

# Minnesota is Working to Protect and Understand Pollinators

## Minnesota Laws (M.L.) Enacted Over the 2013-2014 Biennium

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### ENVIRONMENT AND NATURAL RESOURCES TRUST FUND (ENRTF) APPROPRIATIONS RELATING TO POLLINATORS (M.L. 2013 and M.L. 2014)

#### M.L. 2013 ENRTF Projects - MN Laws 2013, Chapter 52, Section 2

For 2013, one appropriation from the ENRTF totaling \$200,000 is directed specifically at the issue of pollinators in Minnesota. This project began July 1, 2013.

##### 1) **Subd. 04h: Bee Pollinator Habitat Enhancement**

\$200,000 – ENRTF

Marla Spivak - U of MN

Bees play a key role in ecosystem function and in agriculture, including more than one hundred U.S. crops either need or benefit from pollinators. However, bee pollinators are in dramatic decline in Minnesota and throughout the country. One of the potential causes appears to be a scarcity of bee-friendly flowers, particularly in urban areas, which is leading to nutritional deficiencies, chronic exposure to pesticides, and debilitating diseases and parasites. Scientists at the University of Minnesota are using this appropriation to assess options that can be broadly implemented in urban areas to enhance bee pollinator habitat and counteract declining populations and bee health. The effort will examine ways to supplement traditional turfgrass landscapes, particularly in areas that primarily serve an aesthetic purpose, with flowering plants that can provide increased nutrition and less potential exposure to pesticides.

**Project due to be completed:** 6/30/2016

#### M.L. 2014 ENRTF Projects - MN Laws 2014, Chapter 226, Section 2

For 2014, six appropriations from the ENRTF totaling \$2,225,000 are directed specifically at the issue of pollinators in Minnesota. These projects begin July 1, 2014.

##### 1) **Subd. 05i: Wild Bee Pollinator Surveys in Prairie-Grassland Habitats**

\$370,000 – ENRTF

Gerda Norquist – MN DNR

This project is a team effort led by the DNR that also includes the U of M, the Science Museum of Minnesota, the Xerces Society, and The Nature Conservancy. Wild bees are important pollinators of many prairie plant species. This appropriation will assess the diversity and distribution of wild bees on prairie and grasslands and form the basis of measuring differences in the bee fauna documented from prairies in the past to those found on native and restored prairies and grasslands today. This information will refine restoration decisions to enhance both the bee pollinator populations and prairies grassland habitat.

**Project due to be completed:** 6/30/2016

##### 2) **Subd. 05j: Imperiled Prairie Butterfly Conservation, Research and Breeding Program**

\$625,000 – ENRTF

Erik Runquist – MN Zoo [\$380,000]

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Robert Dana – MN DNR [\$245,000]

This appropriation is a joint project with the Minnesota Zoo and the DNR. With the decline in native prairie habitat, many prairie plant, animal, and insect species have dramatically declined, including several species of once prevalent native butterflies that are pollinators. This appropriation is to expand breeding efforts for specific butterfly species under threat, monitor populations of other species, research butterfly genetics and causes of mortality, and provide targeted outreach and education on these species and efforts. Two of these species under threat that will be of focus; the Poweshiek skipper line and the Dakota skipper have recently been proposed to be placed on the federal endangered species list.

**Project due to be completed:** 6/30/2017

### 3) Subd. 06a: Enhancing Pollinator Landscapes

\$864,000 – ENRTF

Marla Spivak – U of MN

This appropriation, led by Dr. Marla Spivak, will identify sources of nectar and pollen for native pollinators and honey bees, provide oversight and coordination of ongoing efforts to enhance pollinator habitat, and evaluate potential future efforts to enhance pollinator habitat and pollinator nesting and foraging.

**Project due to be completed:** 6/30/2017

### 4) Subd. 06b: Understanding Systemic Insecticides as Protection Strategy for Bees

\$326,000 – ENRTF

Vera Krischik – U of MN

This appropriation, led by Dr. Vera Krischik, is to continue research on how native bee and honey bee colonies are impacted by systemic, neonicotinyl insecticides in pollen and nectar of plants growing in fields and landscapes.

