

(CASE 7) 3-9-93, *Amend. - Vol. 10*  
(P. 51) 3-25-93 Senate - Do Pass

MAR 2 1993

HOUSE FILE 342  
BY COMMITTEE ON NATURAL RESOURCES  
AND OUTDOOR RECREATION

Place On Calendar

(SUCCESSOR TO HSB 125)

Passed House, Date <sup>(P. 510)</sup> 3/5/93 Passed Senate, Date 4-12-93  
Vote: Ayes 96 Nays 0 Vote: Ayes 46 Nays 0  
Approved May 4, 1993  
Repassed 89/3 4.21-93

A BILL FOR

1 An Act relating to the sale, use, possession, and transportation  
2 of minnows for commercial or personal use.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HOUSE FILE 342

S-3362

1 Amend House File 342, as passed by the House, as  
2 follows:

3 1. Page 2, line 33, by striking the word  
4 "fifteen" and inserting the following: "fifteen  
5 twenty".

6 2. Page 3, line 1, by striking the word "fifteen"  
7 and inserting the following: "fifteen twenty".

By WILLIAM FINK

*Adopted 4/12/93 (P. 1106)*

S-3362 FILED APRIL 2, 1993

HF 342

SENATE AMENDMENT TO HOUSE FILE 342

H-3913

1 Amend House File 342, as passed by the House, as  
2 follows:

3 1. Page 2, line 33, by striking the word  
4 "fifteen" and inserting the following: "fifteen  
5 twenty".

6 2. Page 3, line 1, by striking the word "fifteen"  
7 and inserting the following: "fifteen twenty".

RECEIVED FROM THE SENATE

H-3913 FILED APRIL 14, 1993

*House Concurred 4/21/92 (P. 1507)*

1 Section 1. Section 481A.1, Code 1993, is amended by adding  
2 the following new subsections:

3 NEW SUBSECTION. 6A. "Bait" includes, but is not limited  
4 to, minnows, green sunfish, orange-spotted sunfish, gizzard  
5 shad, frogs, crayfish, salamanders, and mussels.

6 NEW SUBSECTION. 20A. "Minnows" means chubs, suckers,  
7 shiners, dace, stonerollers, mud minnows, redhorse, blunt-  
8 nose, and fathead minnows.

9 Sec. 2. Section 481A.144, Code 1993, is amended by  
10 striking the section and inserting in lieu thereof the  
11 following:

12 481A.144 LICENSED BAIT DEALERS -- REQUIREMENTS.

13 1. A person shall not sell minnows, frogs, crayfish,  
14 salamanders, and mussels for fish bait without first obtaining  
15 a bait dealer's license from the department upon payment of  
16 the license fee. A licensee shall comply with all laws  
17 pertaining to taking, possessing, and selling of bait handled  
18 by the licensee. If convicted of violating a provision of  
19 this chapter or a rule adopted pursuant to this chapter, a  
20 licensee shall forfeit the licensee's bait dealer license upon  
21 demand of the director.

22 2. When taking bait from lakes and streams, bait dealers  
23 shall take only the size of bait which they can use, and shall  
24 return all small minnows and frogs to the water immediately.

25 3. A minnow and bait box and a tank shall be open to  
26 inspection by the department at all times. A licensee shall  
27 have tanks and bait boxes of sufficient size and with proper  
28 aeration to keep the bait alive and prevent substantial loss.

29 4. A person shall not take or attempt to take minnows for  
30 commercial purposes from any waters of the state or shall not  
31 transport minnows without first obtaining a bait dealer's  
32 license. However, a person taking or transporting minnows for  
33 personal use is not required to have a bait dealer's license.

34 Sec. 3. Section 481A.145, subsection 1, Code 1993, is  
35 amended by striking the subsection and inserting in lieu

1 thereof the following:

2 1. Except for species listed as threatened or endangered  
3 under chapter 481B, a licensed bait dealer may take sufficient  
4 bait from lakes and streams of this state that are not closed  
5 to the taking of bait, to supply the licensee's customers for  
6 hook and line fishing if the licensee is present while the  
7 bait is being taken.

