



# Feasibility of Re-Establishing an Apiary Program in Minnesota

*A Report to the Minnesota Legislature*



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Pursuant to Minn. Stat. § 3.197, the cost of preparing this report was approximately \$3,300

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# Executive Summary

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This report has been prepared to fulfill the 2014 Legislative directive contained in H.F. 3172, Sec. 43 : "By January 15, 2015, the commissioner of agriculture shall report to the house of representatives and senate committees with jurisdiction over agriculture regarding re-establishing an apiary program."

The report includes recommendations on an apiary program and its role in:

1. Prevention of diseases and exotic pests;
2. Sanitary inspection of apiaries, including notification of diseases, nuisances and quarantines;
3. An apiary location registry, to facilitate agency response to pollinator deaths or illnesses and for pesticide applicators to be aware of apiaries to avoid impacts, including data practices and privacy protections; and,
4. The public benefit of an apiary program and the fiscal costs associated with a program.

Responses were received from three Minnesota beekeeping associations regarding the four points this report addresses. All three groups indicated opposition to re-establishing a statewide apiary program.

The purpose of the original Minnesota Department of Agriculture (MDA) Apiary Inspection Program was to locate and order control procedures for certain bee diseases and parasites in hives established in the field or in bees being transported interstate. The MDA has apiary inspection records going back to the early 1900s (5, 6).

During the 1970s, the number of registered beekeepers increased annually. Interstate colony documentation and certification became more important as beekeepers found it profitable to use their bees for crop pollination. In the early 1970s, 12,000 to 13,000 colonies were inspected and certified. In 1980, 34,270 colonies were certified. In the mid-1990s, as many as 44,000 colonies were certified for interstate shipment (2, 3, 4, 9).

While the interest in interstate inspection increased, the number of registered beekeepers was decreasing from 2,289 in 1980 to 446 in 2005 (8, 9). Most of the MDA's apiary inspection program was terminated in 2006 when the majority of the apiary statute was repealed.

A fee-supported apiary inspection program would cost approximately \$274,000 per year (cost estimate based on 1 FTE program coordinator, 2 summer seasonal staff, equipment, supplies and travel, a part-time administrative assistant, necessary budget reserve and required indirect costs). As a dedicated program, a reasonable budget reserve is needed to ensure program continuity during periods of low revenue as well as indirect costs.

Based on 2005 data of 450 beekeepers and 125,000 colonies, two possible fee options to generate the projected annual program cost of \$275,000 are:

- A - A single per colony fee of \$2.50 would generate \$312,500; or,
- B - Fees by beekeeper size.
  - 350 hobbyist (<50 colonies) x \$500 each = \$175,000,
  - 50 sideline (50-299 colonies) x \$1,000 each = \$50,000
  - 50 commercial (>300 colonies) x \$1,500 each = \$75,000
  - Total revenue = \$300,000

Alternatively, a general fund appropriation of \$300,000 per biennium would be required to fund a statewide apiary program as described above.

The University of Minnesota, and national and state beekeeping and honey-producing groups are currently the primary source of pest information and general beekeeping information for most hobby and commercial beekeepers.

# Introduction

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In 2006, the Apiary Law (Minnesota Statutes 17.445) was revised such that most of the statewide apiary program was eliminated, registration fees were abolished, and all hive location and registration requirements eliminated. Staffing was reduced to one professional staff providing part time program oversight and one intermittent inspector. Until that time, the Minnesota Department of Agriculture (MDA) had a statewide Apiary Inspection Program that conducted bee disease and pest surveys, and provided various inspections requested by beekeepers. The program was funded by a combination of general funds and registration fees which generated \$53,700 in FY1983 and \$52,300 in FY1984 but only \$13,650 by FY2005. General funds expended to support the program prior to the significant reduction in 2006 were approximately \$80,000 in 2005 (6, 17).

The program was initiated in 1907 to primarily to address the bacterial disease American foulbrood. This disease could spread very quickly in a colony and from there throughout the apiary. Hive destruction by burning was the primary control procedure before antibiotics became available. The first formal Apiary Law in Minnesota came into existence in 1939. This law created a formal fee structure to support an apiary program in the state. The law provided for a registry to identify hive locations, an inspection and enforcement program to identify and respond to diseases and pests, provisions to certify bees and bee equipment entering Minnesota were free of pests, and restrictions on the applications of pesticides on blooming fruit trees.

