewives, eiseoes,~~ chubs, ~~lake whitefish~~
6.7 ~~and the subfamily Coregoninae, rainbow smelt,~~ frogs, turtles, clams, mussels, wolf, mourning
6.8 doves, bats, snakes, salamanders, lizards, any animal species listed as endangered, threatened,
6.9 or of special concern in Minnesota Rules, chapter 6134, and wild animals that are protected
6.10 by a restriction in the time or manner of taking, other than a restriction in the use of artificial
6.11 lights, poison, or motor vehicles.

6.12 Sec. 11. Minnesota Statutes 2022, section 97A.015, subdivision 43, is amended to read:

6.13 Subd. 43. **Native rough fish.** "Native rough fish" means ~~carp, buffalo, sucker, sheepshead,~~
6.14 ~~bowfin, gar, goldeye, and bullhead,~~ Amiidae (bowfin), Catostomidae (bigmouth, smallmouth,
6.15 and black buffalo; white, blue, spotted, and longnose sucker; northern hogsucker; quillback;
6.16 river and highfin carpsucker; and black, river, shorthead, golden, silver, and greater redhorse),
6.17 Hiodontidae (goldeye and mooneye), Ictaluridae (black, brown, and yellow bullhead),
6.18 Lepisosteidae (longnose and shortnose gar), and Sciaenidae (freshwater drum), except for
6.19 any fish species listed as endangered, threatened, or of special concern in Minnesota Rules,
6.20 chapter 6134.

6.21 Sec. 12. Minnesota Statutes 2022, section 97A.015, is amended by adding a subdivision
6.22 to read:

6.23 Subd. 47a. **Taxidermist.** "Taxidermist" means a person who engages in the business or
6.24 operation of preserving or mounting wild animals or parts thereof that do not belong to the
6.25 person.

6.26 Sec. 13. Minnesota Statutes 2022, section 97A.075, subdivision 2, is amended to read:

6.27 Subd. 2. **Minnesota migratory-waterfowl stamp.** (a) Ninety percent of the revenue
6.28 from the Minnesota migratory-waterfowl stamps must be credited to the waterfowl habitat
6.29 improvement account and is appropriated to the commissioner only for:

6.30 (1) development of wetlands and lakes in the state and designated waterfowl management
6.31 lakes for maximum migratory waterfowl production including habitat evaluation, the

7.1 construction of dikes, water control structures and impoundments, nest cover, ~~rough fish~~
 7.2 common carp barriers, acquisition of sites and facilities necessary for development and
 7.3 management of existing migratory waterfowl habitat and the designation of waters under
 7.4 section 97A.101;

7.5 (2) management of migratory waterfowl;

7.6 (3) development, restoration, maintenance, or preservation of migratory waterfowl
 7.7 habitat;

7.8 (4) acquisition of and access to structure sites; and

7.9 (5) the promotion of waterfowl habitat development and maintenance, including
 7.10 promotion and evaluation of government farm program benefits for waterfowl habitat.

7.11 (b) Money in the account may not be used for costs unless they are directly related to a
 7.12 specific parcel of land or body of water under paragraph (a), clause (1), (3), (4), or (5), or
 7.13 to specific management activities under paragraph (a), clause (2).

7.14 Sec. 14. Minnesota Statutes 2022, section 97A.341, subdivision 1, is amended to read:

7.15 Subdivision 1. **Liability for restitution.** A person who kills, injures, or possesses a wild
 7.16 animal in violation of the game and fish laws is liable to the state for the value of the wild
 7.17 animal as provided in this section. Species afforded protection include members of the
 7.18 following groups as defined by statute or rule: game fish, native rough fish, game birds, big
 7.19 game, small game, fur-bearing animals, minnows, and threatened and endangered animal
 7.20 species. Other animal species may be added by rule of the commissioner as determined
 7.21 after public meetings and notification of the chairs of the environment and natural resources
 7.22 committees in the senate and house of representatives.

7.23 Sec. 15. Minnesota Statutes 2022, section 97A.421, subdivision 2, is amended to read:

7.24 Subd. 2. **Issuance after conviction; buying and selling wild animals.** A person may
 7.25 not obtain a license to take any wild animal or take wild animals under a lifetime license,
 7.26 issued under section 97A.473 or 97A.474, for a period of three years after being convicted
 7.27 of buying or selling game fish, native rough fish, big game, or small game, and the total
 7.28 amount of the sale is \$300 or more.

8.1 Sec. 16. Minnesota Statutes 2022, section 97A.425, is amended by adding a subdivision
8.2 to read:

8.3 Subd. 3a. **Waste disposal.** (a) Licensed taxidermists must dispose of all cervid carcasses
8.4 or cervid parts not returned to the patron, all biosolids resulting from cleaning cervid skulls,
8.5 and all carrion beetles and beetle waste used to clean cervid skulls. All disposals must be
8.6 to a disposal facility or transfer station that is permitted to accept it, and proof of the disposal
8.7 must be retained for inspection.

8.8 (b) The following cervid parts are exempt from the disposal requirement:

8.9 (1) cervid hides from which all excess tissue has been removed;

8.10 (2) if free of brain and muscle tissues, whole or portions of skulls, antlers, or teeth; and

8.11 (3) finished taxidermy mounts.

