

the mechanism of the machine, for any person for any office elective by the voters of his district at such election, although such person has not been regularly nominated for such office by any political party, and his name does not appear upon the ballot form on or in such machines as a candidate for such office; to prevent the elector from voting for more than one person for the same office, unless he is lawfully entitled to vote for more than one person therefor, and in that event to limit him to the number to be elected to that office; to prevent him at a primary election, from voting for the nomination of candidates of more than one party, or for any person whose name is not on the official ballot at such election; to prevent him from voting for any office or upon any proposed amendment, question or proposition, for whom or upon which he is not lawfully entitled to vote; to permit him to change or retract any vote he has attempted to cast for any candidate for any office or upon any proposition up to the time his vote has been completed, and his vote in favor of such person or proposition has been registered thereon. No machine which does not comply with these requirements shall be approved, authorized or employed; except that machines may be used which are not so constructed as to permit a voter to change from one party to another in a party primary or to retract a vote cast on the irregular ballot device. In such cases the voter shall be required to first return all voting levers to the unvoted position and remove, cross out or erase any vote recorded on the irregular ballot device, as the case may be, and shall then call upon the election officials to witness that it has been done, and they shall then cause the voting machine to be returned to the original unvoted position and shall permit the voter to begin from the beginning once more. Such operation of the voting machine under such conditions as in this paragraph mentioned shall be designated as a spoiled voting machine ballot and the election officials present shall make out and sign a certificate stating the facts for each such case which shall be returned with the official returns of the election.

Approved April 12, 1951.

CHAPTER 324—H. F. No. 1283

[Coded as Sections 19.18 to 19.40]

An act regulating the propagation and keeping of bees; the suppression of contagious diseases among bees; providing

for the registration and regulation of apiaries; and repealing Minnesota Statutes 1949, Sections 19.01 to 19.17.

Be it enacted by the Legislature of the State of Minnesota:

[19.18] Section 1. **Definitions.** Subdivision 1. **Terms.** For the purposes of this act, the terms defined in this section shall have the meanings ascribed to them.

Subd. 2. **Apiary.** "Apiary" means a place where one or more colonies of bees are kept.

Subd. 3. **Appliances.** "Appliances" means any apparatus, tools, machines, or other devices used in the handling and manipulating of bees, honey, wax, and hives, and includes any containers of honey and wax which may be used in an apiary or in transporting bees and their products and apiary supplies.

Subd. 4. **Bees.** "Bees" means any stage of the common honey bee, *Apis mellifera* L.

Subd. 5. **Bee diseases.** "Bee diseases" means American foulbrood or European foulbrood, sacbrood, bee paralysis, or any other disease or abnormal condition of egg, larval, pupal, or adult stages of bees.

Subd. 6. **Bee equipment.** "Bee equipment" means hives, supers, frames, veils, gloves, or other appliances.

Subd. 7. **Colony.** "Colony" means the hive and its appliances and includes bees, comb, honey, and equipment.

Subd. 8. **Hive.** "Hive" includes frame hive, box hive, box, barrel, log gum, skep, or other natural or artificial receptacle or container, or any part thereof, which may be used as a domicile for bees.

Subd. 9. **Person.** "Person" includes association, partnership, and corporation.

Subd. 10. **Queen apiary.** "Queen apiary" means any apiary or premises where queen bees are reared or kept for sale or gift.

Subd. 11. **State entomologist.** "State entomologist" means the state entomologist of the state department of agriculture, dairy and food.

12. **Abandoned apiary.** "Abandoned apiary" means an apiary wherein the owner or operator thereof fails to:

(a) Inspect each colony in the spring and destroy any colony containing *Bacillus larvae*, American foulbrood:

(b) Provide super room during the honey flow.

(c) Remove the honey crop at the end of the season.

(d) Inspect each colony in the fall when the crop is removed and destroy any colony containing American foulbrood.

(e) Provide reasonable and adequate attention to each colony during the year to prevent robbing which might jeopardize the welfare of neighboring colonies through the spread of disease.

[19.19] **Sec. 2. Licenses.** Not later than June 30, each year, every person owning or possessing bees shall file with the state entomologist an application for registration, which shall set forth the exact location of each apiary owned or controlled by him, the number of colonies in each apiary, and such other information as is required by the state entomologist. The application shall be accompanied by the fee required, in accordance with the following schedule:

1 to 10 colonies,	\$.50,
11 to 50 colonies,	1.50,
51 to 200 colonies,	3.00,
201 to 300 colonies,	5.00,
301 to 400 colonies,	7.50,
Over 400 colonies,	10.00.