8 Sec. 4. Section 481A.145, subsection 3, Code 1993, is  
9 amended by striking the subsection and inserting in lieu  
10 thereof the following:

11 3. A person shall not transport, use, sell or offer to  
12 sell for bait or introduce into any inland waters of this  
13 state or into any waters from which the waters of the state  
14 may become stocked, any minnows or fish of the carp,  
15 quillback, gar, or dogfish species. Fish of the carp,  
16 quillback, gar, or dogfish species may be returned to the  
17 waters from which they are taken. A person shall not possess  
18 live gizzard shad at any lake in this state.

19 Sec. 5. Section 481A.145, subsections 2 and 5, Code 1993,  
20 are amended to read as follows:

21 2. Except as otherwise provided in this chapter, a person  
22 shall not carry, transport, ship, or cause to be carried,  
23 transported, or shipped, any minnows ~~outside-the-state-which~~  
24 ~~were-taken-in-the-state~~ for the purpose of sale beyond the  
25 boundaries of the state. Minnows which are bred, hatched,  
26 propagated, or raised on a licensed aquaculture unit may be  
27 transported outside the state. ~~The-director,-however,-may~~  
28 ~~transport-minnows-pursuant-to-section-481A.146---Green~~  
29 ~~sunfish,-orange-spotted-sunfish,-and-gizzard-shad-may-also-be~~  
30 ~~taken-for-bait.~~

31 5. A person shall not use a minnow dip net which exceeds  
32 four feet in diameter, a cast net which exceeds ten feet in  
33 diameter, or a minnow seine which exceeds fifteen feet in  
34 length or has a mesh size smaller than one-quarter inch bar  
35 measure. Licensed bait dealers may obtain a permit from the

1 department to use minnow seines longer than fifteen feet, but  
2 not exceeding fifty feet in length.

3 Sec. 6. Sections 481A.63, 481A.80, 481A.81, and 481A.82,  
4 Code 1993, are repealed.

5 EXPLANATION

6 This bill amends provisions of chapter 481A relating to the  
7 sale, use, possession, and transport of minnows and other  
8 forms of fish bait. Persons taking and transporting minnows  
9 for commercial purposes must first obtain a bait dealer's  
10 license. A person taking or transporting minnows for personal  
11 use is not required to have a bait dealer's license. The bill  
12 also prohibits the transportation, use, or sale of carp,  
13 quillback, gar, or dogfish minnows or fish for introduction  
14 into inland waters of this state. The possession of live  
15 gizzard shad is prohibited at any lake in this state. The  
16 bill also limits the size of minnow dip nets, cast nets, and  
17 minnow seines.

18 The bill repeals four sections, parts of which are included  
19 in other sections of this bill and are no longer needed as  
20 separate sections.

21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35

Brunkhorst, Chair

HSB 125

Eddie

NATURAL RESOURCES AND  
OUTDOOR RECREATION

Fogarty

HOUSE FILE 342

BY (PROPOSED COMMITTEE ON  
NATURAL RESOURCES AND  
OUTDOOR RECREATION BILL  
BY CHAIRPERSON KISTLER)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to the transportation of minnows for personal  
2 use.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22

1 Section 1. Section 481A.80, subsection 2, Code 1993, is  
2 amended to read as follows:

3 2. To transport in any manner or for any purpose outside  
4 this state any minnows, dead or alive, taken in the state  
5 except that the director may transport for the purposes set  
6 out by state law. However, it is not unlawful for a licensed  
7 resident angler to transport minnows outside of this state for  
8 the angler's personal use.

9 Sec. 2. Section 481A.145, Code 1993, is repealed.

10

EXPLANATION

11 This bill authorizes a resident angler to transport minnows  
12 outside of this state for the angler's personal use. The bill  
13 also repeals section 481A.145 which duplicates sections  
14 481A.63 and 481A.80 unnecessarily.