8.12 Sec. 17. Minnesota Statutes 2022, section 97A.425, subdivision 4, is amended to read:

8.13 Subd. 4. **Rules.** The commissioner may adopt rules, not inconsistent with subdivisions
8.14 1 to ~~3~~ 3a, governing record keeping, reporting, and marking of specimens by taxidermists.

8.15 Sec. 18. Minnesota Statutes 2022, section 97A.475, subdivision 39, is amended to read:

8.16 Subd. 39. **Fish packer.** The fee for a license to prepare dressed game fish or native rough
8.17 fish for transportation or shipment is \$40.

8.18 Sec. 19. Minnesota Statutes 2022, section 97A.505, subdivision 8, is amended to read:

8.19 Subd. 8. **Importing Cervidae carcasses.** (a) Importing Cervidae carcasses procured by
8.20 any means into Minnesota is prohibited except for:

8.21 (1) cut and wrapped meat;

8.22 (2) quarters or other portions of meat with no part of the spinal column or head attached;

8.23 (3) antlers, hides, or teeth, ~~finished taxidermy mounts, and;~~

8.24 (4) if cleaned of all brain tissue, antlers attached to skull caps ~~that are cleaned of all brain~~
8.25 tissue; or whole skulls; and

8.26 (5) finished taxidermy mounts.

8.27 (b) Cervidae carcasses originating from outside Minnesota may be transported on a
8.28 direct route through the state by nonresidents.

9.1 (c) Heads from cervids with or without the cape and neck attached that originate from
9.2 outside Minnesota may be transported into Minnesota only if they are delivered to a licensed
9.3 taxidermist within 48 hours of entering Minnesota.

9.4 Sec. 20. Minnesota Statutes 2022, section 97A.551, subdivision 2, is amended to read:

9.5 Subd. 2. **Fish transported through state.** A person may not transport game fish or
9.6 native rough fish taken in another state or country through the state during the closed season
9.7 or in excess of the possession limit unless the fish are:

9.8 (1) transported by common carrier; or

9.9 (2) tagged, sealed, or marked as prescribed by the commissioner.

9.10 Sec. 21. Minnesota Statutes 2022, section 97B.022, subdivision 2, is amended to read:

9.11 Subd. 2. **Requirements.** (a) A resident or nonresident born after December 31, 1979,
9.12 who is age 12 or over and who does not possess a hunter education firearms safety certificate
9.13 or a resident or nonresident born after December 31, 1989, who does not possess a trapper
9.14 education certificate may be issued an apprentice-hunter/trapper validation. An
9.15 apprentice-hunter/trapper validation may be purchased two license years in a lifetime and
9.16 used to obtain hunting or trapping licenses during the same license year that the validation
9.17 is purchased.

9.18 (b) An individual in possession of an apprentice-hunter/trapper validation may ~~hunt~~ take
9.19 small game, deer, and bear only when accompanied by an adult who has a valid license to
9.20 ~~hunt~~ take the same species of game in Minnesota and whose license was not obtained using
9.21 an apprentice-~~hunter~~ validation.

9.22 (c) When an individual in possession of an apprentice-hunter/trapper validation is hunting
9.23 turkey or prairie chicken under paragraph (b), the accompanying adult may be licensed for
9.24 another permit area or time period but must be licensed for the same season as the apprentice
9.25 hunter. If the accompanying adult is not licensed for the same permit area or time period
9.26 as the apprentice hunter, the accompanying adult may not shoot or possess a firearm or bow
9.27 while accompanying the apprentice hunter under this paragraph.

9.28 (d) An apprentice-hunter/trapper-validation holder must obtain all required licenses and
9.29 stamps.

9.30 (e) Notwithstanding paragraph (a), an apprentice-hunter/trapper validation may be
9.31 purchased for one additional license year in a lifetime for residents or nonresidents who:

10.1 (1) previously used the validation to purchase only a hunting license and would like to
 10.2 purchase a trapping license for the first time; or

10.3 (2) previously used the validation to purchase only a trapping license and would like to
 10.4 purchase a hunting license for the first time.

10.5 Sec. 22. Minnesota Statutes 2022, section 97B.022, subdivision 3, is amended to read:

10.6 Subd. 3. **Apprentice-hunter/trapper validation; fee.** The fee for an
 10.7 apprentice-hunter/trapper validation is \$3.50. Fees collected must be deposited in the firearms
 10.8 safety and trapper education training account, except for the electronic licensing system
 10.9 commission established by the commissioner under section 84.027, subdivision 15, and
 10.10 issuing fees collected under section 97A.485, subdivision 6, and are appropriated annually
 10.11 to the Enforcement Division of the Department of Natural Resources for administering the
 10.12 firearm safety course ~~program~~ and trapper education programs.

10.13 Sec. 23. Minnesota Statutes 2023 Supplement, section 97B.037, is amended to read:

10.14 **97B.037 CROSSBOW HUNTING.**

10.15 (a) Notwithstanding section 97B.035, subdivisions 1 and 2, a person may take deer,
 10.16 bear, turkey, common carp, or native rough fish by crossbow during the respective regular
 10.17 archery seasons. The transportation requirements of section 97B.051 apply to crossbows
 10.18 during the regular archery deer, bear, turkey, common carp, or native rough fish season.
 10.19 Crossbows must meet the requirements of section 97B.106, subdivision 2. A person taking
 10.20 deer, bear, turkey, common carp, or native rough fish by crossbow under this section must
 10.21 have a valid license to take the respective game.