Upon receipt of such application the state entomologist shall issue and deliver to such applicant a certificate of registration showing that the holder thereof is duly registered and has paid the fees required by this section.

[19.20] **Sec. 3. Movement or sale of bees.** Subdivision 1. **Permit required.** Except as provided in subdivisions 2 and 3, no person shall sell, or offer or expose for sale, or move any bees or any product of bees in this state without first complying with the provisions of this act and obtaining from the state entomologist a permit to move or sell as the case may be.

Subd. 2. **Not applicable to sale for resale.** The provisions of subdivision 1 shall not apply to any person who sells any products of bees to another who uses such products solely in the process of making or manufacturing other articles to be sold to the public.

Subd. 3. **Not applicable to sale of raw honey to public.** The provisions of subdivision 1 do not apply to the sale of raw honey to the public.

[19.21] **Sec. 4. Inspection, investigations.** The state entomologist may inspect all apiaries at least once each year. He shall cause to be investigated outbreaks of bee diseases and shall take suitable measures for their eradication or control.

[19.22] **Sec. 5. State entomologist; powers, duties.** For the purpose of ascertaining the existence of any bee diseases, the state entomologist, or any of his authorized employees, may enter upon any private or public premises and shall have access to any apiary. If any of the bee diseases are found to exist in any apiary or in any colony in any apiary, and if the state entomologist is of the opinion that such diseases can be controlled by any method, he shall cause the same to be treated. Otherwise the colony or apiary in which such bee diseases are found shall be destroyed by fire. All bee equipment found in any diseased apiary may be destroyed under the direction of the state entomologist.

[19.23] **Sec. 6. Certificate of inspection; issuance, revocation.** The state entomologist may cause such apiaries

to be inspected[.] [W]hen an apiary has been inspected and found to be free from bee diseases, the state entomologist shall issue to the owner thereof a certificate of inspection provided all the provisions of this act have been complied with by him. Any certificate of inspection and health may be revoked by the state entomologist whenever he determines due cause exists therefor.

[19.24] **Sec. 7. Quarantines.** All apiaries, bees, bee products, buildings, premises, bee equipment, and appliances wherein or on which bee diseases are found to exist are under quarantine. Such quarantine shall continue until the state entomologist declares the same to be free from any such bee diseases. The state entomologist may declare any such areas surrounding or adjoining those premises wherein bee diseases are found to exist to be under quarantine as he deems necessary to assist in the control or eradication of bee diseases.

[19.25] **Sec. 8. Spread of disease, prevention.** After the state entomologist, or any person at his request, has made an inspection of any infected apiary or has handled any diseased bees, before leaving such premises, he shall take such measures as are necessary to prevent the spread of any bee diseases found to exist therein.

[19.26] **Sec. 9. Abandoned apiary; notice.** When any apiary is deemed by the state entomologist to be an abandoned apiary, he shall give written notice by registered mail to the owner or operator thereof, if he can be located, that he deems such apiary an abandoned apiary. If he cannot be located, such notice shall be served on the owner of the land on which the apiary is located. If such apiary continues to be so abandoned for 60 days thereafter, he will seize the apiary and take such further steps as to the sale or destruction thereof as its condition warrants.

[19.27] **Sec. 10. Destruction of diseased abandoned apiary.** If any abandoned apiary is found, upon inspection, to be diseased, the state entomologist shall cause it to be immediately destroyed.

[19.28] **Sec. 11. Abandoned apiary; possession, sale.** If any abandoned apiary continues as such for 60 days after the owner or operator thereof has been notified by the state

entomologist to cease the abandonment and neglect thereof, the state entomologist shall take possession of such apiary and proceed to sell it at public auction. Any person to whom such an apiary is sold at such public auction shall agree, as a condition of sale, to operate such apiary in a safe and proper manner and in accordance with accepted standards and the regulations of the state entomologist. No such abandoned apiary shall be sold at any such public sale to the owner or operator who abandoned and neglected it.

After deducting the expense of such public sale, the proceeds thereof shall be paid to the owner of the apiary so sold.

[19.29] **Sec. 12. Diseased combs and frames, destruction.** Any person keeping bees shall destroy, in such manner as is prescribed by the state entomologist by regulation, all combs and frames taken from any diseased colony.