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

HOUSE FILE 342

AN ACT

RELATING TO THE SALE, USE, POSSESSION, AND TRANSPORTATION OF  
MINNOWS FOR COMMERCIAL OR PERSONAL USE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 481A.1, Code 1993, is amended by adding the following new subsections:

NEW SUBSECTION. 6A. "Bait" includes, but is not limited to, minnows, green sunfish, orange-spotted sunfish, gizzard shad, frogs, crayfish, salamanders, and mussels.

NEW SUBSECTION. 20A. "Minnows" means chubs, suckers, shiners, darters, stonerollers, mud minnows, redbreast, bluntnose, and fathead minnows.

Sec. 2. Section 481A.144, Code 1993, is amended by striking the section and inserting in lieu thereof the following:

481A.144 LICENSED BAIT DEALERS -- REQUIREMENTS.

1. A person shall not sell minnows, frogs, crayfish, salamanders, and mussels for fish bait without first obtaining a bait dealer's license from the department upon payment of the license fee. A licensee shall comply with all laws pertaining to taking, possessing, and selling of bait handled by the licensee. If convicted of violating a provision of this chapter or a rule adopted pursuant to this chapter, a licensee shall forfeit the licensee's bait dealer license upon demand of the director.

2. When taking bait from lakes and streams, bait dealers shall take only the size of bait which they can use, and shall return all small minnows and frogs to the water immediately.

3. A minnow and bait box and a tank shall be open to inspection by the department at all times. A licensee shall have tanks and bait boxes of sufficient size and with proper aeration to keep the bait alive and prevent substantial loss.

4. A person shall not take or attempt to take minnows for commercial purposes from any waters of the state or shall not transport minnows without first obtaining a bait dealer's license. However, a person taking or transporting minnows for personal use is not required to have a bait dealer's license.

Sec. 3. Section 481A.145, subsection 1, Code 1993, is amended by striking the subsection and inserting in lieu thereof the following:

1. Except for species listed as threatened or endangered under chapter 481B, a licensed bait dealer may take sufficient bait from lakes and streams of this state that are not closed to the taking of bait, to supply the licensee's customers for hook and line fishing if the licensee is present while the bait is being taken.

Sec. 4. Section 481A.145, subsection 3, Code 1993, is amended by striking the subsection and inserting in lieu thereof the following:

3. A person shall not transport, use, sell or offer to sell for bait or introduce into any inland waters of this state or into any waters from which the waters of the state may become stocked, any minnows or fish of the carp, quillback, gar, or dogfish species. Fish of the carp, quillback, gar, or dogfish species may be returned to the waters from which they are taken. A person shall not possess live gizzard shad at any lake in this state.

Sec. 5. Section 481A.145, subsections 2 and 5, Code 1993, are amended to read as follows:

2. Except as otherwise provided in this chapter, a person shall not carry, transport, ship, or cause to be carried, transported, or shipped, any minnows ~~outside the state which were taken in the state for the purpose of sale beyond the boundaries of the state.~~ Minnows which are bred, hatched, propagated, or raised on a licensed aquaculture unit may be transported outside the state. ~~The director, however, may transport minnows pursuant to section 481A.146. Green sunfish, orange-spotted sunfish, and gizzard shad may also be taken for bait.~~

5. A person shall not use a minnow dip net which exceeds four feet in diameter, a cast net which exceeds ten feet in diameter, or a minnow seine which exceeds fifteen twenty feet in length or has a mesh size smaller than one-quarter inch bar measure. Licensed bait dealers may obtain a permit from the department to use minnow seines longer than fifteen twenty feet, but not exceeding fifty feet in length.

Sec. 6. Sections 481A.63, 481A.80, 481A.81, and 481A.82, Code 1993, are repealed.

---

HAROLD VAN MAANEN  
Speaker of the House

---

LEONARD L. BOSWELL  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 342, Seventy-fifth General Assembly.

---

ELIZABETH ISAACSON  
Chief Clerk of the House

Approved May 4, 1993

---

TERRY E. BRANSTAD  
Governor