10.22 (b) This section expires June 30, 2025.

10.23 Sec. 24. Minnesota Statutes 2022, section 97B.055, subdivision 2, is amended to read:

10.24 Subd. 2. **Restrictions related to motor vehicles.** (a) A person may not take a wild
 10.25 animal with a firearm or by archery from a motor vehicle except as permitted in this section.

10.26 (b) A person may not shoot at a decoy of a wild animal that is placed by a licensed peace
 10.27 officer by:

10.28 (1) discharging a firearm from a motor vehicle; or

10.29 (2) discharging an arrow from a bow from a motor vehicle.

11.1 (c) Notwithstanding section 97B.091, a person may transport a bow uncased while in a
11.2 motorized watercraft and may take native rough fish and common carp while in the boat as
11.3 provided in section 97C.376, subdivision 3.

11.4 Sec. 25. Minnesota Statutes 2023 Supplement, section 97B.071, is amended to read:

11.5 **97B.071 CLOTHING AND GROUND BLIND REQUIREMENTS; BLAZE**
11.6 **ORANGE OR BLAZE PINK.**

11.7 (a) Except as provided in rules adopted under paragraph (d), a person may not hunt or
11.8 trap during the open season where deer may be taken by firearms under applicable laws and
11.9 ordinances, unless the visible portion of the person's cap and outer clothing above the waist,
11.10 excluding sleeves and gloves, is blaze orange or blaze pink. Blaze orange or blaze pink
11.11 includes a camouflage pattern of at least 50 percent blaze orange or blaze pink within each
11.12 foot square. This section does not apply to migratory-waterfowl hunters on waters of this
11.13 state or in a stationary shooting location or to trappers on waters of this state.

11.14 (b) Except as provided in rules adopted under paragraph (d), and in addition to the
11.15 requirement in paragraph (a), a person may not take small game other than turkey, migratory
11.16 birds, raccoons, and predators, except while trapping, unless a visible portion of at least one
11.17 article of the person's clothing above the waist is blaze orange or blaze pink. This paragraph
11.18 does not apply to a person when in a stationary location while hunting deer by archery or
11.19 when hunting small game by falconry.

11.20 (c) A person hunting deer in a fabric or synthetic ground blind on public land must have:

11.21 (1) a blaze orange safety covering on the top of the blind that is visible for 360 degrees
11.22 around the blind; or

11.23 (2) at least 144 square inches of blaze orange material on each side of the blind.

11.24 (d) The commissioner may, by rule, prescribe an alternative color in cases where
11.25 paragraph (a) or (b) would violate the Religious Freedom Restoration Act of 1993, Public
11.26 Law 103-141.

11.27 (e) A violation of paragraph (b) does not result in a penalty, but is punishable only by
11.28 a safety warning.

12.1 Sec. 26. Minnesota Statutes 2022, section 97B.106, is amended to read:

12.2 **97B.106 CROSSBOW PERMITS FOR HUNTING AND FISHING.**

12.3 Subdivision 1. **Eligibility.** (a) The commissioner may issue a special permit, without a
12.4 fee, to take big game, small game, or native rough fish with a crossbow to a person that is
12.5 unable to hunt or take native rough fish by archery because of a permanent or temporary
12.6 physical disability. A crossbow permit issued under this section also allows the permittee
12.7 to use a bow with a mechanical device that draws, releases, or holds the bow at full draw
12.8 as provided in section 97B.035, subdivision 1, paragraph (a).

12.9 (b) To qualify for a crossbow permit under this section, a temporary disability must
12.10 render the person unable to hunt or fish by archery for a minimum of two years after
12.11 application for the permit is made. The permanent or temporary disability must be established
12.12 by medical evidence, and the inability to hunt or fish by archery for the required period of
12.13 time must be verified in writing by (1) a licensed physician, licensed advanced practice
12.14 registered nurse, or licensed physician assistant; or (2) a licensed chiropractor. A person
12.15 who has received a special permit under this section because of a permanent disability is
12.16 eligible for subsequent special permits without providing medical evidence and verification
12.17 of the disability.

12.18 (c) The person must obtain the appropriate license.

12.19 Subd. 2. **Equipment requirements.** (a) A crossbow used for hunting under the provisions
12.20 of this section must:

12.21 (1) be fired from the shoulder;

12.22 (2) deliver at least 42 foot-pounds of energy at a distance of ten feet;

12.23 (3) have a working safety; and

12.24 (4) be used with arrows or bolts at least ten inches long.

12.25 (b) An arrow or bolt used to take big game or turkey under the provisions of this section
12.26 must meet the legal arrowhead requirements in section 97B.211, subdivision 2.

12.27 (c) An arrow or bolt used to take native rough fish with a crossbow under the provisions
12.28 of this section must be tethered or controlled by an attached line.

12.29 Sec. 27. Minnesota Statutes 2022, section 97B.516, is amended to read:

12.30 **97B.516 PLAN FOR ELK MANAGEMENT.**

12.31 (a) The commissioner of natural resources must adopt an elk management plan that:

13.1 (1) recognizes the value and uniqueness of elk;

13.2 (2) provides for integrated management of an elk population in harmony with the
13.3 environment; and

13.4 (3) affords optimum recreational opportunities.

