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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 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

1.1 A bill for an act
1.2 relating to natural resources; establishing Minnesota Swan Protection Act; allowing
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

2.1 area where the proposed swan resting area is located. The notice must be published at least
2.2 once 30 to 60 days before the meeting and at least once seven to 30 days before the meeting.

2.3 (d) The notices required in this subdivision must summarize the proposed action, invite
2.4 public comment, and specify a deadline for receiving public comments. The commissioner
2.5 must send each required notice to persons who have registered their names with the
2.6 commissioner for this purpose. The commissioner must consider any public comments
2.7 received in making a final decision.

2.8 (e) Designating swan resting areas or removing designations according to this subdivision
2.9 is not subject to the rulemaking requirements of chapter 14, and section 14.386 does not
2.10 apply.

2.11 Subd. 3. **Using lead sinkers.** A person may not use lead sinkers on a water designated
2.12 by the commissioner as a swan resting area under subdivision 1. The commissioner must
2.13 maintain a list of swan resting areas and information on the lead sinker restrictions on the
2.14 department's website and in any summary of fishing regulations required under section
2.15 97A.051.

2.16 Subd. 4. **Report.** By January 15, 2026, the commissioner of natural resources must
2.17 submit a report to the chairs and ranking minority members of the legislative committees
2.18 and divisions with jurisdiction over the environment and natural resources on the
2.19 implementation of this section and any recommendations.

2.20 Subd. 5. **Sunset.** This section expires January 1, 2027.

2.21 Sec. 3. **[97B.735] SWANS.**

2.22 A person who takes, harasses, destroys, buys, sells, possesses, transports, or ships a
2.23 native swan in violation of the game and fish laws is guilty of a gross misdemeanor.

2.24 Sec. 4. **SWAN RESTITUTION VALUES; RULE AMENDMENTS.**

2.25 (a) The commissioner of natural resources must amend Minnesota Rules, part 6133.0030,
2.26 to increase the restitution value of a tundra swan from \$200 to \$1,000 and the restitution
2.27 value of a trumpeter swan from \$1,000 to \$2,500.

2.28 (b) The commissioner may use the good cause exemption under Minnesota Statutes,
2.29 section 14.388, subdivision 1, clause (3), to adopt rules under this section, and Minnesota
2.30 Statutes, section 14.386, does not apply except as provided under Minnesota Statutes, section
2.31 14.388.

3.1 Sec. 5. TITLE.

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

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

3.4 \$1,400,000 in fiscal year 2024 is appropriated from the general fund to the commissioner
3.5 of natural resources for designating swan resting areas under this act and to provide increased
3.6 education and outreach promoting the protection of swans in the state, including education
3.7 regarding the restrictions on taking swans. This is a onetime appropriation and is available
3.8 until June 30, 2026.

3.9 Sec. 7. LEAD TACKLE COLLECTION PROGRAM; APPROPRIATION.

3.10 \$1,000,000 in fiscal year 2024 is appropriated from the general fund to the commissioner
3.11 of the Pollution Control Agency for a lead tackle reduction program that provides outreach,
3.12 education, and opportunities to safely dispose of and exchange lead tackle throughout the
3.13 state.