

Senator Hawj from the Committee on Environment, Climate, and Legacy, to which was re-referred

S.F. No. 1346: 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.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, delete lines 5 to 9 and insert:

"(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 7; and"

Page 2, after line 20, insert:

"(f) The holder of a commercial mechanical control permit may not use scuba equipment for permitted activities unless the permittee informed the commissioner at the time of the application that scuba diving equipment would be used and complied with all other requirements of paragraph (e). A permittee who is prohibited from using scuba equipment under this paragraph must apply for a new permit under paragraph (e) in order to do so."

Page 2, line 28, after "a" insert "commercial mechanical control"

Page 2, line 30, after "received" insert "a citation for"

Page 3, line 1, after "contested" insert "a citation for"

Page 3, line 4, after the first "a" insert "commercial mechanical control"

Page 3, after line 13, insert:

"(d) If a commercial mechanical control permit holder is found to have used scuba gear in violation of section 103G.615, subdivision 1, paragraph (f), the commissioner must 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."

Page 3, delete section 4 and insert:

2.1 "Sec. 4. [182.679] COMMERCIAL DIVING OPERATIONS.

2.2 Subdivision 1. **Application.** (a) This section applies to persons who are conducting
2.3 scuba diving at a place of employment when making improvements to land, including the
2.4 removal of aquatic plants.

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

2.7 Subd. 2. **Certifications required for commercial diving operations.** No employer
2.8 may allow any individual subject to this section to conduct scuba diving unless that individual
2.9 has a valid open water scuba diver certificate or a more advanced certificate received from
2.10 a nationally recognized and accredited certification program or agency.

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

2.13 (1) a buoyancy-control device;

2.14 (2) an illuminated dive beacon;

2.15 (3) a depth-monitoring device;

2.16 (4) fins, mask, and snorkel;

2.17 (5) a compressed gas cylinder and valve;

2.18 (6) a primary regulator and alternate air source;

2.19 (7) a breathing-gas monitoring device;

2.20 (8) a quick-release weight system and weights;

2.21 (9) adequate exposure protection appropriate for local dive conditions;

2.22 (10) at least one audible emergency surface-signaling device; and

2.23 (11) a dive computer or recreational dive planner (RDP).

2.24 Subd. 4. **Standby diver required.** An employer must ensure that a standby diver is
2.25 available while a diver is in the water. No employer may allow an individual to act as a
2.26 standby diver unless that individual has a valid rescue diver certificate received from a
2.27 nationally recognized and accredited certification program. An extra breathing gas hose
2.28 capable of supplying breathing gas to the diver in the water must be available to the standby
2.29 diver.

3.1 Subd. 5. **First aid and CPR training required.** An employer shall require that all
3.2 individuals subject to this section conducting scuba diving are trained in cardiopulmonary
3.3 resuscitation (CPR) and first aid, the American Red Cross standard course or equivalent.

3.4 Subd. 6. **Penalties.** An employer may be cited by the commissioner for violations of
3.5 subdivisions 2 to 5. Citations are punishable under section 182.666.

3.6 Subd. 7. **Information for employers.** The commissioner must develop an information
3.7 sheet for employers who have or intend to have one or more employees use scuba diving
3.8 equipment in the workplace. The information sheet must explain the requirements of this
3.9 section and include any applicable federal requirements for employers. The commissioner
3.10 must post the information sheet on the department's website. The commissioner must also
3.11 deliver the information sheet to the commissioner of natural resources to provide to
3.12 businesses according to section 103G.615, subdivision 1, paragraph (e).

3.13 **EFFECTIVE DATE.** This section is effective May 1, 2025."

3.14 And when so amended the bill do pass and be re-referred to the Committee on Finance.
3.15 Amendments adopted. Report adopted.

3.16 
3.17
(Committee Chair)

3.18 March 6, 2025.....
3.19 (Date of Committee recommendation)