

# HOUSE RESEARCH

## Bill Summary

**FILE NUMBER:** H.F. 2908  
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**Authors:** Hansen and others

**Subject:** Pollinators

**Analyst:** Colbey Sullivan

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### Overview

This bill concerns bees and other pollinators killed by pesticide. If the pesticide applicator is identified and the applicator violated the law, the applicator would be liable to a bee owner for financial damages. If the pesticide applicator cannot be identified, the Minnesota Department of Agriculture (MDA) could compensate the bee owner from the State Pesticide Regulatory Account. The Pesticide Regulatory Account contains the fees and penalties paid to MDA by pesticide manufacturers, distributors, and applicators.

The bill also requires MDA to form a pollinator emergency response team and allows MDA to collect fines and take administrative actions for violations of state law that harm pollinators.

### Section

- 1 Compensation for bee deaths.** Requires MDA to compensate a person whose bees were killed if MDA concludes that the loss was likely caused by acute pesticide poisoning and the pesticide applicator cannot be determined. Appropriates money for compensation payments from the Pesticide Regulatory Account in the state Agricultural Fund. The appropriation amount is whatever amount is required to pay all valid claims, up to an unspecified limit each year. MDA would make payments at fair market value, up to \$20,000 per claim, per year. An inspection must be performed before MDA issues payments. Authorizes a person to appeal MDA's claim denial to an administrative law judge or in state district court. If MDA identifies the pesticide applicator, MDA must notify the bee owner of his or her ability to file a civil lawsuit against the pesticide applicator under section 5 of this bill. Requires MDA to adopt administrative rules to carry out this section.

## Section

- 2**      **Pollinator emergency response team.** Requires MDA to assemble a team to investigate large-scale pollinator deaths or illnesses. Requires the team to develop a database of large-scale pollinator deaths and illnesses.
- 3**      **Administrative penalties.** Authorizes MDA to issue corrective action orders and assess fines for violations of chapter 17 “Department of Agriculture,” chapter 18 “Pest Control,” or chapter 18B “Pesticide Control” that result in harm to pollinators. Limits fines to an unspecified amount. Establishes criteria MDA must consider when setting the size of a fine. Provides for an expedited administrative review of MDA’s administrative actions by a state administrative law judge. Authorizes MDA to enter mediation with the person subject to MDA’s order. Authorizes MDA to revoke a person’s license if the person fails to pay a fine. All fines collected by MDA would be deposited in the Pesticide Regulatory Account. Requires MDA to prepare a plan for using the administrative penalty authority granted under this section, present the plan for public comment, and finalize the plan within six months after the day this bill is enacted into law.
- 4**      **Pesticide regulatory account.** Authorizes MDA to access Pesticide Regulatory Account funds to pay valid claims.
- 5**      **Destruction of bees.** Establishes civil liability for a pesticide applicator who knowingly violated the law, resulting in the death of bees kept for commercial purposes. The applicator would be liable to the bee owner for actual damages, including any economic damages associated with colony loss or damage.
- 6**      **Appropriation.** Appropriates \$200,000 to MDA from the general fund for the new pollinator emergency response team.