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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No. 2977

03/28/2012 Authored by Hansen

The bill was read for the first time and referred to the Committee on Environment, Energy and Natural Resources Policy and Finance

A bill for an act

relating to natural resources; establishing administrative authority to address certain aquaculture license violations; increasing and establishing certain civil penalties, fees, and surcharges; establishing an aquatic invasive species prevention program; requiring portable boat lifts and docks to be licensed; requiring reports; providing criminal penalties; appropriating money; amending Minnesota Statutes 2010, sections 13.7931, by adding a subdivision; 17.4998, subdivision 3, by adding a subdivision; 86B.401, by adding a subdivision; 86B.415, subdivision 7; 97A.485, by adding a subdivision; Minnesota Statutes 2011 Supplement, sections 84D.10, subdivision 4; 84D.13, subdivisions 3, 5; proposing coding for new law in Minnesota Statutes, chapter 86B.

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

Section 1. Minnesota Statutes 2010, section 13.7931, is amended by adding a subdivision to read:

Subd. 7. E-mail addresses. E-mail addresses from individuals provided when applying for a game and fish license or watercraft license are classified under sections 86B.401, subdivision 14, and 97A.485, subdivision 14.

Sec. 2. Minnesota Statutes 2010, section 17.4998, subdivision 3, is amended to read:

Subd. 3. **License void.** (a) The license of a person convicted of a violation of sections 17.4981 to 17.4997 or a rule of the commissioner governing the operation of an aquatic farm, private fish hatchery, or quarantine facility is void for a period of one year after the conviction if the person is convicted of two or more misdemeanors within a three-year period. If the commissioner determines that the public welfare will not be injured, the commissioner may reinstate a license voided under this subdivision.

(b) The commissioner may, after written notice and hearing, revoke, suspend, or refuse to grant or renew a license or permit if a person violates or has a history of

2.1 violating a provision of sections 17.4981 to 17.4997, chapter 84D, chapter 97C, or a rule
2.2 of the commissioner governing the operation of an aquatic farm, private fish hatchery, or
2.3 quarantine facility.

2.4 Sec. 3. Minnesota Statutes 2010, section 17.4998, is amended by adding a subdivision
2.5 to read:

2.6 Subd. 4. **Administrative action.** The commissioner may seek to remedy violations
2.7 of sections 17.4981 to 17.4997, chapter 84D, chapter 97C, or a rule of the commissioner
2.8 governing the operation of an aquatic farm, private fish hatchery, or quarantine facility by
2.9 a written warning, administrative meeting, cease and desist, stop-use, stop-sale, removal,
2.10 correction order, or other special order, seizure, stipulation, agreement, or administrative
2.11 penalty, if the commissioner determines that the remedy is in the public interest.

2.12 Sec. 4. Minnesota Statutes 2011 Supplement, section 84D.10, subdivision 4, is
2.13 amended to read:

2.14 Subd. 4. **Persons transporting water-related equipment.** (a) When leaving waters
2.15 of the state a person must drain water-related equipment holding water and live wells and
2.16 bilges by removing the drain plug before transporting the water-related equipment off
2.17 the water access site or riparian property.

2.18 (b) Drain plugs, bailers, valves, or other devices used to control the draining of water
2.19 from ballast tanks, bilges, and live wells must be removed or opened while transporting
2.20 water-related equipment.

2.21 (c) Emergency response vehicles and equipment may be transported on a public road
2.22 with the drain plug or other similar device replaced only after all water has been drained
2.23 from the equipment upon leaving the water body.

2.24 (d) Portable bait containers used by licensed aquatic farms and marine sanitary
2.25 systems are exempt from this subdivision.

2.26 (e) A person must not dispose of bait in waters of the state.

2.27 (f) A boat lift, dock, swim raft, or associated equipment that has been removed
2.28 from any water body may not be placed in another water body until a minimum of 21
2.29 days have passed.

2.30 Sec. 5. Minnesota Statutes 2011 Supplement, section 84D.13, subdivision 3, is
2.31 amended to read:

3.1 Subd. 3. **Criminal penalties.** (a) A person who violates a provision of sections
 3.2 84D.03 or 84D.06 to 84D.11, or a rule adopted under section 84D.12, is guilty of a
 3.3 misdemeanor.

3.4 (b) A person who possesses, transports, or introduces a prohibited invasive species in
 3.5 violation of section 84D.05 is guilty of a misdemeanor. A person who willfully possesses,
 3.6 transports, or introduces a prohibited invasive species in violation of section 84D.05 is
 3.7 guilty of a gross misdemeanor. A person who imports, purchases, sells, or propagates a
 3.8 prohibited invasive species in violation of section 84D.05 is guilty of a gross misdemeanor.