In 2014, a law was passed which raised the question of bee health and revisited the need for a state apiary inspection program and hive registry to assist pesticide applicators. MDA staff consulted a variety of sources to assemble this report regarding the feasibility of reestablishing a state apiary program. This report focuses on the specific provisions mandated in the 2014 law (Appendix 1).

# Background

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## Historical

Beekeeping in Minnesota, as in other states, was carried with European immigrants as they colonized and spread westward in the 17th to 19th centuries. The dual value of honeybees at that time was honey and beeswax. The Minnesota Beekeepers Association was well established by 1890 at which time there were an estimated 700 beekeepers in the state (1). According to 2012 data, Minnesota was the fifth largest honey producing state in the country producing approximately 8.7 million pounds of honey annually valued at over \$17 million.

Minnesota beekeeping statutes date to a 1907 law charging the Governor of Minnesota to appoint a state inspector of apiaries for the term of two years and until his successor qualifies. Subsequent laws expanded the program duties of the commissioner including authority for inspections and capacity to implement quarantines. Minnesota Statutes Chapter 19 was the final, most comprehensive apiary law (Appendix 2) with the current export-only apiary inspection program found in Chapter 17.445 (14).

## Inspection Program

The MDA apiary inspection program was funded by various combinations of dedicated and general funds during its existence. During the height of the state's apiary program in the 1970's, 2,300 beekeepers were registered. This number included resident hobby, commercial, and sideline operations. Over 34,000 colonies were inspected and certified for interstate transportation (2, 3, 4).

Apiary inspections centered on diseases affecting the health of the honeybee. These included chalk brood, American foulbrood, European foulbrood, sacbrood virus and Nosema. Typically, the levels of disease found were less than five percent (Ibid).

Beginning in the 1970's, interstate inspections began to become more important as beekeepers found it economically beneficial to move their colonies interstate for crop pollination and honey production. In the early 1970's, approximately 12,000 to 13,000 colonies were inspected and certified. In 1980, 34,270 colonies were certified (Ibid). In the mid 1990's, as many as 44,000 colonies were certified for interstate shipment (16).

Minnesota also issued import permits to beekeepers to move honeybee colonies into Minnesota. This was done to document imported bee locations should a serious honeybee pest be reported. In 1995, 103,000 colonies were imported (10).

Apiarists became much more aware of honeybee health as tracheal mite entered Minnesota in 1985 followed by the Varroa mite in 1988 (7). The existing Minnesota apiary program allowed an efficient "first responder" effort to the arrival of these important honeybee pests.

## Regulatory Program Decline

The number of registered beekeepers in Minnesota decreased 45 percent between 1980 and 1984. In 1983, the apiary industry supported significant revisions to the apiary law. The apiary law was further revised in August, 1984 to clarify the responsibilities and duties of the commissioner (4, 6).

By 1986, the number of registered beekeepers had declined to 997. Total revenue collected from fees was \$31,760 (11). The following year the figures were 940 and \$34,372, respectively (5). In 1988, there were 880 registered beekeepers in Minnesota (Ibid).

Nationally, with the elimination of formal apiary programs, deregulation of interstate honeybee shipments became commonplace. Minnesota's Apiary Law was revised in 1993 to adopt the Model Certification Plan developed by the National Association of State Departments of Agriculture. As a

result of this change and continued budget shortages, survey and inspection work was significantly reduced to most colonies receiving inspection only once every three years, or upon request to certify bees for interstate movement. In 2005, the last year that there was a full apiary program, 153 out of 446 registered apiarists were inspected. The program in that year was supported by \$80,000 in general funds and \$11,000 in fees collected through a \$25 fee for beekeepers with 1 to 49 colonies and \$50 for beekeepers with 50 or more colonies (9, 18).

The number of beekeepers requesting inspection and certification for interstate shipping has been on the decline for many years. In 2005, there were 50 requested inspections, and in 2014, only three beekeepers requested interstate certification in order to meet Utah certification requirements for bees transiting the state (Unpublished report).

