

A respondent may waive the hearing before the commission and demand a hearing before the district court on the complaint in which event no further proceeding shall be had before the commission. All further proceedings shall be had in the district court upon filing of a petition by the commission. In such case the determination of the existence of the alleged discriminatory practice and the granting of relief shall be left to the court.

Sec. 2. **EFFECTIVE DATE.**

This act shall be effective upon approval by a majority of the members of the St. Paul city council and upon compliance with Minnesota Statutes, section 645.021.

Approved April 13, 1983

CHAPTER 31 — S.F.No. 107

An act relating to agriculture; providing for regulation of apiaries; imposing penalties; proposing new law coded in Minnesota Statutes, chapter 19; repealing Minnesota Statutes 1982, sections 19.18 to 19.41.

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

Section 1. **[19.50] DEFINITIONS.**

Subdivision 1. SCOPE. For the purposes of sections 1 to 16 the terms defined in this section have the meanings given them.

Subd. 2. APIARY. "Apiary" means a place where a collection of one or more hives or colonies of bees or the nuclei of bees are kept.

Subd. 3. ABANDONED APIARY. "Abandoned apiary" means any apiary not regularly attended in accordance with good beekeeping practices and which constitutes a disease or parasite hazard to the beekeeping industry.

Subd. 4. BEE DISEASES. "Bee diseases" means infectious, contagious, or harmful diseases including but not limited to: American or European foul-brood, sacbrood, chalkbrood, Nosema, bee paralysis, or abnormal condition of egg, larval, pupal, or adult stages of bees.

Subd. 5. 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. 6. BEEKEEPER. "Beekeeper" means a person who keeps bees.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Subd. 7. BEEKEEPING. "Beekkeeping" means the moving, raising, and producing of bees, beeswax, honey, related products, and pollination.

Subd. 8. BEES. "Bees" means any stage of the common honey bee, *Apis mellifera* (L).

Subd. 9. 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. 10. COMMISSIONER. "Commissioner" means the commissioner of agriculture or his authorized agents.

Subd. 11. DEPARTMENT. "Department" means the department of agriculture.

Subd. 12. EXOTIC PARASITE. "Exotic parasite" means any parasite harmful to bees including but not limited to: *Varroa jacobsoni*, *Tropilaelaps clareae*, or *Acarapis woodi*.

Subd. 13. 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. 14. 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. 15. PERMIT. "Permit" means a written statement of authorization to allow bees or equipment to enter the state or to move within the state.

Subd. 16. PERSON. "Person" means an individual, firm, partnership, association, corporation, or organized group of persons whether incorporated or not.

Subd. 17. QUEEN APIARY. "Queen apiary" means any apiary or premises in which queen bees are reared or kept for sale or gift.

Subd. 18. AUTHORIZED AGENT. "Authorized agent" means an individual who is not a state employee and who performs inspections under sections 1 to 16 under contract with the commissioner.

Sec. 2. [19.51] COMMISSIONER'S DUTIES.

Subdivision 1. ENFORCEMENT; RULES. The commissioner shall enforce sections 1 to 16. The commissioner may make all necessary examinations and inspections, and adopt temporary or permanent rules necessary to enforce sections 1 to 16 promptly and effectively. The commissioner may employ classified civil service employees necessary to administer sections 1 to 16, and may contract with individuals to serve as authorized agents.

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Subd. 2. PREVENTION OF DISEASE, EXOTIC PARASITES, EXOTIC STRAINS. The commissioner shall take measures necessary to prevent the introduction, spread, or dissemination of infectious diseases, exotic parasites, or exotic strains of honey bees and to bring actions and proceedings to enforce sections 1 to 16.

Subd. 3. APIARY SUPERVISOR. An apiary supervisor shall be appointed by the commissioner. The appointment shall be made on the basis of recognized and demonstrated interest in and knowledge of apiculture or entomology covering a minimum of five years' experience in apicultural interests and bee diseases.

Sec. 3. [19.52] INSPECTIONS; ACCESS TO PROPERTY; IMPEDING COMMISSIONER.

Subdivision 1. ACCESS FOR INSPECTION AND ENFORCEMENT. The commissioner may enter upon any public or private premises at all reasonable times to inspect any apiary or other structure which contains bees, honey, bee equipment, or comb; to ascertain the existence of or treat any contagious or infectious bee disease; or to destroy diseased bees or bee equipment which are a public nuisance. The commissioner may open any hive, colony, package, or receptacle which contains, or which he has reason to believe contains, any bees, comb, bee products, used bee equipment, or anything else which is capable of transmitting infectious bee diseases or exotic parasites. The commissioner may stop pedestrians and motor vehicles when they are carrying any bees, comb, used bee equipment, or anything else which is capable of transmitting infectious diseases or parasites of bees. The commissioner may inspect at any time or place any bees, bee products, or used bee equipment shipped in or into the state.