3.9 (c) A person who refuses to obey an order of a peace officer or conservation officer
 3.10 to remove prohibited invasive species or aquatic macrophytes from any water-related
 3.11 equipment is guilty of a gross misdemeanor.

3.12 Sec. 6. Minnesota Statutes 2011 Supplement, section 84D.13, subdivision 5, is
 3.13 amended to read:

3.14 Subd. 5. **Civil penalties.** (a) A civil citation issued under this section must impose
 3.15 the following penalty amounts:

3.16 (1) for transporting aquatic macrophytes in violation of section 84D.09, ~~\$50~~ \$100;

3.17 (2) for placing or attempting to place into waters of the state water-related equipment
 3.18 that has aquatic macrophytes attached, ~~\$100~~ \$200;

3.19 (3) for unlawfully possessing or transporting a prohibited invasive species other
 3.20 than an aquatic macrophyte, ~~\$250~~ \$500;

3.21 (4) for placing or attempting to place into waters of the state water-related equipment
 3.22 that has prohibited invasive species attached when the waters are not designated by the
 3.23 commissioner as being infested with that invasive species, \$500 ~~for the first offense and~~
 3.24 ~~\$1,000 for each subsequent offense~~;

3.25 (5) for intentionally damaging, moving, removing, or sinking a buoy marking, as
 3.26 prescribed by rule, Eurasian water milfoil, \$100;

3.27 (6) for failing to have drain plugs or similar devices removed or opened while
 3.28 transporting water-related equipment or for failing to remove plugs, open valves, and
 3.29 drain water from water-related equipment, other than marine sanitary systems, before
 3.30 leaving waters of the state, ~~\$50~~ \$100; and

3.31 (7) for transporting infested water off riparian property without a permit as required
 3.32 by rule, \$200.

3.33 (b) A civil citation that is issued to a person who has one or more prior convictions
 3.34 or final orders for violations of this chapter is subject to twice the penalty amounts listed
 3.35 in paragraph (a).

4.1 Sec. 7. **[86B.13] AQUATIC INVASIVE SPECIES PREVENTION PROGRAM.**

4.2 Subdivision 1. **Establishment.** The commissioner shall establish a statewide course
 4.3 in preventing the spread of aquatic invasive species. The commissioner must develop an
 4.4 educational course and testing program that address identification of aquatic invasive
 4.5 species and best practices to prevent the spread of aquatic invasive species when moving
 4.6 water-related equipment, as defined under section 84D.01, subdivision 18a.

4.7 Subd. 2. **Aquatic invasive species trailer decal.** The commissioner shall issue an
 4.8 aquatic invasive species trailer decal to a person that satisfactorily completes the required
 4.9 course of instruction.

4.10 Subd. 3. **Contracting for services.** The commissioner may contract for services
 4.11 with the University of Minnesota and Minnesota State Colleges and Universities to
 4.12 provide training and testing services under this section.

4.13 Sec. 8. **[86B.135] AQUATIC INVASIVE SPECIES TRAILER DECAL**
 4.14 **REQUIRED.**

4.15 (a) A person may not transport watercraft or water-related equipment, as defined
 4.16 under section 84D.01, subdivision 18a, with a trailer unless the person has an aquatic
 4.17 invasive species trailer decal issued under section 86B.13.

4.18 (b) Aquatic invasive species trailer decals are valid for three years.

4.19 **EFFECTIVE DATE.** This section is effective July 1, 2015.

4.20 Sec. 9. Minnesota Statutes 2010, section 86B.401, is amended by adding a subdivision
 4.21 to read:

4.22 Subd. 14. **E-mail address.** The commissioner shall provide an option for
 4.23 individuals licensing a watercraft to provide their e-mail addresses to be used for notifying
 4.24 individuals of watercraft and aquatic invasive species regulations and to invite individuals
 4.25 to sign up for e-mail lists and social media efforts of the department to assist in public
 4.26 outreach and involvement. An e-mail address provided by an individual under this section
 4.27 is private data, as defined in section 13.02, subdivision 12.

4.28 Sec. 10. Minnesota Statutes 2010, section 86B.415, subdivision 7, is amended to read:

4.29 Subd. 7. **Watercraft surcharge.** A \$5 surcharge is placed on each watercraft
 4.30 licensed under subdivisions 1 to 5 for control, public awareness, law enforcement,
 4.31 monitoring, and research of aquatic invasive species such as zebra mussel, purple
 4.32 loosestrife, and Eurasian water milfoil in public waters and public wetlands. The
 4.33 surcharge is:

- 5.1 (1) \$5 for watercraft used by a nonprofit organization as provided under subdivision
5.2 4;
5.3 (2) \$10 for canoes, kayaks sailboards, paddle boards, paddle boats, or rowing shells;
5.4 (3) \$20 for watercraft licensed under subdivision 1, clause (6); and
5.5 (4) \$25 for all other watercraft.