# Discussion

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## **1. Re-establishing a statewide Apiary Program as a means to prevent diseases and exotic pests of honeybees; and 2. The need for a statewide Apiary Program to conduct sanitary inspections of apiaries, including beekeeper notification of diseases, nuisances and quarantines.**

The apiary industry is faced with many challenges, including colony collapse disorder; pesticide applications to protect crops, plants or structures; pesticide applications by beekeepers themselves to protect against bee pests; interbreeding with Africanized or less desirable honeybees; and, loss of habitat. Despite these many challenges, Minnesota beekeepers are not supportive of re-establishing a state apiary program and believe they are in the best position to mitigate and respond to pest threats themselves with the assistance of the University of Minnesota.

The purpose of a statewide apiary program, past or new, is to locate and order control procedures for certain bee diseases and parasites in hives established in the field or in bees being transported interstate. This is accomplished by inspection staff employed by the MDA administering state apiary statutes. The last comprehensive statutes, Minnesota Statutes Chapter 19, are included with this report as Appendix 2.

An apiary statute would need to allow state inspectors to enter onto private property and inspect bee colonies. Additional language would allow inspection staff to quarantine colonies, equipment, etc., in order to contain pests of regulatory concern. Statutes would also allow for specific enforcement procedures should compliance fail.

Historically, the need for regulation of plant pests was based on the idea of protecting Minnesota from the introduction, and spread within the state, of pests that could threaten agricultural production or the environment (15). A similar concern for the health of the honeybee was passed in 1907 that created the office of inspector of apiaries to provide for the suppression of contagious diseases among bees, and to appropriate money therefor (15). The emphasis of this initial law was placed on responding to reports of foulbrood or other infectious diseases among apiaries, prohibiting the sale and movement of bees, honey, or appliances from affected apiaries and providing treatment options. (Ibid.) Subsequent statutes expanded the law in terms of program scope, fees and violations but remained consistent with regard to the intent established in 1907 and the requirements of the original 1939 Apiary Statute.

Despite the repeals of most of the Minnesota apiary statute in 2006, the MDA still has some regulatory authority to respond to pest threats in Minnesota Statutes Chapter 18G and to pesticide concerns under Minnesota Statutes Chapter 18B.

Minnesota Statutes (2013), Chapter 18G.02, Subd. 27 defines Invasive species as exotic or nonnative species whose introduction and establishment causes, or may cause, economic or environmental harm or harm to human health. (12)

Minnesota Statutes (2013), Chapter 273.13, Subd 23. i (1) defines agricultural products to include bees, and apiary products by the owner. Detection of a new, exotic and/or potentially invasive honeybee pest would prompt the MDA to conduct delimiting surveys, develop eradication or suppression plans and, if necessary, establish a quarantine in an attempt to contain the pest threat. (13)

## **3. An apiary location registry, to facilitate agency response to pollinator deaths or illnesses and for pesticide applicators to be aware of apiaries to avoid impacts, including data practices and privacy protections.**

The apiary location registry was eliminated in 2006 as was the requirement to label apiaries with the name and address of the beekeeper owner.



There is, however, a website on which beekeepers could potentially list their apiaries that is also managed by the MDA. The website is <https://mn.driftwatch.org>. The website describes the DriftWatch Specialty Crop Site Registry as a voluntary communication tool that enables crop producers, beekeepers, and pesticide applicators to work together to protect specialty crops and apiaries through use of the DriftWatch registry mapping program. Registered applicators receive notifications when sites are moved or added to the DriftWatch database and can now get advanced data integration to help alert them to specialty sites in their spray areas.

It should also be noted that the MDA has a website for citizens to register suspected pesticide misuse. From the MDA website the following information can quickly be submitted:

- Nature of the complaint
- Details of the alleged misuse
- Occurrence Date and Time
- Details
- Details of the Person or Company Involved
- Complainant's Contact Information

#### **4. The public benefit of an apiary program and the fiscal costs associated with a program.**

During the 88th Legislature, a bill was introduced which, if passed, would have recreated a state wide apiary program using a large part of past statutory language included in Chapter 19 (Appendix 3). The duties of the commissioner of agriculture were to make all necessary inspections, adopt rules and employ staff or contract with the private sector as authorized agents; and, take measures necessary to prevent the introduction, spread or dissemination of infectious diseases, exotic parasites, or exotic strains of honeybees.

