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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 3774

02/24/2022 Authored by Hansen, R.; Ecklund; Her; Jordan; Lee 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 breeding-swan waters; providing criminal penalties; requiring
1.4 rulemaking; appropriating money; amending Minnesota Statutes 2020, section
1.5 97A.015, by adding a subdivision; proposing coding for new law in Minnesota
1.6 Statutes, chapters 97B; 97C.

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

1.8 Section 1. Minnesota Statutes 2020, section 97A.015, is amended by adding a subdivision
1.9 to read:

1.10 Subd. 32b. Native swan. "Native swan" means trumpeter swans and tundra swans and
1.11 does not include mute swans.

1.12 Sec. 2. [97B.735] SWANS.

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

1.15 Sec. 3. [97C.009] BREEDING-SWAN WATERS; USE OF LEAD TACKLE
1.16 PROHIBITED.

1.17 Subdivision 1. Breeding-swan waters. The commissioner may designate waters of the
1.18 state as breeding-swan waters when one or more pairs of breeding native swans frequent
1.19 the water and nest nearby.

1.20 Subd. 2. Public notice and meeting. (a) Before the commissioner designates or removes
1.21 a designation of a breeding-swan water, public comment must be received and a public
1.22 meeting must be held in the county where the largest portion of the water is located.

2.1 (b) At least 90 days before the public meeting, notice of the proposed designation or  
 2.2 removal of the designation must be posted at publicly maintained access points on the water.

2.3 (c) Before the public meeting, notice of the meeting must be published in a news release  
 2.4 issued by the commissioner and in a newspaper of general circulation in the area where the  
 2.5 proposed breeding-swan water is located. The notice must be published at least once between  
 2.6 30 and 60 days before the meeting and at least once between seven and 30 days before the  
 2.7 meeting.

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

2.13 Subd. 3. Using lead tackle. A person may not use tackle containing lead on a water  
 2.14 designated by the commissioner as a breeding-swan water under subdivision 1. The  
 2.15 commissioner must maintain a list of breeding-swan waters and the types of tackle that are  
 2.16 prohibited on the department website and in any summary of fishing regulations required  
 2.17 under section 97A.051.

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

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

2.22 (b) The commissioner may use the good cause exemption under Minnesota Statutes,  
 2.23 section 14.388, subdivision 1, clause (3), to adopt rules under this section, and Minnesota  
 2.24 Statutes, section 14.386, does not apply except as provided under Minnesota Statutes, section  
 2.25 14.388.

2.26 **Sec. 5. TITLE.**

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

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

2.29 \$..... in fiscal year 2023 is appropriated from the general fund to the commissioner of  
 2.30 natural resources to provide increased education and outreach promoting the protection of

3.1 swans in the state, including education regarding the restrictions on taking swans. This is  
3.2 a onetime appropriation and is available until June 30, 2024.

3.3 **Sec. 7. LEAD TACKLE COLLECTION PROGRAM; APPROPRIATION.**

3.4 \$..... in fiscal year 2023 is appropriated from the general fund to the commissioner of  
3.5 natural resources to establish a lead tackle collection program that provides collection sites  
3.6 throughout the state where anglers may safely dispose of lead tackle. This is a onetime  
3.7 appropriation and is available until June 30, 2025.