[19.30] **Sec. 13. Hives, construction.** Every person engaged in beekeeping shall provide movable frames in all hives used by them to contain bees, and shall cause the bees in such hives to construct brood combs in such frames in such manner so that any frame may be removed without injury to other combs in the hive. Any person keeping bees shall securely close the entrance to any hive, in any apiary in which any bee diseases are found to exist, in which bees have died, so that bees cannot obtain honey therefrom; and such entrance shall remain closed so long as such hives remain in any place where bees may gain access to them.

[19.31] **Sec. 14. Bees, permit for importation.** Bees in combless packages, bees on combs, used hives, or used apiary appliances, brought into this state from any other state or country, must be accompanied by a certificate of health issued by the official bee inspector of such other state or country. Such certificate shall certify that such bees are free from any bee diseases, which certificate shall be based upon an inspection thereof within 60 days previous to the date of shipment. Before any person transports such bees into this state from any other state or country, he shall obtain from the state entomologist, at least 30 days prior to the date of shipment thereof, a permit for such transportation. Immediately upon the arrival of any such bees into this state, the owner thereof shall comply with the provisions of this act relating to the registration of bees.

[19.32] Sec. 15. **Importation of bees, certificate of health.** All bees in combless packages brought into this state shall be accompanied by a certificate of health issued by the official inspector of the state or country from whence they came. The transportation of bees into this state without this certificate is hereby prohibited.

[19.33] Sec. 16. **Inspection of bees, combs, and supplies before sale.** No combs or used beekeepers' supplies or bees, except in combless packages and with food not made with honey, shall be sold, offered for sale, or removed from the premises without being inspected by the state entomologist, and having a permit therefor issued by him.

[19.34] Sec. 17. **Insanitary conditions; notice.** When the state entomologist finds that any honey house or building or portion of a building in which honey is stored, graded, or processed is being operated while in an insanitary condition, he shall notify the operator or owner thereof. Within 30 days after such notice, the operator or owner shall place such premises in a sanitary condition.

[19.35] Sec. 18. **Rearing queen bees.** Subdivision 1. **Candy for mailing cages.** Any person who engages in the rearing of queen bees in this state for sale shall, in the making of candy for mailing-cages, use honey which has been boiled for at least 30 minutes or use candy which does not contain honey.

Subd. 2. **Inspection of apiaries.** All queen rearing and queen mating apiaries shall be inspected at least once during each summer season by the state entomologist. If upon an inspection bee diseases are found to exist in any such apiary, no queen bees shall be shipped therefrom until such time as the state entomologist declares such apiary free from bee diseases.

[19.36] Sec. 19. **Hindrance of state entomologist made unlawful.** It is unlawful for any person to resist, impede, or hinder the state entomologist in the performance of his duties under the provisions of this act.

[19.37] Sec. 20. **No damages for destruction of diseased bees, apiaries, etc.** No damages shall be awarded to

the owner or operator of any infected apiary, bees, bee equipment, appliances, or bee products destroyed in accordance with the provisions of this act.

[19.38] Sec. 21. **Fruit trees, spraying with material injurious to bees.** Fruit trees shall not be sprayed, while in full bloom, with any material which is injurious to bees.

[19.39] Sec. 22. **Sums collected, used for purposes of act.** All sums collected under the provisions of this act shall be used for the purpose of carrying out the provisions of this act.

[19.40] Sec. 23. **Violations; penalties.** Subdivision 1. Any person exposing comb, honey, frames, quilts, empty hives, covers, bottom boards, tools, or appliances contaminated by infected material from diseased colonies is guilty of a gross misdemeanor.

Subd. 2. Any person violating any provisions of this act is guilty of a gross misdemeanor.

Subd. 3. In addition to any other penalty provided for in this act, bees on combs, used hives, or used apiary appliances brought into this state in violation of any provision of this act shall be seized by the state entomologist and destroyed by him.

Sec. 24. Minnesota Statutes 1949, Sections 19.01 to 19.17, are hereby repealed.

Approved April 12, 1951.

CHAPTER 325—H. F. No. 1363

[Not Coded].

An act relating to the salary and clerk hire of the clerk of district court in certain counties and amending Laws 1949, Chapter 620, Section 1.

Be it enacted by the Legislature of the State of Minnesota.