

HF1355 - 1E - Aquatic Plant SCUBA Safety Requirement Established

Chief Author: **Dave Baker**
 Committee: **Environment And Natural Resources Finance And Policy**
 Date Completed: **3/17/2025 11:31:02 AM**
 Lead Agency: **Natural Resources Dept**
 Other Agencies:
 Labor and Industry Dept

State Fiscal Impact	Yes	No
Expenditures	X	
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology	X	
Local Fiscal Impact		X

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative.
 Reductions shown in the parentheses.

State Cost (Savings)		Biennium		Biennium	
Dollars in Thousands		FY2025	FY2026	FY2027	FY2028
Natural Resources Dept		-	-	-	-
General Fund		-	-	-	-
State Total					
General Fund		-	-	-	-
Total		-	-	-	-
Biennial Total				-	-

Full Time Equivalent Positions (FTE)		Biennium		Biennium	
		FY2025	FY2026	FY2027	FY2028
Natural Resources Dept		-	-	-	-
General Fund		-	.04	.04	.04
Total		-	.04	.04	.04

Lead LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Jim Carlson **Date:** 3/17/2025 11:31:02 AM
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State Cost (Savings) Calculation Details

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions are shown in parentheses.

*Transfers In/Out and Absorbed Costs are only displayed when reported.

State Cost (Savings) = 1-2		Biennium			Biennium	
Dollars in Thousands		FY2025	FY2026	FY2027	FY2028	FY2029
Natural Resources Dept		-	-	-	-	-
General Fund		-	-	-	-	-
Total		-	-	-	-	-
Biennial Total				-		-
1 - Expenditures, Absorbed Costs*, Transfers Out*						
Natural Resources Dept		-	-	-	-	-
General Fund						
Expenditures		-	9	7	7	7
Absorbed Costs		-	(9)	(7)	(7)	(7)
Total		-	-	-	-	-
Biennial Total				-		-
2 - Revenues, Transfers In*						
Natural Resources Dept		-	-	-	-	-
General Fund		-	-	-	-	-
Total		-	-	-	-	-
Biennial Total				-		-

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Expenditures	X	
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Tax Revenue		X
Information Technology	X	
Local Fiscal Impact		X

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State Cost (Savings)	Biennium			Biennium	
	FY2025	FY2026	FY2027	FY2028	FY2029
Dollars in Thousands					
General Fund	-	-	-	-	-
Total	-	-	-	-	-
Biennial Total			-		-

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2025	FY2026	FY2027	FY2028	FY2029
General Fund	-	.04	.04	.04	.04
Total	-	.04	.04	.04	.04

LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Jim Carlson **Date:** 3/17/2025 11:30:54 AM
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State Cost (Savings) Calculation Details

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General Fund		-	-	-	-	-
Total		-	-	-	-	-
Biennial Total				-		-
1 - Expenditures, Absorbed Costs*, Transfers Out*						
General Fund						
Expenditures		-	9	7	7	7
Absorbed Costs		-	(9)	(7)	(7)	(7)
Total		-	-	-	-	-
Biennial Total				-		-
2 - Revenues, Transfers In*						
General Fund						
Total		-	-	-	-	-
Biennial Total				-		-

Bill Description

The bill modifies statutes related to authorization to remove aquatic plants from public waters. Specifically, the bill requires that prior to issuing an Aquatic Plant Management (APM) permit, the DNR inquire as to whether SCUBA equipment will be used during any activity authorized by the permit. If so, the applicant must provide documentation to the DNR verifying that a qualified safety professional had completed a hazard survey and provided a written report evaluating specific safety practices, equipment, and training. The bill also prohibits the commissioner from issuing or renewing APM permits to parties that willfully violate occupational safety and health standards under chapter 182 involving scuba diving during the previous two years, as well as to any persons considered a "successor person" to a party who has violated the chapter 182 standards.

The bill also creates statutory Occupational Safety and Health requirements for commercial diving operations under chapter 182 (administered by the Department of Labor and Industry, or DLI), including requirements for certification for commercial diving operations, equipment requirements, and penalties. The bill also requires DLI to develop an information sheet for employers who use SCUBA equipment in the workplace, explaining the occupational safety and health requirements; DLI must provide this information sheet to the DNR to share with APM permit applicants.

Assumptions

The Minnesota Permitting and Reporting System (MPARS) will need modifications by MNIT to accommodate the required verification of intentions to use SCUBA equipment, specifically to add a question as to whether SCUBA equipment will be used during any activity authorized by the permit, as well as the ability to upload documentation verifying that a qualified safety professional has completed a hazard survey and a written report evaluating specific safety practices, equipment, and training. Modifying MPARS to add questions and ability to upload associated documentation to the permit application regarding the use of SCUBA equipment is estimated at approximately \$2,000.