13.5 ~~(b) Notwithstanding paragraph (a), the commissioner must not manage an elk herd in~~
13.6 ~~Kittson, Roseau, Marshall, or Beltrami Counties in a manner that would increase the size~~
13.7 ~~of the herd, including adoption or implementation of an elk management plan designed to~~
13.8 ~~increase an elk herd, unless the commissioner of agriculture verifies that crop and fence~~
13.9 ~~damages paid under section 3.7371 and attributed to the herd have not increased for at least~~
13.10 ~~two years.~~

13.11 ~~(e) (b)~~ At least 60 days ~~prior to~~ before implementing a plan to increase an elk herd, the
13.12 commissioners of natural resources and agriculture must hold a joint public meeting in the
13.13 county where the elk herd to be increased is located. ~~At the meeting, the commissioners~~
13.14 ~~must present evidence that crop and fence damages have not increased in the prior two years~~
13.15 ~~and must detail the practices that will be used to reduce elk conflicts with area landowners.~~

13.16 Sec. 28. Minnesota Statutes 2022, section 97C.001, subdivision 2, is amended to read:

13.17 Subd. 2. **Public notice and ~~meeting~~ comment.** (a) Before the commissioner designates,
13.18 or vacates or extends the designation of, experimental waters, ~~a public meeting must be~~
13.19 ~~held in the county where the largest portion of the waters is located~~ notice of the proposed
13.20 change must be provided in the county where the largest portion of the waters is located, a
13.21 virtual or in-person meeting must be held, and opportunity to submit public comment must
13.22 be offered.

13.23 ~~(b) At least 90 days before the public meeting and during the open angling season for~~
13.24 ~~fish the taking of which is, or is proposed to be, regulated under subdivision 3 on the waters~~
13.25 ~~under consideration,~~ Before the year that the designation is to become effective, the
13.26 commissioner must give notice of the proposed designation, vacation, or extension must
13.27 be. The notice must summarize the proposed action and invite public comment. Public
13.28 comments must be accepted at least through September 30, and the commissioner must
13.29 consider any public comments received in making a final decision. Notice must include:

13.30 (1) signs of the proposed changes and instructions for submitting comments posted at
13.31 publicly maintained access points on the water; by June 1;

13.32 (2) a list of proposed changes posted on the department's website by June 1, summarizing
13.33 the proposed actions and inviting public comment; and

14.1 (3) a news release issued by the commissioner by July 1, a notice published in a
 14.2 newspaper of general circulation in the area where the waters are located by August 20, and
 14.3 at least one more digital media communication published by August 31.

14.4 ~~(c) Before the public meeting, notice of the meeting must be published in a news release~~
 14.5 ~~issued by the commissioner and in a newspaper of general circulation in the area where the~~
 14.6 ~~proposed experimental waters are located. The notice must be published at least once between~~
 14.7 ~~30 and 60 days before the meeting, and at least once between seven and 30 days before the~~
 14.8 ~~meeting. A virtual meeting must be held before September 20 where public comment must~~
 14.9 ~~be accepted. An in-person meeting, where public comment must be accepted, must be held~~
 14.10 in the county where the largest portion of the waters is located if:

14.11 (1) a water or connected waters to be designated is over 5,000 acres or a stream or river
 14.12 reach is over 10 miles; or

14.13 (2) a request for an in-person meeting is submitted to the commissioner by August 20
 14.14 before the year that the designation is to become effective.

14.15 (d) The notices required in this subdivision must summarize the proposed action, invite
 14.16 public comment, and specify a deadline for the receipt of public comments. The
 14.17 commissioner shall mail a copy of each required notice to persons who have registered their
 14.18 names with the commissioner for this purpose. The commissioner shall consider any public
 14.19 comments received in making a final decision.

14.20 ~~(e) If a water to be designated is a lake with a water area of more than 1,500 acres, or~~
 14.21 ~~is a stream or river with a reach of more than six miles, a public meeting must also be held~~
 14.22 ~~in the seven-county metropolitan area.~~

14.23 Sec. 29. Minnesota Statutes 2022, section 97C.005, subdivision 2, is amended to read:

14.24 Subd. 2. **Public notice and meeting comment.** (a) Before the commissioner designates
 14.25 special management waters, ~~public comment must be received and, for waters other than~~
 14.26 ~~those proposed to be designated as trout streams or trout lakes, a public meeting must be~~
 14.27 ~~held in the county where the largest portion of the waters is located~~ notice of the proposed
 14.28 designation must be given, a virtual or in-person meeting must be held, and opportunity to
 14.29 submit public comment must be offered.

14.30 ~~(b) For waters previously designated as experimental waters, a proposed change in status~~
 14.31 ~~to special management waters must be announced before the public meeting by notice~~
 14.32 ~~published in a news release issued by the commissioner and in a newspaper of general~~
 14.33 ~~circulation in the area where the waters are located. The notice must be published at least~~

15.1 ~~once between 30 and 60 days before the public meeting, and at least once between seven~~
 15.2 ~~and 30 days before the meeting. If a water proposed to be designated is a lake with a water~~
 15.3 ~~area of more than 1,500 acres, or is a stream or river with a reach of more than six miles, a~~
 15.4 ~~public meeting must also be held in the seven-county metropolitan area.~~