5.6 Sec. 11. **[86B.425] PORTABLE BOAT LIFT AND DOCK LICENSE.**

5.7 Subdivision 1. **Requirement.** (a) Except as provided in paragraph (b), a person may
5.8 not place a portable boat lift or dock into waters of the state unless the portable boat lift or
5.9 dock has been registered and licensed under this section and the registration number is
5.10 affixed to the boat lift or dock as prescribed by the commissioner.

5.11 (b) A portable boat lift or dock owned by the United States, an Indian tribal
5.12 government, a state, or a political subdivision of a state is not required to be licensed
5.13 under this section.

5.14 Subd. 2. **Application.** A person may apply to the commissioner, the commissioner
5.15 of public safety, or an authorized deputy registrar of motor vehicles to license a portable
5.16 boat lift or dock in a format prescribed by the commissioner. The application must state
5.17 the names and addresses of all owners of the portable boat lift or dock and the water body
5.18 into which the boat lift or dock will be placed.

5.19 Subd. 3. **Licensing.** The license agent shall register the boat lift or dock upon
5.20 receiving an application and the license fee. A license and registration sticker with
5.21 a registration number shall be issued and must be affixed to the boat lift or dock as
5.22 prescribed by the commissioner. A license is valid for three calendar years or a portion
5.23 of the three-year period beginning in the calendar year the license is issued. The license
5.24 expires on December 31 of the last calendar year of the license period and may be renewed
5.25 in the same manner as applying for the original license. The commissioner shall issue
5.26 a duplicate license if an owner provides to the commissioner an affidavit of loss or
5.27 destruction of the license previously issued and pays the duplicate license fee.

5.28 Subd. 4. **Notification of change.** If the address of an owner of a licensed portable
5.29 boat lift or dock changes so that it does not conform with the address on the boat lift or
5.30 dock license or if the boat lift or dock has been placed into a water body other than the one
5.31 noted on the license application, the owner must notify the commissioner in writing within
5.32 30 days after the change occurs, on a form prescribed by the commissioner.

5.33 Subd. 5. **Notice of ownership change, destruction, or abandonment of**
5.34 **watercraft.** (a) An owner of a watercraft must provide written notice to the commissioner

6.1 on a form prescribed by the commissioner within 15 days after abandonment, destruction,
 6.2 or a change in ownership of a licensed portable boat lift or dock.

6.3 (b) A change in ownership does not include the transfer of a security interest.

6.4 (c) After a change of ownership:

6.5 (1) the new owner is subject to the penalties imposed by this chapter if the new
 6.6 owner fails to give notice as required by this subdivision; and

6.7 (2) the commissioner shall terminate the license without further action if the new
 6.8 owner fails to give notice of ownership change.

6.9 (d) A notice of ownership change must be accompanied by the duplicate license fee.

6.10 The commissioner shall issue a duplicate license upon receipt of the notice of ownership
 6.11 change and the duplicate license fee.

6.12 Subd. 6. Fees. The fee for a portable boat lift or dock license is \$..... The fee to
 6.13 transfer a license or be issued a duplicate license is \$4.50.

6.14 Subd. 7. Registrar's fee. In addition to other fees prescribed by law, a filing fee
 6.15 of \$4.50 shall be charged for each license renewal, duplicate or replacement license, and
 6.16 replacement decal, and a filing fee of \$7 shall be charged for each license and license
 6.17 transfer issued by:

6.18 (1) the registrar or a deputy registrar of motor vehicles and the additional fee shall be
 6.19 disposed of in the manner provided in section 168.33, subdivision 2; or

6.20 (2) the commissioner and the additional fee shall be deposited in the state treasury
 6.21 and credited to the invasive species account.

6.22 Subd. 8. Disposition of receipts. Money received for portable boat lift and dock
 6.23 licenses shall be deposited in the state treasury and credited to the invasive species account.

6.24 Subd. 9. Refunds. The commissioner may issue a refund on a license, not including
 6.25 any issuing fees paid under subdivision 7, if the refund request is received within 60 days
 6.26 of the original license, the license is not used or transferred, and the boat lift or dock
 6.27 was licensed incorrectly.