This proposed language includes specific quarantine language for apiaries. As mentioned above, quarantine language exists in MS Chapter 18G. The public would benefit through the inspection services provided by the MDA staff. However, beekeepers have become much more sensitive to bee health as a result of colony collapse disorder and the impact of modern pesticides, more aware of bee-related pest issues via the internet, and interconnected via beekeeper associations. The current communication network and interest in minimizing honeybee loss among beekeepers is far more effective than an inspection program through the MDA that utilizes a couple of summer seasonal field inspectors or contracted staff.

#### **Fiscal Analysis**

The fiscal costs of a statewide apiary program are relatively straightforward but are dependent on funding. A program funded by the biennial appropriation of general funds is significantly less than one funded by dedicated apiary fees. The latter must create and maintain a budget reserve that could be as much as six months of program operating costs and pay state and agency indirect costs.

During much of the previous statewide apiary program, the MDA employed one FTE professional staff as program coordinator, three seasonal employees as field inspectors, and a .5 FTE administrative assistant. The program was funded through general fund appropriation as part of the Plant Industry Division biennial budget. The operating budgets in FY83 and FY84 were \$66,625 and \$74,671 respectively. Fees collected were \$53,700 in FY83 and \$52,300 in FY84. (6) In 2005, fees collected were \$13,650 with additional general fund support of approximately \$80,000.

Equivalent base funding for a statewide apiary program funded by general fund biennial appropriation would be approximately \$330,000 (adjusting for inflation in 2014 dollars budgets were \$158,254 for 1983 and \$170,100 for 1984).

A statewide apiary program funded through fees dedicated to the program would have to generate nearly \$548,000 in revenue biennially; \$274,000 annually). [ $\$330,000 \times .16\%$  state and agency indirect charges = \$52,800 + a reasonable budget reserve required to ensure program continuity during periods of low revenue = \$165,000 per biennium]

In 1984, 1,251 beekeepers were registered and paid fees to offset the general fund appropriation. There was a recognition that the program was in decline as this figure was decreasing annually and had been at 2,289 in 1980. The last year of available data that the department has indicates that the state had 446 beekeepers in 2005.

The previous statewide apiary program was funded by general fund appropriation. There was a \$25 registration fee per beekeeper with 1 to 49 colonies and \$50 for beekeepers with 50 or more colonies. Additional fees to recover the cost of interstate inspections and various documents were also assessed. The bill submitted during the 88th Legislature included a \$10 registration fee. Additional fees to recover the cost of inspection work were also included. In both cases fees collected would be returned to the general fund; there was no provision for dedicated funding.

Using MDA terminology, there are approximately 40 commercial beekeepers in Minnesota (with over 500 colonies). Beekeeping is a full-time job for these individuals.

Despite the last documented record of 446 registered beekeepers in 2005, it is estimated that there may well be as many as 2,000 known beekeepers in Minnesota. This is considered a low estimate due to the recent explosion in hobby beekeeping (Ibid). Historically, 60-70 percent of beekeepers were considered hobbyist, with 1-25 colonies. Therefore, there may be approximately 1,300 hobbyists.

Sideline beekeepers are those that make some money beekeeping but have a main occupation and income. Historically, these comprise about 25 percent of operating beekeepers (1984 Annual Report, Loc. cit.)

Based on 2006 data of 450 beekeepers and 125,000 colonies, two possible fee options to generate the projected annual program cost of \$275,000 are:

- A - A single per colony fee of \$2.50 would generate \$312,500, or
- B - Fees by beekeeper size. 350 hobbyist (< 50 colonies) x \$500 each = \$175,000,  
50 sideline (50-299 colonies) x \$1,000 each = \$50,000  
50 commercial (>300 colonies) x \$1,500 each = \$75,000  
Total revenue = \$300,000

Three Minnesota beekeeping associations provided written comment on the proposal to reestablish a statewide apiary program. Their comments relative to the four points this report addresses are presented below and full replies included in Appendix 4.