15.5 ~~(e) For proposed special management waters, other than designated trout lakes and~~
 15.6 ~~designated trout streams, that were not previously designated as experimental waters, notice~~
 15.7 ~~of the proposed designation must be given as provided in this paragraph. The notice must~~
 15.8 ~~be posted at publicly maintained access points at least 90 days before the public meeting~~
 15.9 ~~and during the open angling season for fish the taking of which on the waters is proposed~~
 15.10 ~~to be regulated under subdivision 3. Before the public meeting, notice of the meeting must~~
 15.11 ~~be published in a news release issued by the commissioner and in a newspaper of general~~
 15.12 ~~circulation in the area where the proposed special management waters are located. The~~
 15.13 ~~notice must be published at least once between 30 and 60 days before the meeting, and at~~
 15.14 ~~least once between seven and 30 days before the meeting. If a water to be designated is a~~
 15.15 ~~lake with a water area of more than 1,500 acres, or is a stream or river with a reach of more~~
 15.16 ~~than six miles, a public meeting must also be held in the seven-county metropolitan area.~~

15.17 (b) For proposed special management waters other than designated trout lakes and
 15.18 designated trout streams, before the year that the designation is to become effective, the
 15.19 commissioner must give notice of the proposed designation. The notice must summarize
 15.20 the proposed action and invite public comment. Public comments must be accepted at least
 15.21 through September 30, and the commissioner must consider any public comments received
 15.22 in making a final decision. Notice must include:

15.23 (1) signs of the proposed designation and instructions for submitting comments posted
 15.24 at publicly maintained access points on the water by June 1;

15.25 (2) a list of proposed designations posted on the department's website by June 1,
 15.26 summarizing the proposed action and inviting public comment; and

15.27 (3) a news release issued by the commissioner by July 1, a notice published in a
 15.28 newspaper of general circulation in the area where the waters are located by August 15, and
 15.29 at least one more digital media communication published by August 31.

15.30 (c) A virtual meeting must be held before September 20 where public comment must
 15.31 be accepted. An in-person meeting, where public comment must be accepted, must be held
 15.32 in the county where the largest portion of the waters is located if:

15.33 (1) a water to be designated is a lake over 5,000 acres or is a stream or river reach over
 15.34 10 miles; or

16.1 (2) a request for an in-person meeting is submitted to the commissioner by August 20
 16.2 before the year that the designation is to become effective.

16.3 (d) For waters proposed to be designated as trout streams or trout lakes, notice of the
 16.4 proposed designation must be published at least 90 days before the effective date of the
 16.5 designation in a news release issued by the commissioner and in a newspaper of general
 16.6 circulation in the area where the waters are located. In addition, all riparian owners along
 16.7 the waters must be notified at least 90 days before the effective date of the designation.

16.8 (e) The notices required in this subdivision must summarize the proposed action, invite
 16.9 public comment, and specify a deadline for the receipt of public comments. The
 16.10 commissioner shall mail a copy of each required notice to persons who have registered their
 16.11 names with the commissioner for this purpose. The commissioner shall consider any public
 16.12 comments received in making a final decision.

16.13 Sec. 30. Minnesota Statutes 2022, section 97C.025, is amended to read:

16.14 **97C.025 FISHING AND MOTORBOATS RESTRICTED IN CERTAIN AREAS.**

16.15 (a) The commissioner may prohibit or restrict the taking of fish or the operation of
 16.16 motorboats by posting waters that:

16.17 (1) are designated as spawning beds or fish preserves;

16.18 (2) are being used by the commissioner for fisheries research or management activities;

16.19 or

16.20 (3) are licensed by the commissioner as a private fish hatchery or aquatic farm under
 16.21 section 17.4984, subdivision 1, or 97C.211, subdivision 1.

16.22 An area may be posted under this paragraph if necessary to prevent excessive depletion of
 16.23 fish or interference with fisheries research or management activities or private fish hatchery
 16.24 or aquatic farm operations.

16.25 (b) The commissioner will consider the following criteria in determining if waters
 16.26 licensed under a private fish hatchery or aquatic farm should be posted under paragraph (a):

16.27 (1) the waters contain game fish brood stock or native rough fish brood stock and the
 16.28 brood stock ~~that are~~ is vital to the private fish hatchery or aquatic farm operation;

16.29 (2) game fish or native rough fish are present in the licensed waters only as a result of
 16.30 aquaculture activities by the licensee; and

16.31 (3) no public access to the waters existed when the waters were first licensed.

17.1 (c) A private fish hatchery or aquatic farm licensee may not take fish or authorize others
 17.2 to take fish in licensed waters that are posted under paragraph (a), except as provided in
 17.3 section 17.4983, subdivision 3, and except that if waters are posted to allow the taking of
 17.4 fish under special restrictions, licensees and others who can legally access the waters may
 17.5 take fish under those special restrictions.

17.6 (d) Before March 1, 2003, riparian landowners adjacent to licensed waters on April 30,
 17.7 2002, and riparian landowners who own land adjacent to waters licensed after April 30,
 17.8 2002, on the date the waters become licensed waters, plus their children and grandchildren,
 17.9 may take two daily limits of fish per month under an angling license subject to the other
 17.10 limits and conditions in the game and fish laws.

17.11 (e) Except as provided in paragraphs (c), (d), and (f), a person may not take fish or
 17.12 operate a motorboat if prohibited by posting under paragraph (a).

