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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. **1442**

03/11/2013 Authored by Hansen; Ward, J.E.; Persell and Marquart

The bill was read for the first time and referred to the Committee on Civil Law

03/20/2013 Adoption of Report: Pass as Amended and re-referred to the Committee on Environment and Natural Resources Policy

04/04/2013 Adoption of Report: Pass as Amended and re-referred to the Committee on Rules and Legislative Administration

04/10/2013 Adoption of Report: Pass and re-referred to the Committee on Environment, Natural Resources and Agriculture Finance

1.1 A bill for an act
1.2 relating to natural resources; establishing aquatic invasive species decal
1.3 requirements and fees; eliminating aquatic invasive species trailer decal
1.4 requirements; requiring a report; appropriating money; amending Minnesota
1.5 Statutes 2012, section 84D.15, subdivision 2; proposing coding for new law in
1.6 Minnesota Statutes, chapter 86B; repealing Minnesota Statutes 2012, section
1.7 86B.13.

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

1.9 Section 1. Minnesota Statutes 2012, section 84D.15, subdivision 2, is amended to read:

1.10 Subd. 2. **Receipts.** Money received from surcharges on watercraft licenses under
1.11 section 86B.415, subdivision 7, civil penalties under section 84D.13, ~~and~~ service provider
1.12 permits under section 84D.108, and aquatic invasive species decals under section
1.13 86B.135, shall be deposited in the invasive species account. Each year, the commissioner
1.14 of management and budget shall transfer from the game and fish fund to the invasive
1.15 species account, the annual surcharge collected on nonresident fishing licenses under
1.16 section 97A.475, subdivision 7, paragraph (b). Each fiscal year, the commissioner of
1.17 management and budget shall transfer \$750,000 from the water recreation account under
1.18 section 86B.706 to the invasive species account.

1.19 Sec. 2. **[86B.135] AQUATIC INVASIVE SPECIES DECAL.**

1.20 Subdivision 1. **Decal required; fees.** (a) Except as provided under subdivision 6, a
1.21 person may not place or attempt to place into waters of the state a watercraft or operate a
1.22 watercraft on waters of the state unless a valid annual aquatic invasive species decal issued
1.23 by the commissioner under this section is displayed on the watercraft. The decal must
1.24 be viewable by a peace officer or a conservation officer. Owners or operators of licensed

2.1 watercraft shall adhere the decal on the starboard side of the bow directly in line with the
2.2 watercraft license number. Only the aquatic invasive species decal that is currently valid
2.3 shall be displayed. The commissioner, in prescribing the placement of decals, shall ensure
2.4 consistent placement of decals to aid in enforcement.

2.5 (b) The fee for an annual decal is:

2.6 (1) \$5 for a nonmotorized watercraft less than 26 feet in length licensed by the state;

2.7 (2) \$10 for a motorized watercraft less than 26 feet in length licensed by the state;

2.8 (3) \$15 for a watercraft measured 26 feet or greater bow to stern licensed by the state;

2.9 (4) \$10 for a nonmotorized watercraft licensed or registered by another state or

2.10 country; and

2.11 (5) \$20 for a motorized watercraft licensed or registered by another state or country.

2.12 (c) A person who owns multiple watercraft may receive additional aquatic invasive
2.13 species decals for a fee of \$1 for each additional decal. A person receiving additional
2.14 decals under this paragraph must:

2.15 (1) pay the highest fee prescribed in paragraph (b) for watercraft owned by the
2.16 person; and

2.17 (2) provide license information to the commissioner for all watercraft decals issued.

2.18 (d) Except as provided in paragraph (e), a decal is valid from January 1 through
2.19 December 31 of the year issued. The commissioner shall issue a decal upon application,
2.20 acknowledgement of educational information, and payment of the fee. A decal issued
2.21 under this section is not transferable.

2.22 (e) The commissioner shall provide a person licensing a watercraft the option to
2.23 purchase additional decals valid for the two subsequent years following the issuing year to
2.24 coincide with the licensing period of the watercraft. A person must pay the applicable
2.25 fee under paragraph (b) for each additional decal issued.

2.26 (f) Fees collected under this section, except for the issuing fee, shall be deposited in
2.27 the state treasury and credited to the invasive species account in the natural resources fund
2.28 and may be spent only to control and prevent the spread of aquatic invasive species.