1. *Prevention of diseases and exotic pests.* The first and best line of defense is the beekeeper. Pest problems are up to the beekeeper to take care of themselves. They see no need for state inspectors to explain pest issues. There is help available from the University of Minnesota Bee Lab and/or the Urban Bee Squad. Reinstatement of the Apiary Law will not prevent diseases or exotic pests from afflicting honeybee colonies. Many beekeepers move colonies interstate. These colonies are exposed to bee colonies in other states making it impossible to stop the spread of bee pests and diseases. Regular inspection by beekeepers is the most effective way to monitor bee pests and diseases. If a state inspector finds a problem during an annual inspection, it could be weeks or months after an infestation has occurred making it too late to save afflicted colonies.
2. *Sanitary inspection of apiaries, including notification of diseases, nuisances and quarantines.* Beekeepers are not receptive to a state program that mandates compliance with apiary issues.

Pests and disease will come to Minnesota anyway, so why waste the money. A state inspection program will not prevent the interstate movement of bee pests. On the other hand beekeepers inspect their colonies every seven to ten days and address problems at that time.

3. *An apiary location registry, to facilitate agency response to pollinator deaths or illnesses and for pesticide applicators to be aware of apiaries to avoid impacts, including data practices and privacy protections.* A registry is not supported. It could actually result in under reporting locations and colonies. Landowners often do not want government inspectors on their property. Many beekeepers are particularly sensitive to privacy issues and it is unclear that a state registry can be kept confidential under existing data practices laws. Many beekeepers do not want anyone to know where their hives are located. Bees can forage up to five miles from their colony making it very difficult to find safe places to move bees when widespread pesticide applications are occurring within a county. Farmers/applicators need to follow the label. Use less toxic products. The state needs an improved pesticide program not a statewide apiary program.
4. *The public benefit of an apiary program and the fiscal costs associated with a program.* The beekeeping associations could not see any public benefit from a statewide apiary program. In fact, all groups reported that some members would quit beekeeping should an apiary program be reestablished. The greatest public benefit comes from pollination provided by healthy bees being taken care of by Minnesota beekeepers without state intervention. The associations worried about the fiscal impact on beekeepers. Perhaps as many as 95 percent of bee colonies are owned by about 35 beekeepers in the state and they cannot afford to pay for the program. If there is discussion of a state apiary program, general funds should be the source as the public gets the benefit.

# Conclusion

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The previous statewide apiary program has its origins going back to 1907, with a formal, specific apiary statute passed in 1939. While amendments were made to the legislation over nearly a century, the program remained grounded in its original mandate to locate and order control procedures for certain bee diseases and parasites in hives established in the field or in bees being transported. In 1980, nearly 2,300 beekeepers were registered with the MDA. In 2005, that number had declined to 446 registered beekeepers. Interstate inspection requests have declined annually from a high of 50 a year until in 2013 only three inspections were made.

There is strong opposition to re-establishing a statewide apiary program among state beekeeping groups representing large segments of Minnesota beekeepers for a statewide apiary program. Major factors include unwillingness to pay fees and the confidence that beekeepers are better monitors of bee health than state inspectors.

A new statewide apiary program would cost approximately \$330,000 per biennium through general fund appropriation; if funded by fees, the program would cost approximately \$548,000 per biennium (\$274,000 annually) based upon previous program levels.

There is at least one website that would allow beekeepers to list the location of their colonies. There would be no cost to the state for this and all issues of confidentiality are avoided. Through educational outreach, the MDA could ensure that beekeepers are encouraged to use this site to record colony location.

Similarly, there is an MDA website and a toll free phone number on which beekeepers can file a complaint about suspected pesticide kill of bees.

Formal legislation to re-establish a statewide apiary program is strongly opposed by the apiary industry, both commercial and hobby beekeepers.

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# Appendix 1

H.F. No. 3172, Conference Committee Report - 88\* Legislature (2013-2014)05016/14 04:39 PM lccrhf31721

186.1 \$123,000 in 2008 and \$246,000 in 2009 are  
186.2 from the game and fish fund to implement  
186.3 fish virus surveillance, prepare infrastructure  
186.4 to handle possible outbreaks, and implement  
186.5 control procedures for highest risk waters  
186.6 and fish production operations. This is a  
186.7 onetime appropriation.