17.13 (f) An owner of riparian land adjacent to an area posted under paragraph (a) may operate
 17.14 a motorboat through the area by the shortest direct route at a speed of not more than five
 17.15 miles per hour.

17.16 (g) Postings for water bodies designated under paragraph (a), clause (1), or being used
 17.17 for fisheries research or management under paragraph (a), clause (2), are not subject to the
 17.18 rulemaking provisions of chapter 14, and section 14.386 does not apply.

17.19 Sec. 31. Minnesota Statutes 2022, section 97C.035, subdivision 3, is amended to read:

17.20 Subd. 3. **Taking fish.** (a) The commissioner may authorize residents to take fish:

17.21 (1) in any quantity;

17.22 (2) in any manner, except by use of seines, hoop nets, fyke nets, and explosives; and

17.23 (3) for personal use only, except ~~rough fish~~ common carp may be sold.

17.24 (b) The commissioner may authorize the taking of fish by posting notice conspicuously
 17.25 along the shore of the waters and publishing a news release in a newspaper of general
 17.26 circulation in the area where the waters are located.

17.27 Sec. 32. Minnesota Statutes 2023 Supplement, section 97C.041, is amended to read:

17.28 **97C.041 COMMISSIONER MAY REMOVE NATIVE ROUGH FISH.**

17.29 The commissioner may take native rough fish, common carp, and rainbow smelt with
 17.30 seines, nets, and other devices. The commissioner may hire or contract persons, or issue
 17.31 permits, to take the fish. The commissioner shall prescribe the manner of taking and disposal.

18.1 The commissioner may award a contract under this section without competitive bidding.
 18.2 Before establishing the contractor's compensation, the commissioner must consider the
 18.3 qualifications of the contractor, including the contractor's equipment, knowledge of the
 18.4 waters, and ability to perform the work.

18.5 Sec. 33. Minnesota Statutes 2022, section 97C.045, is amended to read:

18.6 **97C.045 REMOVING COMMON CARP AND NATIVE ROUGH FISH FROM**
 18.7 **BOUNDARY WATERS.**

18.8 The commissioner may enter into agreements with North Dakota, South Dakota,
 18.9 Wisconsin, and Iowa, relating to the removal of common carp and native rough fish in
 18.10 boundary waters. The agreements may include:

- 18.11 (1) contracting to remove common carp and native rough fish;
 18.12 (2) inspection of the work;
 18.13 (3) the division of proceeds; and
 18.14 (4) regulating the taking of common carp and native rough fish.

18.15 Sec. 34. Minnesota Statutes 2022, section 97C.081, subdivision 3a, is amended to read:

18.16 Subd. 3a. **No permit required.** A person may conduct a fishing contest without a permit
 18.17 from the commissioner if:

- 18.18 (1) the contest is not limited to specifically named waters;
 18.19 (2) the contest is limited to ~~rough fish~~ common carp and participants are required to fish
 18.20 with a hook and line; or
 18.21 (3) the total prize value is \$500 or less.

18.22 Sec. 35. Minnesota Statutes 2022, section 97C.211, subdivision 5, is amended to read:

18.23 Subd. 5. **Price of game fish fry and eggs.** The commissioner may sell or barter game
 18.24 fish or native rough fish fry or eggs for not less than the cost associated with the production
 18.25 of eggs or fry.

18.26 Sec. 36. Minnesota Statutes 2023 Supplement, section 97C.371, subdivision 1, is amended
 18.27 to read:

18.28 Subdivision 1. **Species allowed.** Only common carp, native rough fish, catfish, lake
 18.29 whitefish, cisco (tulibee), and northern pike may be taken by spearing.

19.1 Sec. 37. Minnesota Statutes 2022, section 97C.375, is amended to read:

19.2 **97C.375 TAKING NATIVE ROUGH FISH BY SPEARING.**

19.3 (a) A resident or nonresident may take native rough fish by spearing according to
19.4 paragraph (b) and during the times, in waters, and in the manner prescribed by the
19.5 commissioner.

19.6 (b) Suckers may be taken by spearing from ~~the last Saturday in April~~ May 1 through the
19.7 last ~~Sunday~~ day in February.

19.8 Sec. 38. Minnesota Statutes 2022, section 97C.376, subdivision 1, is amended to read:

19.9 Subdivision 1. **Season.** (a) The regular bow-fishing season for residents and nonresidents
19.10 is from ~~the last Saturday in April to~~ May 1 through the last ~~Sunday~~ day in February at any
19.11 time of the day.

19.12 (b) The early bow-fishing season for residents and nonresidents is open only south of
19.13 State Highway 210 from ~~the Monday after the last Sunday in February to the Friday before~~
19.14 March 1 through the last ~~Saturday~~ day in April at any time of the day. During the early
19.15 season, a person may bow fish:

19.16 (1) only from a boat; and

19.17 (2) only while on a lake or on the Mississippi, Minnesota, or St. Croix River.

19.18 Sec. 39. Minnesota Statutes 2022, section 97C.376, subdivision 5, is amended to read:

19.19 Subd. 5. **Returning native rough fish and common carp to waters.** Native rough fish
19.20 and common carp taken by bow fishing ~~shall~~ must not be returned to the water, and native
19.21 rough fish and common carp may not be left on the banks of any water of the state.