**Project due to be completed:** 6/30/2017

### 5) Subd. 09f: Pollinator Education Center at the Minnesota Landscape Arboretum

\$615,000 – ENRTF

Peter Moe – MN Landscape Arboretum

This appropriation is to develop exhibits for a new educational center at the Arboretum that is to be focused on providing hands-on learning experiences for visitors about the role of pollinators and the importance of pollinator habitat. The exhibits will integrate the best available science on pollinators, including a particular focus on native pollinators.

**Project due to be completed:** 6/30/2016

### 6) Subd. 09g: Minnesota Pollinator Partnership

\$100,000 – ENRTF

Drew Larsen – Pheasants Forever, Inc.

This appropriation is to Pheasants Forever to complete forty community pollinator education and habitat projects.

**Project due to be completed:** 6/30/2017

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### GENERAL FUND

### LEGISLATION RELATING TO POLLINATORS (M.L. 2013 and M.L. 2014)

#### M.L. 2013, Chapter 114 (Omnibus Environment, Natural Resources, and Agriculture Finance Bill)

- **Art. 1, Sec. 2, Subd. 2. Protection Services**

Notwithstanding Minnesota Statutes, section 18B.05, \$150,000 the first year and \$150,000 the second year are from the pesticide regulatory account in the agricultural fund to: develop and use best management practices that protect pollinators by providing habitat necessary for their survival and reproduction; incorporate these practices into pesticide applicator and county agricultural inspector training; and increase public awareness of the importance of pollinators and pollinator habitat. The commissioner (of Agriculture) may transfer a portion of this appropriation to the Board of Regents of the University of Minnesota to design habitat and measure and report the outcomes achieved under this paragraph. This is a onetime appropriation.

- **Art. 2, Sec. 67. Pollinator Report Required**

No later than January 15, 2014, the commissioner of agriculture must submit a pollinator report to the legislative committees and divisions with jurisdiction over agriculture and natural resources. The commissioner of agriculture must develop the report in consultation with the commissioners of natural resources and the Pollution Control Agency, the Board of Water and Soil Resources, and representatives of the University of Minnesota. The report must include, but is not limited to, the following:

- (1) a proposal to establish a pollinator bank to preserve pollinator species diversity;
- (2) a proposal to efficiently and effectively create and enhance pollinator nesting and foraging habitat in this state including establishment of pollinator reserves or refuges; and
- (3) the process and criteria the commissioner of agriculture would use to perform a special review of neonicotinoid pesticides registered by the commissioner for use in this state currently and in the future.

- **Art. 4, Sec. 12. Pollinator Habitat Program**

- (a) The commissioner (of Natural Resources) shall develop best management practices and habitat restoration guidelines for pollinator habitat enhancement. Best management practices and guidelines developed under this section must be used for all habitat enhancement or restoration of lands under the commissioner's control.
- (b) Prairie restorations conducted on state lands or with state funds must include an appropriate diversity of native species selected to provide habitat for pollinators throughout the growing season.

#### M.L. 2014, Chapter 299 (Pollinator Truth in Advertising Bill)

- **Sec. 1. Minnesota Statutes 2012, section 18H.02, is amended by adding a subdivision to read:**

Subd. 28a. Pollinator lethal insecticide. "Pollinator lethal insecticide" means an insecticide absorbed by a plant that makes the plant lethal to pollinators. Pollinator lethal insecticide includes, but is not limited to, the neonicotinoid class of insecticides that affect the central nervous system of pollinators and may cause pollinator paralysis or death.

- **Sec. 2. Minnesota Statutes 2012, section 18H.14, is amended to read:**

- (e) A person may not label or advertise an annual plant, bedding plant, or other plant, plant material, or nursery stock as beneficial to pollinators if the annual plant, bedding plant, plant material, or nursery

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stock has been treated with and has a detectable level of systemic insecticide that: (1) has a pollinator protection box on the label; or (2) has a pollinator, bee, or honey bee precautionary statement in the environmental hazards section of the insecticide product label. The commissioner (of Agriculture) shall enforce this paragraph as provided in chapter 18J.