6.28 Sec. 12. Minnesota Statutes 2010, section 97A.485, is amended by adding a
 6.29 subdivision to read:

6.30 Subd. 14. E-mail address. The commissioner shall provide an option for
 6.31 individuals purchasing licenses to provide their e-mail addresses to be used for notifying
 6.32 individuals of game and fish regulations and to invite individuals to sign up for e-mail lists
 6.33 and social media efforts of the department to assist in public outreach and involvement.

6.34 The information collected under this subdivision is classified as private or nonpublic

7.1 data. An e-mail address provided by an individual under this section is private data, as
7.2 defined in section 13.02, subdivision 12.

7.3 **Sec. 13. CROSS-WATERSHED CONTAMINATION REPORT.**

7.4 By January 1, 2013, the commissioner of natural resources, in consultation with
7.5 watershed districts and drainage authorities, shall prepare and submit a report to the chairs
7.6 and ranking minority members of the house of representatives and senate committees
7.7 and divisions with jurisdiction over the environment and natural resources regarding the
7.8 potential for aquatic invasive species to spread between the state's major water basins.

7.9 **Sec. 14. GREAT LAKES AND MISSISSIPPI RIVER BASINS; BARRIERS.**

7.10 The commissioner of natural resources, in coordination with the efforts of the Great
7.11 Lakes and Mississippi River Interbasin Study, shall identify locations where aquatic
7.12 invasive species have the potential to spread from the Great Lakes Basin to the Mississippi
7.13 River Basin within the state and shall construct physical barriers.

7.14 **Sec. 15. QUAGGA MUSSEL REPORT.**

7.15 By January 1, 2013, the commissioner of natural resources shall prepare and submit
7.16 a report to the chairs and ranking minority members of the house of representatives and
7.17 senate committees and divisions with jurisdiction over the environment and natural
7.18 resources regarding the status and potential for quagga mussel infestation in the state.

7.19 **Sec. 16. AQUATIC INVASIVE SPECIES; POTENTIAL IMPACT OF**
7.20 **COMMERCE.**

7.21 By January 1, 2013, the commissioner of natural resources, in consultation with
7.22 the commissioners of agriculture, employment and economic development, and other
7.23 agencies, shall prepare and submit a report to the chairs and ranking minority members of
7.24 the house of representatives and senate committees and divisions with jurisdiction over the
7.25 environment and natural resources regarding the potential for aquatic invasive species to
7.26 spread through commercial activity in the state, including aquarium and aquatic plant sales.

7.27 **Sec. 17. ENVIRONMENTAL DNA TESTING.**

7.28 The commissioner of natural resources, in cooperation with the commissioner of
7.29 agriculture, shall test all of the state's major water basins for the presence of big head,
7.30 silver, and grass carp using environmental DNA. The commissioner may enter into
7.31 contracts with the United States Army Corps of Engineers and the United States Fish

8.1 and Wildlife Service, including the La Crosse Fish Health Center located in Onalaska,
8.2 Wisconsin, as necessary to comply with this section.

8.3 Sec. 18. **INTERSTATE COORDINATION.**

8.4 The commissioner of natural resources shall coordinate with the appropriate state
8.5 agencies in neighboring states when planning and implementing aquatic invasive species
8.6 efforts, when appropriate.

8.7 Sec. 19. **AQUATIC INVASIVE SPECIES EDUCATION.**

8.8 The commissioner of natural resources shall consult with and contract with, when
8.9 appropriate, the University of Minnesota and Minnesota State Colleges and Universities
8.10 when developing education materials and education programs on aquatic invasive species.

8.11 Sec. 20. **BALLAST WATER REPORT.**

8.12 By January 1, 2013, the commissioner of the Pollution Control Agency shall
8.13 prepare and submit a report to the chairs and ranking minority members of the house
8.14 of representatives and senate committees and divisions with jurisdiction over the
8.15 environment and natural resources regarding the ballast water efforts of the agency and
8.16 implementation of the permit program.

8.17 Sec. 21. **PURPLE LOOSESTRIFE.**

8.18 By January 1, 2013, the commissioner of natural resources, in consultation with the
8.19 commissioner of agriculture and counties, shall prepare and submit a report to the chairs
8.20 and ranking minority members of the house of representatives and senate committees
8.21 and divisions with jurisdiction over the environment and natural resources regarding the
8.22 implementation and effectiveness of purple loosestrife control under Minnesota Statutes,
8.23 section 18.78, subdivision 2, and any recommendations for change.

8.24 Sec. 22. **APPROPRIATION.**

8.25 \$..... in fiscal year 2013 is appropriated from the to the commissioner of
8.26 natural resources to implement this act.