

Subd. 4. NONREFUNDABLE FEES. The fees in this section are nonrefundable.

Sec. 17. APPROPRIATION.

\$40,000 is appropriated from the special revenue fund to the board of medical practice for the purposes of sections 1 to 16. \$20,000 is for fiscal year 1994 and \$20,000 is for fiscal year 1995.

Sec. 18. EFFECTIVE DATE.

Sections 5 and 6 are effective the day following final enactment.

Presented to the governor May 14, 1993

Signed by the governor May 17, 1993, 4:50 p.m.

CHAPTER 233—H.F.No. 50

An act relating to agriculture; changing the apiary laws; amending Minnesota Statutes 1992, sections 19.50, by adding a subdivision; 19.52, subdivision 1; 19.55; 19.56; 19.58, subdivisions 1, 2, and 4; 19.59; 19.64, subdivisions 1 and 4a; and 19.65; proposing coding for new law in Minnesota Statutes, chapter 19; repealing Minnesota Statutes 1992, sections 19.51, subdivision 3; 19.54; 19.58, subdivisions 3, 7, and 8; 19.60; 19.61, subdivision 2; 19.62; and 19.64, subdivisions 2, 3, and 4.

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

Section 1. Minnesota Statutes 1992, section 19.50, is amended by adding a subdivision to read:

Subd. 12a. AFRICANIZED HONEYBEES. "Africanized honeybees" means Africanized honeybees using United States Department of Agriculture standards.

Sec. 2. Minnesota Statutes 1992, section 19.52, subdivision 1, is amended to read:

Subdivision 1. **ACCESS FOR INSPECTION AND ENFORCEMENT.** The commissioner may enter upon any public or private premises at all reasonable times, after providing notification to the owner or operator, 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. For purposes of this subdivision, notification means providing at least 24 hours' advance notice by telephone, mail, or facsimile of the commissioner's entry upon the premises. The commissioner is not required to provide notification if: (1) the owner or operator cannot be readily identified; (2) the entry upon the

New language is indicated by underline, deletions by ~~strikeout~~.

premises is in response to a complaint to the commissioner; (3) the entry is upon the request of the owner or operator; or (4) the entry is in response to a declared emergency by the commissioner. The commissioner may open any hive, colony, package, or receptacle which contains, or which the commissioner 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.

Sec. 3. Minnesota Statutes 1992, section 19.55, is amended to read:

19.55 INSPECTION; NOTIFICATION OF DISEASES.

If, upon inspection of a bee colony, the commissioner finds any bee disease ~~or~~, exotic parasite, or Africanized honeybees, the commissioner shall notify the owner or operator of the bees in writing, stating the nature of the ~~disease or parasite problem~~. If the commissioner orders it, the disease ~~or~~, 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; ~~by leaving a copy with an adult person residing upon the premises~~; or by either registered or certified mail addressed to the last known address of the owner or operator of the apiary.

Sec. 4. Minnesota Statutes 1992, section 19.56, is amended to read:

19.56 PUBLIC NUISANCES; DESTRUCTION OF BEES.

Apiaries whose owners or operators have not eliminated, treated, or controlled bee diseases ~~or~~, exotic parasites, or Africanized honeybees within the time specified and in the manner ordered by the commissioner, as provided in section 19.55; ~~apiaries having bees in hives without movable frames where inspection for bee diseases is not possible~~; and colonies of bees, queen nuclei, or shipments of used bee equipment which entered this state in violation of section 19.58 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 last known address of the owner or operator of the apiary.

Sec. 5. [19.561] AFRICANIZED HONEYBEES; POSSESSION.

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

New language is indicated by underline, deletions by ~~strikeout~~.

Sec. 6. Minnesota Statutes 1992, section 19.58, subdivision 1, is amended to read:

Subdivision 1. **ENTRY PERMIT.** No person may bring into this state any bees on comb, including nuclei, 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. No entry permit may be issued without a valid compliance agreement signed by the commissioner and the beekeeper. The compliance agreement must be based on the model honeybee certification plan. 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 by the commissioner.

