

CHAPTER 594—S.F.No. 1959

An act relating to natural resources; providing for the management of ecologically harmful exotic species; requiring rulemaking; providing penalties; appropriating money; amending Minnesota Statutes 1990, sections 18.317, subdivisions 1, 2, 3, 5, and by adding subdivisions; and 86B.401, subdivision 11; Minnesota Statutes 1991 Supplement, sections 84.968; 84.9691; and 86B.415, subdivision 7.

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

Section 1. Minnesota Statutes 1990, section 18.317, subdivision 1, is amended to read:

Subdivision 1. **TRANSPORTATION PROHIBITED.** Except as provided in subdivision 2, a person may not transport Eurasian or Northern water milfoil, myriophyllum spicatum or exalbescens, zebra mussels, or other water-transmitted harmful exotic species identified by the commissioner of natural resources on a road or highway, as defined in section 160.02, subdivision 7, or on forest roads.

Sec. 2. Minnesota Statutes 1990, section 18.317, is amended by adding a subdivision to read:

Subd. 1a. PLACEMENT PROHIBITED. A person may not intentionally place ecologically harmful exotic species, as defined in section 84.967, in public waters within the state.

Sec. 3. Minnesota Statutes 1990, section 18.317, subdivision 2, is amended to read:

Subd. 2. **EXCEPTION.** A person may transport Eurasian or Northern water milfoil, myriophyllum spicatum or exalbescens, or other water-transmitted harmful exotic species identified by the commissioner of natural resources for disposal as part of a harvest or control activity.

Sec. 4. Minnesota Statutes 1990, section 18.317, subdivision 3, is amended to read:

Subd. 3. **LAUNCHING OF WATERCRAFT WITH EURASIAN OR NORTHERN WATER MILFOIL OR OTHER HARMFUL SPECIES PROHIBITED.** (a) A person may not place a trailer or launch a watercraft with Eurasian or Northern water milfoil, zebra mussels, or other water-transmitted harmful exotic species identified by the commissioner of natural resources attached into waters of the state. A conservation officer or other licensed peace officer may order the removal of Eurasian or Northern water milfoil, zebra mussels, or other water-transmitted harmful exotic species identified by the commissioner of natural resources from a trailer or watercraft before being placed or launched into waters of the state.

(b) For purposes of this section, the meaning of watercraft includes a float

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plane and "waters of the state" has the meaning given in section 103G.005, subdivision 17.

(c) A commercial harvester shall clean aquatic plant harvesting equipment of all aquatic vegetation at a suitable location before launching the equipment in another body of water.

Sec. 5. Minnesota Statutes 1990, section 18.317, is amended by adding a subdivision to read:

Subd. 3a. INSPECTION OF WATERCRAFT AND EQUIPMENT. (a) Licensed watercraft and associated equipment, including weed harvesters, that are removed from any waters of the state that the commissioner of natural resources identifies as being contaminated with Eurasian water milfoil, zebra mussels, or other water-transmitted exotic harmful species identified by the commissioner of natural resources, shall be randomly inspected between May 1 and October 15 for a minimum of 10,000 hours by personnel authorized by the commissioner of natural resources.

Sec. 6. Minnesota Statutes 1990, section 18.317, subdivision 5, is amended to read:

Subd. 5. **PENALTY.** A person who violates subdivision 1 ~~or~~, 1a, 3, or 3a is guilty of a misdemeanor. A person who refuses to obey the order of a peace officer or conservation officer to remove Eurasian or Northern water milfoil from a trailer or watercraft is guilty of a misdemeanor.

Sec. 7. Minnesota Statutes 1991 Supplement, section 84.968, is amended to read:

84.968 ECOLOGICALLY HARMFUL EXOTIC SPECIES MANAGEMENT PLAN; REPORT.

Subdivision 1. MANAGEMENT PLAN. (a) By January 1, 1993, a long-term statewide ecologically harmful exotic species management plan must be prepared by the commissioner of natural resources and address the following:

- (1) coordinated detection and prevention of accidental introductions;
- (2) coordinated dissemination of information about ecologically harmful exotic species among resource management agencies and organizations;
- (3) a coordinated public awareness campaign regarding ecologically harmful exotic animals and aquatic plants;
- (4) a process, where none exists, to designate and classify ecologically harmful exotic species into the following categories:
 - (i) undesirable wild animals that must not be sold, propagated, possessed, or transported; and

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(ii) undesirable aquatic exotic plants that must not be sold, propagated, possessed, or transported;

(5) coordination of control and eradication of ecologically harmful exotic species on public lands and public waters; and

(6) development of a list of exotic wild animal species intended for non-agricultural purposes, or propagation for release by state agencies or the private sector.

(b) The plan prepared under paragraph (a) must include containment strategies that include:

(1) participation by lake associations, local citizen groups, and local units of government in the development and implementation of lake management plans;

(2) a reasonable and workable inspection requirement for boats and equipment participating in organized events on waters of the state;

(3) allowing access points infested with ecologically harmful exotic species to be closed, for not more than a total of seven days during an open water season, for control or eradication purposes, and requiring posting of signs stating the reason for closing the access;

(4) provisions for reasonable weed-free maintenance of public accesses to infested waters; and

(5) notice to travelers of the penalties for violation of laws relating to ecologically harmful exotic species.

