

State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. **3077**

03/13/2014 Authored by Hansen

The bill was read for the first time and referred to the Committee on Agriculture Policy

1.1 A bill for an act
1.2 relating to agriculture; reestablishing an apiary registration and inspection
1.3 program; designating the Minnesota Zoo as the state pollinator bank; providing
1.4 penalties; appropriating money for a pollinator conservation program feasibility
1.5 study; amending Minnesota Statutes 2012, section 85A.02, subdivision 2;
1.6 proposing coding for new law in Minnesota Statutes, chapter 19.

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

1.8 Section 1. **[19.70] DEFINITIONS.**

1.9 Subdivision 1. **Scope.** For the purposes of this chapter the terms defined in this
1.10 section have the meanings given.

1.11 Subd. 2. **Abandoned apiary.** "Abandoned apiary" means any apiary not regularly
1.12 attended in accordance with good beekeeping practices and which constitutes a disease or
1.13 parasite hazard to the beekeeping industry.

1.14 Subd. 3. **Africanized honeybees.** "Africanized honeybees" means Africanized
1.15 honeybees using United States Department of Agriculture standards.

1.16 Subd. 4. **Apiary.** "Apiary" means a place where a collection of one or more hives or
1.17 colonies of bees or the nuclei of bees are kept.

1.18 Subd. 5. **Authorized agent.** "Authorized agent" means an individual who is not
1.19 a state employee and who performs inspections under this chapter under contract with
1.20 the commissioner.

1.21 Subd. 6. **Bee diseases.** "Bee diseases" means infectious, contagious, or harmful
1.22 diseases including but not limited to: American or European foulbrood, sacbrood,
1.23 chalkbrood, Nosema, bee paralysis, or abnormal condition of egg, larval, pupal, or adult
1.24 stages of bees.

Subd. 7. **Bee equipment.** "Bee equipment" means hives, supers, frames, veils, gloves, and any apparatus, tool, machine, vehicle, or other device used in the handling, moving, or manipulating of bees, honey, wax, or hives, including containers of honey or wax which may be used in an apiary or in transporting bees and their products and apiary supplies.

Subd. 8. **Beekeeper.** "Beekeeper" means a person who keeps bees.

Subd. 9. **Beekeeping.** "Beekeeping" means the moving, raising, and producing of bees, beeswax, honey, related products, and pollination.

Subd. 10. **Bees.** "Bees" means any stage of the common honeybee, Apis mellifera (L).

Subd. 11. **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.

Subd. 12. **Commissioner.** "Commissioner" means the commissioner of agriculture or the commissioner's authorized agents.

Subd. 13. **Department.** "Department" means the Department of Agriculture.

Subd. 14. **Exotic parasite.** "Exotic parasite" means any parasite harmful to bees including but not limited to: Varroa jacobsoni, Tropilaelaps clareae, or Acarapis woodi.

Subd. 15. **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.

Subd. 16. **Inspection certificate.** "Inspection certificate" means an official record, recorded on a form prescribed by the department, which shows that the apiary has been inspected by the department and which states any diseases found.

Subd. 17. **Permit.** "Permit" means a written statement of authorization to allow bees or equipment to enter the state or to move within the state.

Subd. 18. **Queen apiary.** "Queen apiary" means any apiary or premises in which queen bees are reared or kept for sale or gift.

Sec. 2. **[19.72] COMMISSIONER'S DUTIES.**

Subdivision 1. **Enforcement; rules.** The commissioner must enforce this chapter. The commissioner may make all necessary examinations and inspections and may adopt rules necessary to enforce this chapter promptly and effectively. The commissioner may employ classified civil service employees necessary to administer this chapter, and may contract with individuals to serve as authorized agents.

Subd. 2. **Prevention of disease; exotic parasites; exotic strains.** The commissioner shall take measures necessary to prevent the introduction, spread, or dissemination of

3.1 infectious diseases, exotic parasites, or exotic strains of honeybees and to bring actions
3.2 and proceedings to enforce this chapter.

3.3 Sec. 3. **[19.74] INSPECTIONS; ACCESS TO PROPERTY; IMPEDING**
3.4 **COMMISSIONER.**

3.5 Subdivision 1. Access for inspection and enforcement. The commissioner
3.6 may enter upon any public or private premises at all reasonable times, after providing
3.7 notification to the owner or operator, to inspect any apiary or other structure that contains
3.8 bees, honey, bee equipment, or comb; to ascertain the existence of or treat any contagious
3.9 or infectious bee disease; or to destroy diseased bees or bee equipment that are a public
3.10 nuisance. For purposes of this subdivision, notification means providing at least 24 hours'
3.11 advance notice by telephone, e-mail, mail, or facsimile of the commissioner's entry upon
3.12 the premises. The commissioner is not required to provide notification if: (1) the owner
3.13 or operator cannot be readily identified; (2) the entry upon the premises is in response
3.14 to a complaint to the commissioner; (3) the entry is upon the request of the owner or
3.15 operator; or (4) the entry is in response to a declared emergency by the commissioner.
3.16 The commissioner may open any hive, colony, package, or receptacle that contains, or
3.17 that the commissioner has reason to believe contains, any bees, comb, bee products, used
3.18 bee equipment, or anything else that is capable of transmitting infectious bee diseases or
3.19 exotic parasites. The commissioner may stop pedestrians and motor vehicles when they
3.20 are carrying any bees, comb, used bee equipment, or anything else which is capable of
3.21 transmitting infectious diseases or parasites of bees. The commissioner may inspect at any
3.22 time or place any bees, bee products, or used bee equipment shipped within or into the state.

