

Subd. 4a. **OTHER FEES.** On request the commissioner may make ~~special inspections and~~ inspections for sale of bees, bee equipment, or appliances or perform other necessary services. The commissioner shall charge a fee or charge for expenses so as to recover the cost of performing these inspections or services. If a person for whom these inspections or services are to be performed requests it, the commissioner shall provide to the person in advance an estimate of the fees or expenses that will be charged.

Sec. 12. Minnesota Statutes 1992, section 19.65, is amended to read:

19.65 VIOLATION; PENALTY.

A person who violates any provision of sections 19.50 to 19.65 is guilty of a misdemeanor. A person whose agents or representatives violate any provision of sections 19.50 to 19.65 is also guilty of a misdemeanor. A person who violates sections 19.50 to 19.65 is subject to an administrative penalty under sections 17.982, subdivision 2, to 17.984.

Sec. 13. REPEALER.

Minnesota Statutes 1992, sections 19.51, subdivision 3; 19.54; 19.58, subdivisions 3, 7, and 8; 19.60; 19.61, subdivision 2; 19.62; and 19.64, subdivisions 2, 3, and 4, are repealed.

Sec. 14. EFFECTIVE DATE.

Sections 1 to 9 and 11 to 13 are effective the day following final enactment.

Presented to the governor May 14, 1993

Signed by the governor May 17, 1993, 4:45 p.m.

CHAPTER 234—H.F.No. 671

VETOED

CHAPTER 235—H.F.No. 864

An act relating to waters; inspection of watercraft for exotic harmful species; permit fee for aquatic vegetation control; authorizing civil penalties; appropriating money; amending Minnesota Statutes 1992, sections 18.317, subdivision 3a; 86B.415, subdivision 7; 103G.615, subdivision 2; 103G.617, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 84.

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

Section 1. Minnesota Statutes 1992, section 18.317, subdivision 3a, is amended to read:

Subd. 3a. **INSPECTION OF WATERCRAFT AND EQUIPMENT.** 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. Beginning in calendar year 1994, a minimum of 20,000 hours of random inspections must be conducted per year.

Sec. 2. **[84.9692] CIVIL CITATIONS AND PENALTIES.**

Subdivision 1. AUTHORITY TO ISSUE. After appropriate training, conservation officers, peace officers, and other staff designated by the commissioner may issue warnings or citations to persons who:

- (1) unlawfully transport ecologically harmful exotic species on a public road;
- (2) place a trailer or launch a watercraft with ecologically harmful species attached into waters of the state;
- (3) operate a watercraft in a Eurasian water milfoil infestation area; or
- (4) damage, remove, or sink a buoy marking a Eurasian water milfoil infestation area.

Subd. 2. PENALTY AMOUNT. A citation issued under this section may impose up to the following penalty amounts:

- (1) \$50 for transporting visible Eurasian water milfoil on a public road in each of the following locations:
 - (i) the exterior of the watercraft below the gunwales including the propulsion system;
 - (ii) any surface of a watercraft trailer;
 - (iii) any surface of a watercraft interior of the gunwales;
 - (iv) any water container including live wells, minnow buckets, or coolers which hold water; or
 - (v) any other area where visible Eurasian water milfoil is found not previously described in items (1) to (4);
- (2) \$150 for transporting visible zebra mussels on a public road;

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(3) \$300 for transporting live ruffe or live rusty crayfish on a public road;

(4) for attempting to launch or launching into noninfested waters a watercraft with visible Eurasian water milfoil or adult zebra mussels attached, \$500 for a first offense and \$1,000 for a second or subsequent offense;

(5) \$100 for operating a watercraft in a marked Eurasian water milfoil infestation area other than as provided by law;

(6) \$150 for intentionally damaging, moving, removing, or sinking a milfoil buoy; or

(7) \$150 for launching or attempting to launch into infested waters a watercraft with visible Eurasian water milfoil or visible zebra mussels attached.

Subd. 3. PAYMENT OF PENALTY. If not appealed under subdivision 4, civil penalties are payable to the commissioner no later than 30 days after issuance. Fines collected under this section must be credited to the water recreation account.

Subd. 4. APPEALS. Citations may be appealed under the procedures in section 116.072, subdivision 6, if the person requests a hearing by notifying the commissioner within 15 days after receipt of the citation. If a hearing is not requested within the 15-day period, the citation becomes a final order not subject to further review.

Subd. 5. ENFORCEMENT OF FIELD CITATIONS. Field citations may be enforced under section 18.317.

Subd. 6. CUMULATIVE REMEDY. The authority of conservation officers to issue field citations is in addition to other remedies available under law, except that the state may not seek penalties under any other provision of law for the incident subject to the citation.

Sec. 3. Minnesota Statutes 1992, section 86B.415, subdivision 7, is amended to read:

Subd. 7. WATERCRAFT SURCHARGE. A surcharge of \$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. The surcharge is \$5 until December 31, 1996, and \$3 thereafter.

Sec. 4. Minnesota Statutes 1992, section 103G.615, subdivision 2, is amended to read:

Subd. 2. FEES. (a) The commissioner shall establish a fee schedule for permits to harvest aquatic plants other than wild rice, by order, after holding a public hearing. The fees may not exceed \$200 per permit based upon the cost of

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receiving, processing, analyzing, and issuing the permit, and additional costs incurred after the application to inspect and monitor the activities authorized by the permit.

(b) The fee for a permit for chemical treatment of rooted aquatic vegetation may not exceed \$20 for each contiguous parcel of shoreline owned by an owner. This fee may not be charged for permits issued in connection with lakewide Eurasian water milfoil control programs.

(c) A fee may not be charged to the state or a federal governmental agency applying for a permit.

(e) (d) The money received for the permits under this subdivision shall be deposited in the treasury and credited to the game and fish fund.

Sec. 5. Minnesota Statutes 1992, section 103G.617, subdivision 5, is amended to read:

Subd. 5. **RESEARCH.** The commissioner shall initiate cooperative research with the ~~Freshwater Foundation and the University of Minnesota freshwater biological institute~~ and other public and private research facilities to study the use of nonchemical methods, including biological control agents, for control of Eurasian water milfoil.

Sec. 6. **MANAGEMENT OF EURASIAN WATER MILFOIL IN WHITE BEAR LAKE.**

By May 31, 1993, the department of natural resources shall recommend appropriate management methods for the control of Eurasian water milfoil in White Bear lake to be implemented by the White Bear Lake conservation district in cooperation with local units of government, lake associations, and local citizen groups.

Sec. 7. **APPROPRIATION.**

\$347,000 in fiscal year 1994 and \$448,000 in fiscal year 1995 are 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 on nuisance aquatic exotic species in public waters and wetlands.

Sec. 8. **EFFECTIVE DATE.**

Sections 3 and 4 are effective January 1, 1994. Sections 2 and 6 are effective the day following final enactment.

Presented to the governor May 14, 1993

Signed by the governor May 17, 1993, 4:45 p.m.

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