Subd. 2. REPORT. The commissioner of natural resources shall by January 1 each year submit a report on ecologically harmful exotic species to the legislative committees having jurisdiction over environmental and natural resource issues. The report must include:

(1) detailed information on expenditures for administration, education, eradication, inspections, and research;

(2) an analysis of the effectiveness of management activities conducted in the state, including chemical eradication, harvesting, educational efforts, and inspections;

(3) information on the participation of other state agencies, local government units, and interest groups in control efforts;

(4) information on management efforts in other states;

(5) information on the progress made by species;

(6) an estimate of future management needs; and

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(7) an analysis of the financial impact on persons who transport weed harvesters of the prohibition in section 1.

Sec. 8. Minnesota Statutes 1991 Supplement, section 84.9691, is amended to read:

84.9691 RULEMAKING.

(a) The commissioner of natural resources may adopt rules, including emergency rules, to restrict the introduction, propagation, use, possession, and spread of ecologically harmful exotic animals and aquatic plants in the state. The commissioner of natural resources may adopt emergency and permanent rules restricting the introduction, propagation, use, possession, and spread of ecologically harmful exotic species in the state, as outlined in section 84.967. The emergency rulemaking authority granted in this paragraph expires July 1, 1994.

(b) The commissioner shall adopt rules to identify bodies of water with limited infestation of Eurasian water milfoil. The areas that are infested shall be marked and prohibited for use.

Sec. 9. Minnesota Statutes 1990, section 86B.401, subdivision 11, is amended to read:

Subd. 11. SUSPENSION FOR NOT REMOVING EURASIAN OR NORTHERN WATER MILFOIL OR OTHER HARMFUL SPECIES. The commissioner, after notice and an opportunity for hearing, may suspend for a period of not more than one year the license of a watercraft if the owner or person in control of the watercraft or its trailer refuses to comply with an inspection order of a conservation officer or other licensed peace officer or an order to remove Eurasian or Northern water milfoil, myriophyllum spicatum or exalbes-cens, zebra mussels, or other ecologically harmful species identified by the commissioner from the watercraft or its trailer as provided in section 18.317, subdivision 3.

Sec. 10. Minnesota Statutes 1991 Supplement, section 86B.415, subdivision 7, is amended to read:

Subd. 7. WATERCRAFT SURCHARGE. A surcharge of \$2 ~~\$3~~ is placed on each watercraft licensed under subdivisions 1 to 5 for control, public awareness, law enforcement, monitoring, and research of nuisance aquatic exotic species such as zebra mussel, purple loosestrife, and Eurasian water milfoil in public waters and public wetlands.

Sec. 11. APPROPRIATIONS.

\$219,000 is appropriated from the water recreation account in the natural resources fund to the commissioner of natural resources for control, public awareness, law enforcement, monitoring, and research of nuisance exotic aquatic species in public waters.

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Of this amount, \$80,000 may be used to conduct access inspections under section 5.

Sec. 12. **EFFECTIVE DATE.**

The emergency rulemaking authority in section 8 is effective the day following final enactment.

Presented to the governor April 17, 1992

Signed by the governor April 27, 1992, 2:18 p.m.

CHAPTER 595—S.F.No. 2137

An act relating to health; modifying requirements for lead education, assessment, screening and abatement; transferring rule authority from the commissioner of the pollution control agency; defining a residential hospice facility; modifying hospice program conditions; limiting the number of residential hospice facilities; requiring a report; amending Minnesota Statutes 1990, sections 144.871, subdivisions 3, 6, 8, and by adding subdivisions; 144.872, subdivisions 1, 2, 3, and 4; 144.873, subdivisions 2 and 3; 144.874, subdivision 4; 144.876; 144.878, subdivision 2, and by adding a subdivision; and 144A.48, subdivision 1, and by adding a subdivision; Minnesota Statutes 1991 Supplement, sections 144.871, subdivision 2; 144.873, subdivision 1; 144.874, subdivisions 1, 2, 3, and 12; and 326.87, subdivision 1; repealing Minnesota Statutes 1990, sections 116.51; 116.52; 116.53, subdivision 1; and 144.878, subdivision 4.

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

Section 1. Minnesota Statutes 1991 Supplement, section 144.871, subdivision 2, is amended to read:

Subd. 2. **ABATEMENT.** "Abatement" means removal of, replacement of, or encapsulation of deteriorated paint, bare soil, dust, drinking water, or other materials that are or may become readily accessible during the abatement process and pose an immediate threat of actual lead exposure to people. ~~The abatement rules to be adopted under section 144.878, subdivision 2, shall apply as described in section 144.874.~~

Sec. 2. Minnesota Statutes 1990, section 144.871, subdivision 3, is amended to read:

Subd. 3. **ABATEMENT CONTRACTOR.** "Abatement contractor" means any person hired by a property owner or resident to perform abatement of a lead source in violation of standards under section 144.878.

Sec. 3. Minnesota Statutes 1990, section 144.871, subdivision 6, is amended to read:

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