2.29 (g) The commissioner shall allow for the electronic purchase of decals. The
2.30 commissioner may assign an identification number to an applicant who purchases a decal
2.31 by electronic means, to serve as temporary authorization until the decal is received. A
2.32 temporary authorization is valid for 30 days.

2.33 Subd. 2. **Education materials.** The commissioner shall develop aquatic invasive
2.34 species educational information, make the materials available on the department's Web
2.35 site, and include the information in the department's annual boating guide. The educational
2.36 information must include a list of applicable aquatic invasive species laws, information

3.1 to help identify aquatic invasive species, and a link to a list of waters that have been
3.2 designated as infested and their locations. The commissioner shall ensure all applicants for
3.3 a decal under this section acknowledge receipt of the educational information. Purchase of
3.4 the decal and receipt of the educational information or an acknowledgement of receipt of a
3.5 link to the information constitute express acknowledgement.

3.6 Subd. 3. **License agents.** The commissioner may appoint agents to issue and
3.7 sell aquatic invasive species decals. The decal and educational information shall be
3.8 available through electronic licensing system agents. The commissioner may revoke the
3.9 appointment of an agent at any time. An agent shall promptly deposit and remit all money
3.10 received from the sale of the decals, exclusive of the issuing fee, to the commissioner.

3.11 Subd. 4. **Issuing fees.** In addition to the fee for a decal, an issuing fee of \$1 per
3.12 decal shall be charged. The issuing fee may be retained by the seller of the decal. Issuing
3.13 fees for decals issued by the commissioner shall be deposited in the natural resources fund
3.14 and retained for the operation of the electronic licensing system.

3.15 Subd. 5. **Duplicate decals.** The commissioner and agents shall issue a duplicate
3.16 decal to persons whose decal is lost or destroyed using the process established under
3.17 section 97A.405, subdivision 3, and rules adopted thereunder. The fee for a duplicate
3.18 aquatic invasive species decal is \$4, with an issuing fee of 50 cents.

3.19 Subd. 6. **Exemptions.** This section does not apply to boundary waters or
3.20 commercial watercraft.

3.21 **EFFECTIVE DATE.** This section is effective January 1, 2014.

3.22 Sec. 3. **INSPECTION OF WATER-RELATED EQUIPMENT; REPORT.**

3.23 The commissioner of natural resources, in consultation with the commissioner of
3.24 transportation, shall examine the feasibility of inspecting water-related equipment entering
3.25 the state, including the use of weigh stations as inspection sites. The commissioner shall
3.26 submit a report, including a discussion of inspection options, financial requirements, and
3.27 any recommendations, to the chairs and ranking minority members of the legislative
3.28 committees and divisions with jurisdiction over environment and natural resources policy
3.29 and finance by January 15, 2014.

3.30 Sec. 4. **APPROPRIATION.**

3.31 \$2,000,000 in fiscal year 2015 is appropriated from the invasive species account
3.32 to the commissioner of natural resources for the conservation partners legacy grant
3.33 program for grants to local units of government and lake associations to address aquatic
3.34 invasive species.

4.1 Sec. 5. **REPEALER.**

4.2 Minnesota Statutes 2012, section 86B.13, is repealed.

86B.13 AQUATIC INVASIVE SPECIES PREVENTION PROGRAM.

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

Subd. 2. **Aquatic invasive species trailer decal.** The commissioner shall issue an aquatic invasive species trailer decal for each trailer owned by a person that satisfactorily completes the required course of instruction.

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

Subd. 4. **Aquatic invasive species trailer decal display required.** (a) A person may not transport watercraft or water-related equipment, as defined under section 84D.01, subdivision 18a, with a trailer unless the person has an aquatic invasive species trailer decal issued under this section. Temporary authorizations valid for seven days can be requested by persons that have not completed the required course of instruction.

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

(c) The aquatic invasive species trailer decal must be adhered to the side of the trailer frame tongue near the hitch in a manner that it is readily visible and does not interfere with the display of any registration requirements under section 169.79.

(d) Aquatic invasive species trailer decals are not transferable.

(e) Violation of this section shall not result in a penalty, but is punishable only by a warning.