Subd. 2. IMPEDING COMMISSIONER UNLAWFUL. It is unlawful to deny to the commissioner access to any premises which the commissioner is authorized to enter for purposes of inspection or to resist, thwart, or hinder the commissioner in carrying out any authorized inspection, by misrepresentation, concealment or facts or conditions, or otherwise.

Sec. 4. [19.53] SANITARY INSPECTION OF APIARY OR STORAGE PLACE.

The commissioner may inspect the sanitary conditions of any apiary or honey house or building or portion of building or container in which honey is stored, graded, or processed. If the commissioner finds any unsanitary conditions, he shall notify the owner or operator in writing to put the honey house, building, or portion 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. [19.54] POSTING OF IDENTIFYING INFORMATION.

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An apiary which is not located at the owner's or operator's place of residence must have posted on it in a conspicuous place the name and address of the owner or the person responsible for the apiary.

Sec. 6. [19.55] INSPECTION; NOTIFICATION OF DISEASES.

If, upon inspection of a bee colony, the commissioner finds any bee disease or exotic parasite, the commissioner shall notify the owner or operator of the bees in writing, stating the nature of the disease or parasite. The disease or parasite must be eliminated by the owner or operator within the time period ordered by the commissioner. The written notice may be served by handing a copy to the owner or operator of the apiary, by leaving a copy with an adult person residing upon the premises, or by either registered or certified mail addressed to the owner or operator of the apiary at his last known address.

Sec. 7. [19.56] PUBLIC NUISANCES; DESTRUCTION OF BEES.

Apiaries in which an existing disease or parasite cannot be successfully treated; apiaries which are affected by a disease amenable to treatment, but which have not been treated within a period of seven days after the owner received notice of the necessary treatment, as provided in section 6; apiaries having bees in hives without movable frames; and colonies of bees, queen nuclei, or shipments of used bee equipment which entered this state in violation of section 9 or which were found to be infected or infested with a bee disease, exotic parasite, or exotic strain of bee; 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, any box hives or infected or infested bees, hives, or used bee equipment which are a public nuisance under this section. The notice may be served by handing a copy to the owner or operator, by leaving a copy with an adult person residing upon the premises, or by registered or certified mail addressed to the owner or operator of the apiary at his last known address.

Sec. 8. [19.57] QUARANTINE.

It is unlawful for a person to knowingly keep in his possession, without proper treatment, a colony of bees infected or infested with any bee disease, exotic parasite, or exotic strain of honey bees, or to expose any diseased or infested colony or bee equipment so that flying bees have access to them. A person who knows that bees owned or controlled by him are affected with any infectious disease, exotic parasite, or exotic strain of honey bees, shall at once report that fact to the department, stating all facts known to him about the infection or infestation. Where it has been determined that disease, an exotic parasite, or an exotic strain of honey bees has been found in an apiary, the commissioner may quarantine the apiary to restrict 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.

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If any state is willing to accept bees or used bee equipment from a quarantined yard of bees in Minnesota, the commissioner may, after all known disease has been eliminated, issue a permit allowing the bees and used bee equipment to be moved out of the state.

Sec. 9. [19,58] INTERSTATE MOVEMENT OF BEES AND USED BEE EQUIPMENT.

Subdivision 1. ENTRY PERMIT. No person may bring into this state any bees on comb or used bee equipment without an entry permit issued by the commissioner. A person who wishes to bring any bees on comb or used bee equipment into the state shall apply for an entry permit at least 60 days before the date of entry. The 60-day requirement may be waived for a hobbyist beekeeper who intends to become a resident of Minnesota and who brings ten colonies or less into the state.

Ten days before entry, any person required to obtain an entry permit shall furnish to the commissioner a copy of a valid certificate of inspection signed by a responsible official of the state where the bees or equipment originated. The certificate must be based on an inspection within 60 days before entry, and must show that a percentage of the shipment acceptable to the commissioner was actually inspected.