~~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 unless the person's bees have been inspected in Minnesota within 12 months before entry. The certificate must be based on an inspection. A person may not bring into the state any bees on comb including nuclei, combless bees, or used bee equipment from any county or parish where ~~honey bee tracheal mites or Africanized bees~~ honeybees have been found unless it is demonstrated to the satisfaction of the commissioner that there will be no risk of introduction ~~either of tracheal mites or Africanized bees~~ honeybees into the state. Bees or equipment brought into the state in violation of this subdivision are a public nuisance and may be destroyed without notice by the commissioner.

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.

Sec. 7. Minnesota Statutes 1992, section 19.58, subdivision 2, is amended to read:

Subd. 2. **CERTIFICATE OF INSPECTION FROM STATE OF ORIGIN.** No person may bring any combless bees, including queen bees, 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 exotic parasites or exotic strains of honey bees and apparently free of American foulbrood and European foulbrood~~ beekeeper is using certified European queen bees in all colonies. ~~The commissioner shall determine by rule the meaning of the term "apparently free."~~

Sec. 8. Minnesota Statutes 1992, section 19.58, subdivision 4, is amended to read:

New language is indicated by underline, deletions by ~~strikeout~~.

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~~ Africanized honeybees.

Sec. 9. Minnesota Statutes 1992, section 19.59, is amended to read:

19.59 ABANDONED APIARIES.

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.~~ The commissioner may dispose of the abandoned apiary equipment by sale, destruction, or distribution to another beekeeper. 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. 10. Minnesota Statutes 1992, section 19.64, subdivision 1, is amended to read:

Subdivision 1. **REGISTRATION.** Every person who owns, leases, or possesses colonies of bees or who intends to bring bees into the state under an entry permit shall register the bees with the commissioner on or before ~~July 1~~ April 15 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 apiaries by county, township, range and quarter section, and other information required by the commissioner. The fee for registration under this subdivision is ~~\$7.50~~ \$10. The commissioner shall provide registered beekeepers with the Minnesota pest report.

Sec. 11. Minnesota Statutes 1992, section 19.64, subdivision 4a, is amended to read:

New language is indicated by underline, deletions by ~~strikeout~~.

Subd. 4a. **OTHER FEES.** On request the commissioner may make ~~special inspections and~~ inspections for sale of bees, bee equipment, or appliances or perform other necessary services. The 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. 12. Minnesota Statutes 1992, section 19.65, is amended to read:

19.65 VIOLATION; PENALTY.

A person who violates any provision of sections 19.50 to 19.65 is guilty of a misdemeanor. A person whose agents or representatives violate any provision of sections 19.50 to 19.65 is also guilty of a misdemeanor. A person who violates sections 19.50 to 19.65 is subject to an administrative penalty under sections 17.982, subdivision 2, to 17.984.

Sec. 13. REPEALER.

Minnesota Statutes 1992, sections 19.51, subdivision 3; 19.54; 19.58, subdivisions 3, 7, and 8; 19.60; 19.61, subdivision 2; 19.62; and 19.64, subdivisions 2, 3, and 4, are repealed.

Sec. 14. EFFECTIVE DATE.

Sections 1 to 9 and 11 to 13 are effective the day following final enactment.

Presented to the governor May 14, 1993

Signed by the governor May 17, 1993, 4:45 p.m.

CHAPTER 234—H.F.No. 671

VETOED

CHAPTER 235—H.F.No. 864

An act relating to waters; inspection of watercraft for exotic harmful species; permit fee for aquatic vegetation control; authorizing civil penalties; appropriating money; amending Minnesota Statutes 1992, sections 18.317, subdivision 3a; 86B.415, subdivision 7; 103G.615, subdivision 2; 103G.617, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 84.

New language is indicated by underline, deletions by ~~strikeout~~.