### M.L. 2014, Chapter 312 (Omnibus Supplemental Appropriations Bill)

- **Art. 13**

Sec. 3. Minnesota Statutes 2012, section 18B.01, is amended by adding a subdivision to read:

Subd. 1c. **Apiary.** "Apiary" means a place where a collection of one or more hives or colonies of bees or the nuclei of bees are kept.

Sec. 4. Minnesota Statutes 2012, section 18B.01, is amended by adding a subdivision to read:

Subd. 2a. **Bee.** "Bee" means any stage of the common honeybee, *Apis mellifera* (L).

Sec. 5. Minnesota Statutes 2012, section 18B.01, is amended by adding a subdivision to read:

Subd. 2b. **Bee owner.** "Bee owner" means a person who owns an apiary.

Sec. 6. Minnesota Statutes 2012, section 18B.01, is amended by adding a subdivision to read:

Subd. 4c. **Colony.** "Colony" means the aggregate of worker bees, drones, the queen, and developing young bees living together as a family unit in a hive or other dwelling.

Sec. 7. Minnesota Statutes 2012, section 18B.01, is amended by adding a subdivision to read:

Subd. 11a. **Hive.** "Hive" means a frame hive, box hive, box, barrel, log gum, skep, or any other receptacle or container, natural or artificial, or any part of one, which is used as domicile for bees.

Sec. 8. Minnesota Statutes 2012, section 18B.01, is amended by adding a subdivision to read:

Subd. 20a. **Pollinator.** "Pollinator" means an insect that pollinates flowers.

Sec. 9. Minnesota Statutes 2012, section 18B.03, is amended by adding a subdivision to read:

Subd. 4. **Pollinator enforcement.** The commissioner (of Agriculture) may take enforcement action under chapter 18D for a violation of this chapter, or any rule adopted under this chapter, that results in harm to pollinators, including but not limited to applying a pesticide in a manner inconsistent with the pesticide product's label or labeling and resulting in pollinator death or willfully applying pesticide in a manner inconsistent with the pesticide product's label or labeling. The commissioner must deposit any penalty collected under this subdivision in the pesticide regulatory account in section 18B.05.

Sec. 10. Minnesota Statutes 2012, section 18B.04, is amended to read:

#### **18B.04 PESTICIDE IMPACT ON ENVIRONMENT.**

(a) The commissioner shall:

(1) determine the impact of pesticides on the environment, including the impacts on surface water and groundwater in this state;

(2) develop best management practices involving pesticide distribution, storage, handling, use, and disposal; and

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(3) cooperate with and assist other state agencies and local governments to protect public health, pollinators, and the environment from harmful exposure to pesticides.

(b) The commissioner may assemble a group of experts under section 16C.10, subdivision 2, to consult in the investigation of pollinator deaths or illnesses. The group of experts may include representatives from local, state, and federal agencies; academia, including the University of Minnesota; the state pollinator bank; or other professionals as deemed necessary by the commissioner. The amount necessary for the purposes of this paragraph, not to exceed \$100,000 per fiscal year, is appropriated from the pesticide regulatory account in section 18B.05.

### Sec. 11. **[18B.055] COMPENSATION FOR BEES KILLED BY PESTICIDE; APPROPRIATION.**

#### **Subdivision 1. Compensation required.**

- (a) The commissioner of agriculture must compensate a person for an acute pesticide poisoning resulting in the death of bees or loss of bee colonies owned by the person, provided:
  - (1) the person who applied the pesticide cannot be determined;
  - (2) the person who applied the pesticide did so in a manner consistent with the pesticide product's label or labeling; or
  - (3) the person who applied the pesticide did so in a manner inconsistent with the pesticide product's label or labeling.
- (b) Except as provided in this section, the bee owner is entitled to the fair market value of the dead bees and bee colonies losses as determined by the commissioner upon recommendation by academic experts and bee keepers. In any fiscal year, a bee owner must not be compensated for a claim that is less than \$100 or compensated more than \$20,000 for all eligible claims.

