

HOUSE RESEARCH

Bill Summary

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Overview

This bill includes recommendations of the Department of Natural Resources (DNR) to address aquatic invasive species. It makes a number of changes to provisions regulating aquatic invasive species and aquatic plant management, including providing additional authorities for inspections, requiring permits for those installing docks and other water related equipment, increasing penalties, and requiring decals to be displayed on watercrafts.

- 1** **Introduce.** Amends § 84D.01, subd. 8a. Modifies the definition of "introduce" to exclude the immediate return of a nonnative species to the same waters the species was removed from, and the seasonal return of nonnative species attached to water-related equipment stored on riparian land being returned directly to the same waters.
- 2** **Inspect.** Adds § 84D.01, subd. 8b. Establishes a definition of "inspect" that includes removal, drainage, decontamination, or treatment to prevent transportation or spread of aquatic invasive species.
- 3** **Inspector.** Adds § 84D.01, subd. 8c. Establishes a definition of "inspector" that includes individuals trained by the DNR, a conservation officer, or a licensed peace officer.
- 4** **Service provider.** Adds § 84D.01, subd. 15a. Establishes a definition of "service provider" that includes an individual who installs or removes watercraft, equipment, docks, boat lifts or other water-related equipment from waters of the state for compensation.
- 5** **Transport.** Amends § 84D.01, subd. 16. Modifies the definition of "transport" to exclude the movement of a nonnative species attached to water-related equipment from state waters to the shore of that water or the return of water-related equipment to the same waters.
- 6** **Water-related equipment.** Adds § 84D.01, subd. 18a. Establishes a definition of "water-related equipment" that includes motor vehicles, boats, trailers, boat lifts, bait containers, live wells, and various other equipment.
- 7** **Wild animal.** Amends § 84D.01, subd. 21. Modifies the definition of "wild animal" to include wild

animals that are dead or alive.

- 8 Annual report.** Amends § 84D.02, subd. 6. Requires the annual legislative report prepared by the DNR on invasive species to include additional measures to protect the state's waters from human transport and introduction of invasive species.
- 9 Bait harvest from infested waters.** Amends § 84D.03, subd. 3. Clarifies that equipment used under permit in infested waters may not be transported to or used in waters other than those specified in the permit (this is already current practice).
- 10 Commercial fishing and turtle, frog, and crayfish harvesting restrictions in infested and noninfested waters.** Amends § 84D.03, subd. 4. Modifies commercial fishing net and other equipment tagging requirements applicable to equipment used in infested waters to be consistent with tagging requirements for commercial bait harvesting equipment.
- 11 Aquatic macrophytes.** Amends § 84D.09. Prohibits the transportation of aquatic macrophytes (aquatic plants) on all roads unless specifically exempted, and adds an exemption that applies when water-related equipment is removed from waters of the state for purposes of removing the aquatic plants before leaving a water access site.
- 12 Launching prohibited.** Amends § 84D.10, subd. 1. Technical.
- 13 Removal and confinement.** Amends § 84D.10, subd. 3. Allows a conservation officer or other licensed peace officer to prohibit the placement of water-related equipment into waters of the state if the equipment has aquatic plants or prohibited invasive species attached to it, or when water has not been drained/the drain plug has not been removed.
- 14 Persons transporting water-related equipment.** Amends § 84D.10, subd. 4. Provides an exemption to allow an emergency response vehicle and equipment to be transported on public roads with the drain plug in (after water has been drained). Removes a reporting requirement that is proposed to be included in the annual report under section 8.
- 15 Inspection of watercraft and water-related equipment.** Adds § 84D.105. Allows an inspector to prohibit someone who refuses to allow an inspection of the person's water-related equipment or who refuses to remove and dispose of aquatic invasive species, aquatic plants, or water from the equipment from placing or operating the equipment on waters of the state. Requires the commissioner to train inspectors and permits an inspector to inspect both visually and tactilely. Requires an inspector who is not a licensed peace officer to refer certain violations to a licensed peace officer. Allows a licensed peace officer to inspect any water craft or water-related equipment stopped at a water access site and allows a peace officer to inspect watercraft or water-related equipment stopped anywhere if he/she determines there is reason to believe that aquatic invasive species, aquatic plants, or water is present. Allows the use of check stations.
- 16 Service provider permit.** Adds § 84D.108. Requires service providers (individuals who install or remove watercraft, equipment, docks, boat lifts or other water-related equipment from waters of the state for compensation) to obtain a permit (valid for three years) from the DNR. Requires a service provider to complete invasive species training and pass an exam. Establishes an application and testing fee of \$50 for the permits.
- 17 Harvest of bait from infested waters.** Amends § 84D.11, subd. 2a. Requires a person working for a permitted bait harvester to complete aquatic invasive species related training annually (this is currently required only of those who hold the permit).
- 18 Criminal penalties.** Amends § 84D.13, subd. 3. Establishes a misdemeanor penalty for violating: the ban on taking bait from infested waters; requirements on the use of commercial fishing equipment in infested waters; the ban on transporting aquatic plants; and prohibited invasive species permit

requirements.

- 19 Warnings, civil citations.** Amends § 84D.13, subd. 4. Allows the issuance of a civil citation to a person who fails to remove a drain plug or drain water from water-related equipment when transporting the equipment.
- 20 Civil penalties.** Amends § 84D.13, 5. Increases civil penalties for various violations by: doubling the penalties for transporting aquatic plants (to \$100), for placing water-related equipment with aquatic plants attached into waters of the state (to \$200), for possessing or transporting prohibited invasive species (to \$500), and for failing to remove drain plugs or drain water from water-related equipment (to \$100); and subjecting a person who violates any provision of the chapter more than once to twice the penalty amount listed.
- 21 Watercraft license suspension.** Amends § 84D.13, subd. 6. Allows a watercraft license to be suspended for up to one year if the owner of a watercraft refuses to submit to inspection or comply with removal orders.
- 22 Satisfaction of civil penalties.** Amends § 84D.13, subd. 7. Allows funds received from a civil penalty issued by a peace officer of a local unit of government to be retained by the local government.
- 23 Receipts.** Amends § 84D.15, subd. 2. States that the \$50 permit application and testing fee paid by service providers shall be deposited in the invasive species account.
- 24 Aquatic invasive species rules decal.** Adds § 86B.508. Requires the owner or operator of a watercraft to obtain and display, in full view of the operator, an aquatic invasive species rules decal issued by the DNR on the watercraft before operating on waters of the state.
- 25 Issuance; validity.** Amends 103G.615, subd. 1. States that aquatic plant management permits are valid for one year and expire on December 31, unless otherwise specified in the permit.
- 26 Invasive aquatic plant management permit.** Adds § 103G.615, subd. 3a. Allows the commissioner to waive the requirement to get signatures of approval from affected landowners prior to issuing a permit for invasive aquatic plant management if obtaining the signatures creates an undue burden and the commissioner determines that the activity is necessary to protect natural resources. The commissioner must require an alternate form of landowner notification when waiving the requirement. Allows signatures of approval to be valid for three years if property ownership remains unchanged.
- 27 Temporary warning requirements; aquatic invasive species.** States that violation of the requirement to display an aquatic invasive species decal on a watercraft is punishable only with a warning until July 1, 2012.
- 28 Repealer.** Repeals § 84D.02, subd. 4, which establishes minimum inspection requirements.
- 29 Effective date.** Provides an immediate effective date for all sections of the bill except for the permit requirements for service providers and those harvesting bait from infested waters, and the watercraft aquatic invasive species decal requirements.