3.23 Subd. 2. Impeding commissioner unlawful. It is unlawful to deny to the
3.24 commissioner access to any premises that the commissioner is authorized to enter for
3.25 purposes of inspection or to resist, thwart, or hinder the commissioner in carrying out
3.26 any authorized inspection by misrepresentation, concealment of facts or conditions, or
3.27 otherwise.

3.28 Sec. 4. **[19.76] SANITARY INSPECTION OF APIARY OR STORAGE PLACE.**

3.29 The commissioner may inspect the sanitary conditions of any apiary or honey
3.30 house or building or portion of building or container in which honey is stored, graded,
3.31 or processed. If the commissioner finds any unsanitary conditions, the commissioner
3.32 shall notify the owner or operator in writing to put the honey house, building, or portion
3.33 of building or container in a sanitary condition within a reasonable length of time. Any

operator or owner of a honey house, building, or container who fails to obey the notice is
guilty of a misdemeanor.

Sec. 5. **[19.78] INSPECTION; NOTIFICATION OF DISEASES.**

If, upon inspection of a bee colony, the commissioner finds any bee disease, exotic parasite, or Africanized honeybees, the commissioner shall notify the owner or operator of the bees in writing, stating the nature of the problem. If the commissioner orders it, the disease, exotic parasite, or Africanized honeybees must be eliminated, treated, or controlled by the owner or operator within the time period and in the manner ordered by the commissioner. The written notice may be served by handing a copy to the owner or operator of the apiary or by either registered or certified mail addressed to the last known address of the owner or operator of the apiary.

Sec. 6. **[19.80] PUBLIC NUISANCES; DESTRUCTION OF BEES.**

Apiaries whose owners or operators have not eliminated, treated, or controlled bee diseases, exotic parasites, or Africanized honeybees within the time specified and in the manner ordered by the commissioner, as provided in section 19.78 and colonies of bees, queen nuclei, or shipments of used bee equipment that entered this state in violation of section 19.86 are a public nuisance. The commissioner, after written notice to the owner or operator of the bees and equipment, may destroy, by burning or otherwise, without any remuneration to the owner, infected or infested bees, hives, or used bee equipment that are a public nuisance under this section. The notice may be served by handing a copy to the owner or operator or by registered or certified mail addressed to the last known address of the owner or operator of the apiary.

Sec. 7. **[19.82] AFRICANIZED HONEYBEES; POSSESSION.**

A beekeeper may not use a swarm of honeybees positively identified as being Africanized in a beekeeping operation.

Sec. 8. **[19.84] QUARANTINE.**

Where it has been determined that disease, an exotic parasite, or an exotic strain of honeybees has been found in an apiary, the commissioner may quarantine the apiary to restrict, regulate, or prevent movement of bee colonies. The commissioner shall post any quarantined apiary with a notice of quarantine and shall send a written notice to the owner or operator of the apiary. No person may violate the terms of a quarantine issued by the commissioner.

5.1 Sec. 9. **[19.86] INTERSTATE MOVEMENT OF BEES AND USED BEE**
5.2 **EQUIPMENT.**

5.3 Subdivision 1. **Entry permit.** (a) No person may bring into this state any bees on
5.4 comb, including nuclei, or used bee equipment without an entry permit issued by the
5.5 commissioner. A person who wishes to bring any bees on comb or used bee equipment
5.6 into the state shall apply for an entry permit at least 60 days before the date of entry.
5.7 No entry permit may be issued without a valid compliance agreement signed by the
5.8 commissioner and the beekeeper. The compliance agreement must be based on the model
5.9 honeybee certification plan. The 60-day requirement may be waived by the commissioner.

5.10 (b) Before entry, any person required to obtain an entry permit shall furnish to
5.11 the commissioner a copy of a valid certificate of inspection signed by a responsible
5.12 official of the state where the bees or equipment originated unless the person's bees
5.13 have been inspected in Minnesota within 12 months before entry. The certificate must
5.14 be based on an inspection. A person may not bring into the state any bees on comb
5.15 including nuclei, combless bees, or used bee equipment from any county or parish where
5.16 Africanized honeybees have been found unless it is demonstrated to the satisfaction of the
5.17 commissioner that there will be no risk of introduction of Africanized honeybees into the
5.18 state. Bees or equipment brought into the state in violation of this subdivision are a public
5.19 nuisance and may be destroyed without notice by the commissioner.

5.20 (c) This subdivision does not apply to a common carrier transporting bees or used bee
5.21 equipment from a point of origin outside of the state to a destination outside of the state.

