

This Document can be made available in alternative formats upon request

State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No. 2242

02/13/2012 Authored by Ward and Doepke

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

1.1 A bill for an act
1.2 relating to waters; modifying aquatic invasive species provisions; providing civil
1.3 penalties; amending Minnesota Statutes 2011 Supplement, sections 84D.10,
1.4 subdivision 4; 84D.105, subdivision 2; 84D.13, subdivision 5; 97C.341;
1.5 proposing coding for new law in Minnesota Statutes, chapter 86B.

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

1.7 Section 1. Minnesota Statutes 2011 Supplement, section 84D.10, subdivision 4, is
1.8 amended to read:

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

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

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

1.19 (d) Portable bait containers used by licensed aquatic farms, portable bait containers
1.20 when fishing through the ice except on waters designated infested for viral hemorrhagic
1.21 septicemia, and marine sanitary systems are exempt from this subdivision.

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

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

2.1 Sec. 2. Minnesota Statutes 2011 Supplement, section 84D.105, subdivision 2, is
2.2 amended to read:

2.3 Subd. 2. **Inspector authority.** (a) The commissioner shall train and authorize
2.4 individuals to inspect water-related equipment for aquatic macrophytes, aquatic invasive
2.5 species, and water. The commissioner may delegate inspection authority as provided
2.6 under paragraphs (b), (g), and (h) to tribal and local governments that assume all legal,
2.7 financial, and administrative responsibilities for inspection programs on public waters
2.8 within their jurisdiction.

2.9 (b) Inspectors may visually and tactilely inspect watercraft and water-related
2.10 equipment to determine whether aquatic invasive species, aquatic macrophytes, or water
2.11 is present. If a person transporting watercraft or water-related equipment refuses to
2.12 take required corrective actions or fails to comply with an order under section 84D.10,
2.13 subdivision 3, an inspector who is not a licensed peace officer shall refer the violation
2.14 to a conservation officer or other licensed peace officer.

2.15 (c) In addition to paragraph (b), a conservation officer or other licensed peace officer
2.16 may inspect any watercraft or water-related equipment that is stopped at a water access
2.17 site, any other public location in the state, or a private location where the watercraft or
2.18 water-related equipment is in plain view, if the officer determines there is reason to believe
2.19 that aquatic invasive species, aquatic macrophytes, or water is present on the watercraft or
2.20 water-related equipment.

2.21 (d) Conservation officers or other licensed peace officers may utilize check stations
2.22 in locations, or in proximity to locations, where watercraft or other water-related
2.23 equipment is placed into or removed from waters of the state. Any check stations shall be
2.24 operated in a manner that minimizes delays to vehicles, equipment, and their occupants.

2.25 (e) Conservation officers or other licensed peace officers may order water-related
2.26 equipment to be removed from a water body if the commissioner determines such action is
2.27 needed to implement aquatic invasive species control measures.

2.28 (f) The commissioner may require mandatory inspections of water-related equipment
2.29 before a person places the water-related equipment into a water body. Inspection stations
2.30 may be located at or near public water accesses or in locations that allow for servicing
2.31 multiple water bodies. The commissioner shall ensure that inspection stations:

2.32 (1) have adequate staffing to minimize delays to vehicles and their occupants;

2.33 (2) allow for reasonable travel times between public accesses and inspection stations
2.34 if inspection is required before placing water-related equipment into a water body;

2.35 (3) are located so as not to create traffic delays or public safety issues;

3.1 (4) have decontamination equipment available to bring water-related equipment
 3.2 into compliance; and

3.3 (5) do not reduce the capacity or hours of operation of public water accesses.

3.4 (g) The commissioner may authorize tribal and local governments to conduct
 3.5 mandatory inspections of water-related equipment at specified locations within a defined
 3.6 area before a person places the water-related equipment into a water body. Tribal and local
 3.7 governments that are authorized to conduct inspections under this paragraph must:

3.8 (1) assume all legal, financial, and administrative responsibilities for implementing
 3.9 the mandatory inspections, alone or in agreement with other tribal or local governments;

3.10 (2) employ inspectors that have been trained and authorized by the commissioner;

3.11 (3) conduct inspections and decontamination measures in accordance with guidelines
 3.12 approved by the commissioner;

3.13 (4) have decontamination equipment available at inspection stations to bring
 3.14 water-related equipment into compliance;

3.15 (5) provide for inspection station locations that do not create traffic delays or public
 3.16 safety issues; and

3.17 (6) submit a plan approved by the commissioner according to paragraph (h).