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

Subd. 2. CERTIFICATE OF INSPECTION FROM STATE OF ORIGIN. No person may bring any combless bees, including queen bees or nuclei, into this state without a statement showing the names and addresses of the consignors or shippers, the consignees or persons to whom shipped, and the locality of origin, and a certificate of inspection signed by a responsible official of the state from which it was brought. The statement must appear clearly and legibly in a conspicuous place on the package containing the material, or on a tag or other device attached to the package or the vehicle carrying the package. The certificate of inspection must show that the official found that the materials were free from any infectious bee diseases, exotic parasites, or exotic strains of honey bees.

Subd. 3. APPLICATION FOR ENTRY PERMIT. A person applying for an entry permit shall supply:

(a) a statement of facts relating to the disease history of the apiary from which the colonies of bees will originate as required by the commissioner;

(b) a list of locations where the colonies of bees can be inspected after they are brought into the state by county, range, township, section, and quarter section; and

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(c) a statement of any convictions of the applicant for violation of any apiary law of any state or of the United States.

Subd. 4. EFFECT OF INSPECTION CERTIFICATES. A certificate of inspection from another state is prima facie evidence of the facts stated in the certificate. The commissioner may inspect any bees or used bee equipment brought into the state with a certificate of inspection from the state of origin and may subject the materials to treatment or return them to the consignor at the consignor's expense if the commissioner finds an infectious bee disease, exotic parasite, or exotic strain of bee. If the commissioner repeatedly finds foulbrood in colonies of bees shipped from another state under official certificates of inspection, the commissioner may refuse to recognize the certificate of that state until the commissioner receives satisfactory information that the inspection service in that state has corrected the situation.

Subd. 5. DENIAL OF PERMIT. The commissioner may deny a permit for just cause after five days' notice and an opportunity for the person to be heard.

Subd. 6. PLACEMENT OF COLONIES. Bee colonies for which an entry permit has been issued must be placed at the locations listed in the permit. Notice of the placement must be forwarded by the beekeeper to the commissioner within three days after the placement. Each placement of a colony of bees in an unlisted location is a separate violation of law.

Subd. 7. DUTY TO REPORT. Any person who transports or receives bees or used bee equipment knowing that the material is without a certificate of inspection or entry permit as required by this section shall report that fact promptly to the commissioner. A transporter shall report the names of the consignor and consignee and the nature of the shipment. A person receiving bees or used bee equipment shall keep them until they are released by the commissioner.

Subd. 8. PENALTIES. Any person who brings any bees or used bee equipment into the state without a certificate of inspection or entry permit as required by this section is guilty of a misdemeanor. Each shipment of bees or used bee equipment brought into this state in violation of this section is a separate offense. Each day during which a shipment of bees or used bee equipment remains in this state in violation of this section is a separate offense.

Subd. 9. NUISANCE; REMOVAL. Bees and used bee equipment brought into the state in violation of this section may be declared a nuisance by the commissioner, and must be removed from the state within seven days after notification by the commissioner. If the bees and used bee equipment are not removed from the state, the commissioner may proceed as provided in section 7.

Sec. 10. [19.59] ABANDONED APIARIES.

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An abandoned apiary is subject to quarantine. If an abandoned apiary remains abandoned for 20 days after the owner or operator has been notified by the commissioner to cease the abandonment and neglect of the apiary, the commissioner shall take possession of the apiary and proceed to sell it at public auction. A notice specifying the time and place of the auction must be served upon the owner in the manner provided for the service of process. No abandoned apiary may be sold at a public sale to the owner or operator who abandoned and neglected it. A purchaser at the public sale shall receive a certificate of purchase signed by the commissioner reciting the description of the apiary purchased and the amount paid.

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

Sec. 11. [19.60] **RECIPROCAL AGREEMENTS.**

A person bringing a colony of bees from another state shall pay all fees required by sections 1 to 16 unless that state has been a party to a reciprocal agreement with Minnesota as provided in this section for at least 90 days prior to the date of application for an entry permit to bring the bees into Minnesota.

The commissioner may enter into written reciprocal agreements with the responsible officials of other states having laws governing apiculture. The agreements shall provide that persons transporting bee colonies from this state have exemptions, benefits, and privileges similar to those extended to persons from the other state transporting bee colonies into Minnesota. The commissioner may withdraw from a reciprocal agreement on 30 days' notice when it is in the best interests of Minnesota.

Reciprocal agreements under this section are effective when filed in the office of the commissioner. Withdrawals must be in writing and are effective at the end of the 30-day period.

Reciprocal agreements under this section may contain provisions denying exemptions, benefits, or privileges to persons who violate specified conditions.