19.22 Sec. 40. Minnesota Statutes 2022, section 97C.381, is amended to read:

19.23 **97C.381 HARPOONING NATIVE ROUGH FISH.**

19.24 A resident or nonresident may use a rubber powered gun, spring gun, or compressed air
19.25 gun to take native rough fish and common carp by harpooning. The harpoon must be fastened
19.26 to a line not more than 20 feet long. The commissioner may prescribe the times, the waters,
19.27 and the manner for harpooning native rough fish and common carp.

20.1 Sec. 41. Minnesota Statutes 2022, section 97C.385, is amended to read:

20.2 **97C.385 COMMISSIONER'S AUTHORITY TO REGULATE WINTER FISHING.**

20.3 Subdivision 1. **Effect on summer angling season.** If the commissioner closes the
 20.4 statutory open season for ~~the spearing of~~ a game fish or native rough fish species in any
 20.5 waters, the commissioner must, in the same rule, close the following statutory open season
 20.6 for angling for the same species in the waters in the same proportion.

20.7 Subd. 2. **Effect on summer angling limits.** If the commissioner reduces the limit of a
 20.8 species of game fish or native rough fish taken by spearing in any waters under section
 20.9 97A.045, subdivision 2, the commissioner must reduce the limit for taking of the species
 20.10 by angling in the waters during the following open season for angling.

20.11 Subd. 3. **Limiting closures by county.** The commissioner may not close the open season
 20.12 for taking game fish or native rough fish through the ice on more than 50 percent of the
 20.13 named lakes or streams of a county under section 97A.045, subdivision 2.

20.14 Sec. 42. Minnesota Statutes 2022, section 97C.391, subdivision 1, is amended to read:

20.15 Subdivision 1. **General restrictions.** A person may not buy or sell fish taken from the
 20.16 waters of this state, except:

20.17 (1) minnows;

20.18 (2) ~~rough fish~~ common carp;

20.19 (3) smelt taken from Lake Superior and rivers and streams that flow into Lake Superior;

20.20 (4) fish taken under licensed commercial fishing operations;

20.21 (5) fish that are private aquatic life; and

20.22 (6) fish lawfully taken and subject to sale from other states and countries.

20.23 Sec. 43. Minnesota Statutes 2022, section 97C.395, as amended by Laws 2023, chapter
 20.24 60, article 4, section 70, is amended to read:

20.25 **97C.395 OPEN SEASONS FOR ANGLING.**

20.26 Subdivision 1. **Dates for certain species.** (a) The open seasons to take fish by angling
 20.27 are as follows:

20.28 (1) for walleye, sauger, northern pike, muskellunge, largemouth bass, and smallmouth
 20.29 bass, the Saturday two weeks prior to the Saturday of Memorial Day weekend through the
 20.30 last Sunday in February;

21.1 ~~(2) for lake trout, from January 1 through October 31;~~

21.2 ~~(3) for the winter season for lake trout, brown trout, brook trout, rainbow trout, and~~
 21.3 ~~splake on all lakes located outside or partially within the Boundary Waters Canoe Area,~~
 21.4 ~~from January 15 through March 31;~~

21.5 ~~(4) for the winter season for lake trout, brown trout, brook trout, rainbow trout, and~~
 21.6 ~~splake on all lakes located entirely within the Boundary Waters Canoe Area, from January~~
 21.7 ~~1 through March 31;~~

21.8 ~~(5)~~ (2) for brown trout, brook trout, lake trout, rainbow trout, and splake, between January
 21.9 1 through October 31 as prescribed by the commissioner by rule except as provided in
 21.10 section 97C.415, subdivision 2; and

21.11 ~~(6)~~ (3) for salmon, as prescribed by the commissioner by rule.

21.12 (b) The commissioner shall close the season in areas of the state where fish are spawning
 21.13 and closing the season will protect the resource.

21.14 Subd. 2. **Continuous season for certain species.** For sunfish, white crappie, black
 21.15 crappie, yellow perch, channel catfish, rock bass, white bass, yellow bass, burbot, cisco
 21.16 (tullibee), lake whitefish, and native rough fish, the open season is continuous.

21.17 Sec. 44. Minnesota Statutes 2022, section 97C.411, is amended to read:

21.18 **97C.411 STURGEON AND PADDLEFISH.**

21.19 Lake sturgeon, shovelnose sturgeon, and paddlefish may not be taken, bought, sold,
 21.20 transported or possessed except as provided by rule of the commissioner. ~~The commissioner~~
 21.21 ~~may only allow the taking of these fish in waters that the state boundary passes through and~~
 21.22 ~~in tributaries to the St. Croix River.~~

21.23 Sec. 45. Minnesota Statutes 2022, section 97C.505, subdivision 8, is amended to read:

21.24 Subd. 8. **Possession for minnow dealers.** When nets and traps are lawfully set and
 21.25 tended, minnows ~~and~~, incidentally taken game fish under four inches in length, and
 21.26 incidentally taken native rough fish that are not classified as minnows are not considered
 21.27 to be in possession until the minnows, native rough fish, or game fish are placed on a motor
 21.28 vehicle or trailer for transport on land.

22.1 Sec. 46. Minnesota Statutes 2022, section 97C.801, subdivision 2, is amended to read:

22.2 Subd. 2. **Commercial fish netting on Mississippi River.** (a) A license is required to
22.3 commercially take native rough fish with seines in the Mississippi River from the St. Croix
22.4 River junction to St. Anthony Falls.