**Subd. 2. Applicator responsible.** In the event a person applies a pesticide in a manner inconsistent with the pesticide product's label or labeling requirements as approved by the commissioner and is determined to have caused the acute pesticide poisoning of bees, resulting in death or loss of a bee colony kept for commercial purposes, then the person so identified must bear the responsibility of restitution for the value of the bees to the owner. In these cases the commissioner must not provide compensation as provided in this section.

**Subd. 3. Claim form.** The bee owner must file a claim on forms provided by the commissioner and available on the Department of Agriculture's Web site.

**Subd. 4. Determination.** The commissioner must determine whether the death of the bees or loss of bee colonies was caused by an acute pesticide poisoning, whether the pesticide applicator can be determined, and whether the pesticide applicator applied the pesticide product in a manner consistent with the pesticide product's label or labeling.

#### **Subd. 5. Payments; denial of compensation.**

- (a) If the commissioner determines the bee death or loss of bee colony was caused by an acute pesticide poisoning and either the pesticide applicator cannot be determined or the pesticide applicator applied the pesticide product in a manner consistent with the pesticide product's label or labeling, the commissioner may award compensation from the pesticide regulatory account. If the

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pesticide applicator can be determined and the applicator applied the pesticide product in a manner inconsistent with the product's label or labeling, the commissioner may collect a penalty from the pesticide applicator sufficient to compensate the bee owner for the fair market value of the dead bees and bee colonies losses, and must award the money to the bee owner.

- (b) If the commissioner denies compensation claimed by a bee owner under this section, the commissioner must issue a written decision based upon the available evidence. The decision must include specification of the facts upon which the decision is based and the conclusions on the material issues of the claim. The commissioner must mail a copy of the decision to the bee owner.
- (c) A decision to deny compensation claimed under this section is not subject to the contested case review procedures of chapter 14, but may be reviewed upon a trial de novo in a court in the county where the loss occurred. The decision of the court may be appealed as in other civil cases. Review in court may be obtained by filing a petition for review with the administrator of the court within 60 days following receipt of a decision under this section. Upon the filing of a petition, the administrator must mail a copy to the commissioner and set a time for hearing within 90 days of the filing.

**Subd. 6. Deduction from payment.** The commissioner must reduce payments made under this section by any compensation received by the bee owner for dead bees and bee colonies losses as proceeds from an insurance policy or from another source.

**Subd. 7. Appropriation.** The amount necessary to pay claims under this section, not to exceed \$150,000 per fiscal year, is appropriated from the pesticide regulatory account in section 18B.05.

**EFFECTIVE DATE.** This section is effective July 1, 2014, and applies to bee kills and bee colony losses attributable to acute pesticide poisoning that occur on or after that date.



### OUTDOOR HERITAGE FUND LEGISLATION RELATING TO POLLINATORS (M.L. 2014)

#### M.L. 2014, Chapter 256 (Outdoor Heritage Fund Appropriations Bill)

- **Art. 1, Sec.2, Subd. 10. Pollinators**

Each direct recipient of money appropriated in this section, as well as each recipient of a grant awarded pursuant to this section that conducts a prairie restoration using funds appropriated in this section, must include an appropriate diversity of native species selected to provide habitat for pollinators throughout the growing season as required under Minnesota Statutes, section 84.973.

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### GENERAL OBLIGATION BONDING

### LEGISLATION RELATING TO POLLINATORS (M.L. 2014)

#### M.L. 2014, Chapter 294 (General Obligation Bonding Bill)

- Art. 1, Sec. 2, Sub. 5. Research Laboratories  
\$8,667,000 to design, construct, furnish, and equip a new bee research facility and to design, renovate, furnish, and equip the aquatic invasive species research laboratory.