5.22 Subd. 2. **Certificate of inspection from state of origin.** No person may bring any
5.23 combless bees, including queen bees, into this state without a statement showing the names
5.24 and addresses of the consignors or shippers, the consignees or persons to whom shipped,
5.25 and the locality of origin, and a certificate of inspection signed by a responsible official
5.26 of the state from which it was brought. The statement must appear clearly and legibly in
5.27 a conspicuous place on the package containing the material, or on a tag or other device
5.28 attached to the package or the vehicle carrying the package. The certificate of inspection
5.29 must show that the beekeeper is using certified European queen bees in all colonies.

5.30 Subd. 3. **Effect of inspection certificates.** A certificate of inspection from another
5.31 state is prima facie evidence of the facts stated in the certificate. The commissioner may
5.32 inspect any bees or used bee equipment brought into the state with a certificate of inspection
5.33 from the state of origin and may subject the materials to treatment or return them to the
5.34 consignor at the consignor's expense if the commissioner finds Africanized honeybees.

5.35 Subd. 4. **Denial of permit.** The commissioner may deny a permit for just cause
5.36 after five days' notice and an opportunity for the person to be heard.

6.1 Subd. 5. **Nuisance; removal.** Bees and used bee equipment brought into the state
6.2 in violation of this section may be declared a nuisance by the commissioner, and must
6.3 be removed from the state within seven days after notification by the commissioner. If
6.4 the bees and used bee equipment are not removed from the state, the commissioner may
6.5 proceed as provided in section 19.80.

6.6 Sec. 10. **[19.88] ABANDONED APIARIES.**

6.7 (a) An abandoned apiary is subject to quarantine. If an abandoned apiary remains
6.8 abandoned for 20 days after the owner or operator has been notified by the commissioner
6.9 to cease the abandonment and neglect of the apiary, the commissioner shall take possession
6.10 of the apiary. The commissioner may dispose of the abandoned apiary equipment by sale,
6.11 destruction, or distribution to another beekeeper. A purchaser at the public sale shall
6.12 receive a certificate of purchase signed by the commissioner reciting the description of
6.13 the apiary purchased and the amount paid.

6.14 (b) After deducting the expense of the public sale and applying the unpaid balance
6.15 upon all encumbrances or liens existing against the abandoned apiary sold, the balance of
6.16 the proceeds shall be paid to the owner of the apiary which was sold.

6.17 Sec. 11. **[19.90] MAILING QUEEN BEES.**

6.18 It is unlawful for any person who sells queen bees in this state in mailing cages to
6.19 place any candy containing honey in any mailing cage.

6.20 Sec. 12. **[19.92] REVOCATION OF INSPECTION CERTIFICATE.**

6.21 An inspection certificate issued by the commissioner may be revoked for just cause.

6.22 Sec. 13. **[19.94] REGISTRATION; FEES.**

6.23 Subdivision 1. **Registration.** Every person who owns, leases, or possesses colonies
6.24 of bees or who intends to bring bees into the state under an entry permit shall register the
6.25 bees with the commissioner on or before April 15 of each year. The registration application
6.26 shall include the name and address of the applicant, a description of the exact location of
6.27 each of the applicant's apiaries by county, township, range and quarter section, and other
6.28 information required by the commissioner. The fee for registration under this subdivision is
6.29 \$10. The commissioner shall provide registered beekeepers with the Minnesota pest report.

6.30 Subd. 2. **Other fees.** On request the commissioner may make inspections for
6.31 sale of bees, bee equipment, or appliances or perform other necessary services. The
6.32 commissioner shall charge a fee or charge for expenses so as to recover the cost of

performing these inspections or services. If a person for whom these inspections or services are to be performed requests it, the commissioner shall provide to the person in advance an estimate of the fees or expenses that will be charged.

Sec. 14. **[19.96] VIOLATION; PENALTY.**

A person who violates any provision of this chapter is guilty of a misdemeanor. A person whose agents or representatives violate any provision of sections of this chapter is also guilty of a misdemeanor. A person who violates this chapter is subject to an administrative penalty under section 17.982, subdivision 2.

Sec. 15. Minnesota Statutes 2012, section 85A.02, subdivision 2, is amended to read:

Subd. 2. **Zoological Garden.** The board shall acquire, construct, equip, operate and maintain the Minnesota Zoological Garden at a site in Dakota County legally described in Laws 1975, chapter 382, section 12. The Zoological Garden shall consist of adequate facilities and structures for the collection, habitation, preservation, care, exhibition, examination or study of wild and domestic animals, including, but not limited to mammals, birds, fish, amphibians, reptiles, crustaceans, pollinators, and mollusks. The board may provide such lands, buildings and equipment as it deems necessary for parking, transportation, entertainment, education or instruction of the public in connection with such Zoological Garden. The Zoological Garden is the official pollinator bank for the state of Minnesota.

Sec. 16. **APPROPRIATION; FEASIBILITY STUDY.**

\$100,000 in fiscal year 2015 is appropriated from the general fund to the Minnesota Zoological Board to study the feasibility of expanding the Prairie Butterfly Conservation Program to other beneficial pollinators, where practical, in order to avert possible extinction by preserving genetic integrity and maintaining breeding populations of each species.