Additional DNR staff time will be required to acquire and review the additional required information for APM permits. This includes both traditional APM permits issued by the Fish and Wildlife (FAW) Division and invasive APM permits issued by the Ecological and Water Resources (EWR) Division. Annual staff effort between the two divisions are estimated at 80-85 hours per year at a total cost of approximately \$7,000.

DNR assumes that the existing criteria for projects exempt from requiring an APM permit shall remain unchanged. DNR assumes that DLI will work timely to provide the required chapter 182 information sheet for distribution and any inquiries regarding violations of occupational safety and health standards by APM permit applicants.

Expenditure and/or Revenue Formula

One-time MPARS modifications are estimated at a total of \$2,000.

Annual increased staffing costs are estimated at a total of approximately \$7,000 ($0.04\text{FTE} \times \$165,000/\text{FTE} = \$6,600$).

DNR assumes these costs can be absorbed into existing appropriations.

Long-Term Fiscal Considerations

Expenditures will be continuing.

Local Fiscal Impact

N/A

References/Sources

N/A

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Expenditures		X
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology		X
Local Fiscal Impact		X

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Dollars in Thousands		FY2025	FY2026	FY2027	FY2028	FY2029
Total		-	-	-	-	-
Biennial Total				-		-

Full Time Equivalent Positions (FTE)		Biennium			Biennium	
		FY2025	FY2026	FY2027	FY2028	FY2029
Total		-	-	-	-	-

LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Karl Palm **Date:** 3/16/2025 7:26:48 PM
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State Cost (Savings) Calculation Details

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Dollars in Thousands		FY2025	FY2026	FY2027	FY2028	FY2029
Total		-	-	-	-	-
Biennial Total				-		-
1 - Expenditures, Absorbed Costs*, Transfers Out*						
Total		-	-	-	-	-
Biennial Total				-		-
2 - Revenues, Transfers In*						
Total		-	-	-	-	-
Biennial Total				-		-

Bill Description

Section 1 of the bill amends Minnesota Statutes, section 103G.615, subdivision 1, to require the Department of Natural Resources (DNR) to inquire whether SCUBA diving equipment will be used for the permitted activities described in the section, which include harvesting or destroying aquatic plants. If the permit applicant will use SCUBA diving equipment, DNR must provide the applicant with an information sheet created by the Department of Labor and Industry (DLI's) occupational safety and health administration division (MNOSHA). An applicant who will use SCUBA diving equipment for a project must also provide documentation of a third-party on-site hazard survey completed in the last year by a qualified safety professional. The qualified safety professional includes a MNOSHA consultant, a workers' compensation insurance underwriter, or a private consultant.

Section 2 of the bill amends Minnesota Statutes, section 103G.615, subdivision 3, to prohibit the DNR from issuing or renewing a permit to harvest or destroy aquatic plants to an employer who has received a willful violation of a MNOSHA standard involving SCUBA diving during the last two years or who has contested such a violation, during the pendency of the contested case. The permit restrictions apply against any successor person, which is defined.

Section 3 of this bill establishes Minnesota Statutes, section 182.679 Commercial Diving Operations.

-Subdivision 1. Application, applies to individuals who are conducting self-contained underwater breathing apparatus (SCUBA) diving at a place of employment when making improvement to land, including the removal of aquatic plants.

-Subdivision 2. Certification required for commercial diving operations, requires an employer to have employees who are SCUBA dive certified from a nationally recognized and accredited certification program or agency.

-Subdivision 3. Equipment requirements, states employers shall require the use of a buoyancy control device when SCUBA diving.

-Subdivision 4. Penalties Enforcement, a violation of subdivisions 2 and 3 are subject to the penalties provided under section 182.666.

-Subdivision 5. Information for employers, requires MNOSHA to develop an information sheet, post the sheet on DLI's website and provide it to DNR who will distribute to specified applicants for permits to harvest or remove aquatic plants.

-Subdivision 6. Names this section of the bill the "Brady Aune and Joseph Anderson Safety Act."

Assumptions

MNOSHA does not anticipate incurring additional costs or revenues related to this bill. Any additional time spent at an on-site compliance inspection would be immaterial and considered other duties as assigned through the existing complaint process and checking for compliance when conducting inspections.

MNOSHA does not anticipate any additional costs associated with the contestation process than it already has. MNOSHA reviewed the current 2024 MNDNR Permitted Commercial Mechanical Control Companies and eighteen listed employers that are cutting, raking and/or scuba diving. MNOSHA anticipates a minimal number of additional citations with penalties relative to those that have already been issued and collected in a given year.

No additional equipment is necessary to evaluate scuba certification and equipment. MNOSHA will be able to develop the information sheet for employers and post the information on the department website with existing resources.

DLI assumes MNOSHA's Workplace Safety Consultation (WSC) unit would receive minimal additional requests for assistance in complying with the statute. WSC will respond to any additional requests with existing staff and will include the evaluation of scuba compliance in requested visits.

Expenditure and/or Revenue Formula

Long-Term Fiscal Considerations

Local Fiscal Impact

References/Sources

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