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State of Minnesota

HOUSE OF REPRESENTATIVES

A bill for an act

relating to natural resources; establishing Minnesota Swan Protection Act; allowing

NINETY-THIRD SESSION

н. ғ. №. 2368

03/02/2023 Authored by Hansen, R.; Bahner; Lee, F.; Kraft; Fischer and others
The bill was read for the first time and referred to the Committee on Environment and Natural Resources Finance and Policy

1.3	designation of swan resting areas; providing criminal penalties; requiring
1.4	rulemaking; appropriating money; amending Minnesota Statutes 2022, section
1.5	97A.015, by adding a subdivision; proposing coding for new law in Minnesota
1.6	Statutes, chapters 97A; 97B.
1.7	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
1.8	Section 1. Minnesota Statutes 2022, section 97A.015, is amended by adding a subdivision
1.9	to read:
1.10	Subd. 32b. Native swan. "Native swan" means a trumpeter swan or a tundra swan but
1.11	does not include a mute swan.
1.12	Sec. 2. [97A.096] DESIGNATED SWAN RESTING AREAS.
1.13	Subdivision 1. Swan resting areas. The commissioner of natural resources may designate
1.14	waters within Minnesota's swan migration corridor as swan resting areas.
1.15	Subd. 2. Public notice and meeting. (a) Before the commissioner designates or removes
1.16	a designation of a swan resting area, the commissioner must receive public comment and
1.17	hold a public meeting in the county where the largest portion of the affected water is located.
1.18	(b) At least 90 days before the public meeting, the commissioner must post notice of
1.19	the proposed designation or removal of a designation at publicly maintained access points
1.20	on the affected water.
1.21	(c) Before the public meeting, the commissioner must publish notice of the meeting in
1.22	a news release issued by the commissioner and in a newspaper of general circulation in the

Sec. 2. 1

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	ea where the proposed swan resting area is located. The notice must be published at least
0	nce 30 to 60 days before the meeting and at least once seven to 30 days before the meeting.
	(d) The notices required in this subdivision must summarize the proposed action, invite
p	ablic comment, and specify a deadline for receiving public comments. The commissioner
r	oust send each required notice to persons who have registered their names with the
	ommissioner for this purpose. The commissioner must consider any public comments
·	eceived in making a final decision.
	(e) Designating swan resting areas or removing designations according to this subdivision
İS	not subject to the rulemaking requirements of chapter 14, and section 14.386 does not
Լ]	pply.
	Subd. 3. Using lead sinkers. A person may not use lead sinkers on a water designated
)	y the commissioner as a swan resting area under subdivision 1. The commissioner must
r	aintain a list of swan resting areas and information on the lead sinker restrictions on the
d	epartment's website and in any summary of fishing regulations required under section
)	7A.051.
	Subd. 4. Report. By January 15, 2026, the commissioner of natural resources must
કા	abmit a report to the chairs and ranking minority members of the legislative committees
ll	nd divisions with jurisdiction over the environment and natural resources on the
r	nplementation of this section and any recommendations.
	Subd. 5. Sunset. This section expires January 1, 2027.
	Sec. 3. [97B.735] SWANS.
	A person who takes, harasses, destroys, buys, sells, possesses, transports, or ships a
n	ative swan in violation of the game and fish laws is guilty of a gross misdemeanor.
	Sec. 4. SWAN RESTITUTION VALUES; RULE AMENDMENTS.
	(a) The commissioner of natural resources must amend Minnesota Rules, part 6133.0030
tc	increase the restitution value of a tundra swan from \$200 to \$1,000 and the restitution
V	alue of a trumpeter swan from \$1,000 to \$2,500.
	(b) The commissioner may use the good cause exemption under Minnesota Statutes,
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Se	ection 14.388, subdivision 1, clause (3), to adopt rules under this section, and Minnesota

Sec. 4. 2

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This act may be cited as the "Minnesota Swan Protection Act."

Sec. 6. SWAN PROTECTION EDUCATION AND OUTREACH; APPROPRIATION.

\$1,400,000 in fiscal year 2024 is appropriated from the general fund to the commissioner of natural resources for designating swan resting areas under this act and to provide increased education and outreach promoting the protection of swans in the state, including education regarding the restrictions on taking swans. This is a onetime appropriation and is available until June 30, 2026.

Sec. 7. LEAD TACKLE COLLECTION PROGRAM; APPROPRIATION.

\$1,000,000 in fiscal year 2024 is appropriated from the general fund to the commissioner of the Pollution Control Agency for a lead tackle reduction program that provides outreach, education, and opportunities to safely dispose of and exchange lead tackle throughout the state.

Sec. 7. 3