3.18 (h) Plans required under paragraph (g) must address:

3.19 (1) no reduction in capacity or hours of operation of public accesses and fees that
 3.20 do not discourage or limit use;

3.21 (2) reasonable travel times between public accesses and inspection stations;

3.22 (3) adequate staffing to minimize wait times and provide adequate hours of operation
 3.23 at inspection stations and public accesses;

3.24 (4) adequate enforcement capacity;

3.25 (5) measures to address inspections of water-related equipment at public water
 3.26 accesses for commercial entities and private riparian land owners; and

3.27 (6) other elements as required by the commissioner to ensure statewide consistency,
 3.28 appropriate inspection and decontamination protocols, and protection of the state's
 3.29 resources, public safety, and access to public waters.

3.30 (i) A government unit authorized to conduct inspections under this subdivision must
 3.31 submit an annual report to the commissioner summarizing the results and issues related
 3.32 to implementing the inspection program.

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

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

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

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

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

4.8 (4) for placing or attempting to place into waters of the state water-related equipment
4.9 that has prohibited invasive species attached when the waters are not designated by the
4.10 commissioner as being infested with that invasive species, \$500 ~~for the first offense and~~
4.11 ~~\$1,000 for each subsequent offense~~;

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

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

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

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

4.23 Sec. 4. **[86B.13] AQUATIC INVASIVE SPECIES PREVENTION PROGRAM.**

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

4.29 Subd. 2. Aquatic invasive species trailer decal. The commissioner shall issue an
4.30 aquatic invasive species trailer decal to a person that satisfactorily completes the required
4.31 course of instruction.

4.32 Subd. 3. Contracting for services. The commissioner may contract for services to
4.33 provide training and testing services under this section.

5.1 Sec. 5. **[86B.135] AQUATIC INVASIVE SPECIES TRAILER DECAL**
5.2 **REQUIRED.**

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

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

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

5.8 Sec. 6. Minnesota Statutes 2011 Supplement, section 97C.341, is amended to read:

5.9 **97C.341 CERTAIN AQUATIC LIFE PROHIBITED FOR BAIT.**

5.10 (a) A person may not use live minnows imported from outside of the state, game
5.11 fish, goldfish, or carp for bait. The commissioner may, by written order published in
5.12 the State Register, authorize use of game fish eggs as bait and prescribe restrictions on
5.13 their use. The order is exempt from the rulemaking provisions of chapter 14 and section
5.14 14.386 does not apply.

5.15 (b) A person may not import or possess live, frozen, or processed bait from known
5.16 waters where viral hemorrhagic septicemia has been identified as being present; (1)
5.17 unless the bait has been processed to inactivate viral hemorrhagic septicemia in a manner
5.18 prescribed by rules adopted by the commissioner; or (2) except as provided in paragraph

5.19 (c). For purposes of this paragraph, "bait" includes fish, aquatic worms, amphibians,
5.20 invertebrates, and insects used for taking wild animals in waters of the state.

5.21 (c) Cisco and rainbow smelt taken under rules adopted by the commissioner may
5.22 be used as:

5.23 (1) fresh or frozen bait only on Lake Superior; or

5.24 (2) bait that has been processed to inactivate viral hemorrhagic septicemia in a
5.25 manner prescribed by rules adopted by the commissioner.

5.26 (d) To ensure that frozen or dead fish being brought into the state are not in violation
5.27 of paragraph (b), the following paperwork must accompany the shipment. Documents
5.28 must be open for inspection by the commissioner at any reasonable time. All documents
5.29 must be available to purchasers of these bait items. Each container or package of frozen or
5.30 dead fish must have the following information:

5.31 (1) water body source;

5.32 (2) lot number;

5.33 (3) company contact including name, phone, and address;

5.34 (4) date of packaging and labeling; and

6.1 (5) valid negative fish health certification from the source water body.