Sec. 12. [19.61] **REARING QUEEN BEES.**

Subdivision 1. **CANDY FOR MAILING CAGES.** It is unlawful for any person who sells queen bees in this state in mailing cages to place any candy containing honey in any mailing cage.

Subd. 2. **INSPECTION OF APIARIES.** All queen rearing and queen mating apiaries shall be inspected at least once during each summer season by the commissioner. If upon an inspection, bee diseases are found to exist in an apiary, no queen bees may be shipped from the apiary until the commissioner declares the apiary free from bee diseases.

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Sec. 13. **[19.62] BEE MOVEMENT AND SALES.** It is unlawful for any person to knowingly sell or offer for sale or to remove or ship from any apiary or other premises bees, hives, or bee equipment infested with American or European foulbrood. Exceptions may be granted by the commissioner by special inspection and authorization.

Sec. 14. **[19.63] REVOCATION OF INSPECTION CERTIFICATE.**

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

Sec. 15. **[19.64] REGISTRATION; FEES.**

Subdivision 1. REGISTRATION. Every person who owns, leases, or possesses colonies of bees shall register the bees with the commissioner on or before July 1 of each year. The registration application shall include the name and address of the applicant, a description of the exact location and number of each of the applicant's bee colonies by county, township, range and quarter section, and other information required by the commissioner. The fee for registration under this subdivision is \$7.50.

Subd. 2. INSPECTION FEE. In addition to the annual registration fee, a person owning, leasing, or possessing 11 or more bee colonies shall pay an annual inspection fee of 17 cents for each colony of bees owned, leased, or possessed. A person owning, leasing, or possessing one to ten colonies is not required to pay an inspection fee. The inspection fee is based upon the colony count taken as of June 15 of each year, and is payable on or before June 30 each year. A penalty of 50 percent of both the inspection fee and the registration fee imposed by subdivision 1 is imposed if a registrant does not apply for a registration renewal certificate before August 1 of any year.

Subd. 3. INITIAL ENTRY INSPECTION FEE. Upon initial entry into this state, beekeepers from other states desiring to locate apiaries in Minnesota shall pay in advance the required registration fee and an initial inspection fee of \$1.50 per colony of bees to be located in this state.

Subd. 4. INSPECTION FEE FOR INTERSTATE SHIPMENT OF BEE COLONIES. An interstate inspection fee of 40 cents for each colony inspected shall be paid by the owner, lessor, or possessor requesting inspection service.

Subd. 5. DEPOSIT IN GENERAL FUND. The commissioner shall deposit all fees collected under this section in the general fund.

Sec. 16. **[19.65] VIOLATION; PENALTY.**

A person who violates any provision of sections 1 to 16 is guilty of a misdemeanor. A person whose agents or representatives violate any provision of sections 1 to 16 is also guilty of a misdemeanor.

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Sec. 17. **REPEALER.**

Minnesota Statutes 1982, sections 19.18; 19.19; 19.20; 19.21; 19.22; 19.23; 19.24; 19.25; 19.26; 19.27; 19.28; 19.29; 19.30; 19.31; 19.32; 19.33; 19.34; 19.35; 19.36; 19.37; 19.38; 19.40; and 19.41 are repealed.

Approved April 13, 1983

CHAPTER 32 — S.F.No. 128

An act relating to state monuments; adding the Governor Floyd B. Olson Monument in Hennepin county to the list of state monuments; amending Minnesota Statutes 1982, section 138.585, by adding a subdivision.

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

Section 1. Minnesota Statutes 1982, section 138.585, is amended by adding a subdivision to read:

Subd. 29. Governor Floyd B. Olson State Monument, in Hennepin county, a statue of Floyd B. Olson, who served as Minnesota's 22nd governor from 1931 to 1936, located along trunk highway 55 at Penn Avenue North in the city of Minneapolis, established in 1983.

Approved April 13, 1983

CHAPTER 33 — S.F.No. 207

An act relating to Independent School District No. 466; permitting the sale of certain land subject to agreed conditions.

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

Section 1. **INDEPENDENT SCHOOL DISTRICT NO. 466.**

Independent School District No. 466 may sell and execute a deed of conveyance, subject to conditions agreed upon by the parties, for the following described property, known as the Cokato Elementary Tennis Courts, notwithstanding its possible continued use for school purposes: Lots 1, 2, 3, 8, and 9, Block 29, Jenks Addition to Cokato.

Sec. 2. **EFFECTIVE DATE.**

Changes or additions are indicated by underline, deletions by ~~strikeout~~.