

A bill for an act

relating to occupational safety; requiring holders of permits to harvest or destroy aquatic plants to safely use scuba diving equipment; establishing requirements for commercial diving operations; amending Minnesota Statutes 2024, section 103G.615, subdivisions 1, 3; proposing coding for new law in Minnesota Statutes, chapter 182.

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

Section 1. Minnesota Statutes 2024, section 103G.615, subdivision 1, is amended to read:

Subdivision 1. **Issuance; validity.** (a) The commissioner may issue a state general permit to a governmental subdivision or to the general public to conduct one or more projects described in this subdivision. The commissioner may issue permits, with or without a fee, to:

(1) gather or harvest aquatic plants, or plant parts, other than wild rice from public waters;

(2) transplant aquatic plants into public waters;

(3) destroy harmful or undesirable aquatic vegetation or organisms in public waters under prescribed conditions to protect the waters, desirable species of fish, vegetation, other forms of aquatic life, and the public.

(b) Application for a permit and a notification to request authorization to conduct a project under a general permit must be accompanied by a fee, if required.

(c) An aquatic plant management permit is valid for one growing season and expires on December 31 of the year it is issued unless the commissioner stipulates a different expiration date in rule or in the permit.

(d) A general permit may authorize a project for more than one growing season.

(e) To receive a commercial mechanical control permit under this section, the applicant must inform the commissioner whether scuba diving equipment will be used during any activity authorized by the permit. If the applicant indicates that scuba diving equipment will be used:

(1) the commissioner must provide the applicant with the information sheet required under section 182.679, subdivision 8; and

(2) the applicant must provide documentation to the commissioner verifying that a third-party on-site hazard survey was completed in the last year by a qualified safety professional who observed the applicant's work using scuba diving equipment. The documentation must include a written report of the findings and recommendations to reduce the risk of injury or illness to employees that are scuba diving. The written report must include an evaluation of specific safety practices, equipment, and training. A qualified safety professional includes:

(i) a Department of Labor and Industry workplace safety and health consultant;

(ii) a workers' compensation loss-control representative, with approval from an insurance underwriter; or

(iii) a private safety consultant.

EFFECTIVE DATE. This section is effective October 1, 2025.

Sec. 2. Minnesota Statutes 2024, section 103G.615, subdivision 3, is amended to read:

Subd. 3. **Permit standards.** (a) The commissioner shall, by rule, prescribe standards to issue and deny permits under this section. The standards must ensure that aquatic plant control is consistent with shoreland conservation ordinances, lake management plans and programs, and wild and scenic river plans.

(b) The commissioner may not issue or renew a commercial mechanical control permit under this section to a person if scuba diving equipment will be used during any activity authorized by the permit, and the person:

(1) has received a citation for one or more willful violations of an occupational safety and health standard adopted under chapter 182 involving scuba diving during the previous two years; or

(2) has contested a citation for one or more willful violations of an occupational safety and health standard adopted under chapter 182 involving scuba diving during the pendency of a contested case.

(c) The commissioner may not issue or renew a commercial mechanical control permit under this section authorizing an activity where scuba diving equipment will be used to a successor person. "Successor person" means a person that shares three or more of the following with the person who received or contested a violation under paragraph (b):

(1) has one or more of the same owners, members, principals, officers, or managers;

(2) performs similar work within the state of Minnesota;

(3) has one or more of the same telephone or fax numbers;

(4) has one or more of the same email addresses or websites;

(5) employs or engages substantially the same individuals to provide or perform services;

(6) uses substantially the same vehicles, facilities, or equipment; or

(7) lists or advertises substantially the same project experience and portfolio of work.

(d) If a commercial mechanical control permit holder is found to have used scuba gear in violation of subdivision 1, the commissioner may revoke the permit.

(e) The commissioner of labor and industry must provide the commissioner of natural resources with timely information necessary to implement this subdivision, subject to section 182.66, subdivision 4.

EFFECTIVE DATE. This section is effective October 1, 2025.

Sec. 3. [182.679] COMMERCIAL DIVING OPERATIONS.

Subdivision 1. **Application.** (a) This section applies to persons who are conducting self-contained underwater breathing apparatus (scuba) diving at a place of employment while making improvements to land, including the removal of aquatic plants.

(b) Issuing a permit under section 103G.615 alone does not make the commissioner of natural resources an employer of the permit holder or the permit holder's employees.

Subd. 2. **Certification required for commercial diving operations.** No employer may permit an individual subject to this section to conduct scuba diving unless the individual has a valid open-water scuba diver certificate or more advanced certificate received from a nationally recognized and accredited certification program or agency.

4.1 Subd. 3. **Equipment requirements.** An employer must require the use of the following
4.2 equipment when an individual subject to this section is scuba diving:

4.3 (1) a buoyancy-control device;

4.4 (2) a mask;

4.5 (3) a compressed-gas cylinder and valve;

4.6 (4) a primary regulator;

4.7 (5) a breathing-gas monitoring device;

4.8 (6) a quick-release weight system and weights;

4.9 (7) at least one audible emergency surface-signaling device; and

4.10 (8) an illuminated dive beacon.

4.11 Subd. 4. **Equipment requests.** An employer must provide the use of the following
4.12 equipment when a diver requests it:

4.13 (1) a depth-monitoring device;

4.14 (2) fins and snorkel;

4.15 (3) alternate air source;

4.16 (4) adequate exposure protection appropriate for local dive conditions; and

4.17 (5) a dive computer or recreational dive planner (RDP).

4.18 Subd. 5. **Standby diver required.** An employer must ensure that a standby diver is
4.19 available while a diver is in the water.

4.20 Subd. 6. **First aid and CPR training required.** An employer must require all individuals
4.21 subject to this section conducting scuba diving or serving as a standby diver under subdivision
4.22 5 to be trained in cardiopulmonary resuscitation (CPR) and first aid, the American Red
4.23 Cross standard course or equivalent.

4.24 Subd. 7. **Penalties.** An employer may be cited by the commissioner for violations of
4.25 subdivisions 2 to 6. Citations are punishable under section 182.666.

4.26 Subd. 8. **Information for employers.** The commissioner must develop an information
4.27 sheet for employers who have or intend to have one or more employees use scuba diving
4.28 equipment in the workplace. The information sheet must explain the requirements of this
4.29 section and include any applicable federal requirements for employers. The commissioner
4.30 must post the information sheet on the department's website. The commissioner must also

- 5.1 deliver the information sheet to the commissioner of natural resources to provide to
- 5.2 businesses according to section 103G.615, subdivision 1, paragraph (e).
- 5.3 Subd. 9. **Citation.** This section is the "Brady Aune and Joseph Anderson Safety Act."
- 5.4 **EFFECTIVE DATE.** This section is effective the day following final enactment.