22.5 (b) A person may take native rough fish in the Mississippi River, from the St. Croix
22.6 River junction to St. Anthony Falls, only with the following equipment and methods:

22.7 (1) operations shall be conducted only in the flowing waters of the river and in tributary
22.8 backwaters prescribed by the commissioner;

22.9 (2) seines may be used only as prescribed by this section and rules adopted by the
22.10 commissioner;

22.11 (3) seines must be hauled to a landing immediately after being placed;

22.12 (4) two seines may not be joined together in the water; and

22.13 (5) a seine may not be landed between sunset and sunrise.

22.14 Sec. 47. Minnesota Statutes 2022, section 97C.805, subdivision 1, is amended to read:

22.15 Subdivision 1. **Open season.** (a) The commissioner shall, by rule, prescribe the open
22.16 season and open state waters for netting lake whitefish and ciscoes. The commissioner may
22.17 open specific lakes and waters that are otherwise closed if the commissioner posts notice
22.18 of the date and time in appropriate public places at least 48 hours before the open season
22.19 begins.

22.20 (b) The commissioner may close specific lakes and waters that are otherwise open under
22.21 this subdivision if the commissioner posts notice of the closing at a minimum of three sites
22.22 on the shore of the waters, including all public water-access sites. Before closing waters
22.23 under this paragraph, the commissioner shall determine that the closure is necessary to
22.24 protect game fish or native rough fish populations.

22.25 Sec. 48. Minnesota Statutes 2022, section 97C.805, subdivision 4, is amended to read:

22.26 Subd. 4. **No limit on native rough fish netted.** Lake whitefish and ciscoes taken under
22.27 this section may be taken and possessed without limit. Native rough fish caught while netting
22.28 may be retained. All other fish taken while netting must be returned to the water immediately.

23.1 Sec. 49. Minnesota Statutes 2022, section 97C.811, subdivision 2, is amended to read:

23.2 Subd. 2. **Commercial fish defined.** For purposes of this section and section 97A.475,
 23.3 subdivision 30, "commercial fish" are common carp; ~~bowfin; burbot; cisco; goldeye; rainbow~~
 23.4 ~~smelt; black bullhead, brown bullhead, and yellow bullhead; lake whitefish; members of~~
 23.5 ~~the sucker family, Catostomidae, including white sucker, redhorse, bigmouth buffalo, and~~
 23.6 ~~smallmouth buffalo; members of the drum family, Sciaenidae, including sheepshead; and~~
 23.7 ~~members of the gar family, Lepisosteidae~~ and native rough fish, except for bowfin.

23.8 Sec. 50. Minnesota Statutes 2022, section 97C.831, subdivision 1, is amended to read:

23.9 Subdivision 1. **Lake whitefish and native rough fish.** Lake whitefish and native rough
 23.10 fish may be taken by licensed commercial fishing operators unless otherwise changed by
 23.11 rule of the commissioner, under section 97C.805, subdivision 1, from Namakan Lake and
 23.12 Sand Point Lake.

23.13 Sec. 51. Minnesota Statutes 2022, section 97C.835, subdivision 2, is amended to read:

23.14 Subd. 2. **Types of fish permitted.** Lake trout, ciscoes, chubs, alewives, lake whitefish,
 23.15 round whitefish, pygmy whitefish, rainbow smelt, and native rough fish may be taken by
 23.16 licensed commercial fishing operators from Lake Superior, in accordance with this section.

23.17 Sec. 52. Minnesota Statutes 2022, section 97C.835, subdivision 3, is amended to read:

23.18 Subd. 3. **Pound nets and trap nets.** Pound or trap nets may be used to take lake whitefish,
 23.19 round whitefish, pygmy whitefish, ciscoes, chubs, alewives, rainbow smelt, and native rough
 23.20 fish in Lake Superior, including St. Louis Bay east of the U.S. Highway 53 bridge, under
 23.21 the rules prescribed by the commissioner.

23.22 Sec. 53. Minnesota Statutes 2022, section 97C.865, subdivision 1, is amended to read:

23.23 Subdivision 1. **License required; records.** (a) A person engaged in a business providing
 23.24 services to a person taking fish may not prepare dressed game fish or dressed native rough
 23.25 fish for shipment without a fish packer's license. The fish packer must maintain a permanent
 23.26 record of:

23.27 (1) the name, address, and license number of the shipper;

23.28 (2) the name and address of the consignee; and

23.29 (3) the number of each species and net weight of fish in the shipment.

24.1 (b) The records of the fish packer must be made available to an enforcement officer
24.2 upon request.

24.3 Sec. 54. **REQUIRED RULEMAKING.**

24.4 The commissioner of natural resources may use the good cause exemption under
24.5 Minnesota Statutes, section 14.388, subdivision 1, clause (3), to adopt rules to conform with
24.6 this act. Minnesota Statutes, section 14.386, does not apply to rules adopted under this
24.7 section except as provided under Minnesota Statutes, section 14.388.

24.8 Sec. 55. **REVISOR INSTRUCTION.**

24.9 The revisor of statutes must renumber Minnesota Statutes, section 97A.015, subdivision
24.10 32b, as Minnesota Statutes, section 97A.015, subdivision 32d, and must renumber Minnesota
24.11 Statutes, section 97A.015, subdivision 43, as Minnesota Statutes, section 97A.015,
24.12 subdivision 32c.