186.8 Notwithstanding Minnesota Statutes, section  
186.9 297A.94, paragraph (e), \$300,000 in 2009 186.10  
is from the second year appropriation in 186.11 Laws  
2007, chapter 57, article 1, section 4, 186.12  
subdivision 7, from the heritage enhancement 186.13  
account in the game and fish fund to study,

186.14 Predegigitrafid`ctftigli`Et`theeting`Verts 186.15  
186.16 area for shooting sports facilities. Of this 186.17  
amount, \$100,000 is for a grant to the Itasca 186.18  
County Gun Club for shooting sports facility 186.19  
improvements; and the remaining balance 186.20 is  
for trap shooting facility grants under 186.21  
Minnesota Statutes, section 87A.10. This is 186.22  
available onetime only and is available until 186.23  
expended.

186.24 \$300,000 in 2009 is appropriated from the 186.25  
game and fish fund for only activities that 186.26  
improve, enhance, or protect fish and wildlife 186.27  
resources. This is a onetime appropriation.

186.28 Sec. 42. Laws 2013, chapter 114, article 4, section 47, is amended by adding an  
186.29 effective date to read:

186.30 **EFFECTIVE DATE.** This section is effective June 1, 2013,

186.31 **EFFECTIVE DATE.** This section is effective retroactively from June 1, 2013.

186.32 Sec. 43. **APIARY PROGRAM.**

187.1 No later than January 15, 2015, the commissioner of agriculture shall report to  
187.2 the house of representatives and senate committees with jurisdiction over agriculture  
187.3 regarding re-establishing an apiary program. The report shall include, at a minimum,  
187.4 recommendations on (1) prevention of diseases and exotic pests; (2) sanitary inspection  
187.5 of apiaries, including notification of diseases, nuisances, and quarantines; (3) an apiary  
187.6 location registry, to facilitate agency response to pollinator deaths or illnesses and for  
187.7 pesticide applicators to be aware of apiaries to avoid impacts, including data practices  
187.8 and privacy protections; and (4) the public benefit of an apiary program and the fiscal  
187.9 costs associated with a program.

187.10 Sec. 44. **INVASIVE TERRESTRIAL PLANTS AND PESTS CENTER.**

187.11 Subdivision 1. Establishment. The Board of Regents of the University of Minnesota  
187.12 is requested to establish an Invasive Terrestrial Plants and Pests Center to prevent and  
187.13 minimize the threats posed by terrestrial invasive plants, other weeds, pathogens, and  
187.14 pests in order--to protect the state's prairies, forests, wetlands, and agricultural resources.  
187.15 With the approval of the board, the College of Food, Agricultural and Natural Resource  
187.16 Science, in coordination with the College of Biological Sciences, shall administer the  
187.17 center utilizing the following departments:

- 187.18 (1) Entomology;  
187.19 (2) Plant Pathology;  
187.20 (3) Forest Resources;  
187.21 (4) Horticultural Science;  
187.22 (5) Fisheries Wildlife and Conservation Biology;  
187.23 (6) Agronomy and Plant Genetics;  
187.24 (7) Plant Biology; and  
187.25 (8) Ecology, Evolution, and Behavior.

187.26 The college may also utilize the following research and outreach centers in  
187.27 achieving the purposes of this section: Cloquet Forestry Center; North Central Research  
187.28 and Outreach Center; Northwest Research and Outreach Center; Southern Research and  
187.29 Outreach Center; Southwest Research and Outreach Center; West Central Research and  
187.30 Outreach Center; Rosemount Research and Outreach Center; Horticultural Research  
187.31 Center; and Sand Plain Research Center.

187.32 Subd. 2. Purpose. The purpose of the Invasive Terrestrial Plants and Pests Center is  
187.33 to research and develop effective measures to prevent and minimize the threats posed by



MINNESOTA STATUTES 1976

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APIARIES 19.18

CHAPTER 19

APIARIES

Si  
19.16  
19.19  
19.20  
19.21  
19.22  
19.23

Definitions.  
Licenses.  
See,, movement or sale.  
Inspections, investigations  
Commissioner; powers, duties

Certificate of inspection: issuance, revocation.

1924  
1923

Yuatele 'u dLseass,

prevention.

1926

A  
19.27 Destruction of abandoned apiaries

1926 Abandoned apiary; possession sale.

1939 Diseased combs and frames deemed.

Sm.

1930

Hives, construction.

1931

Bees, permit for importation.

1932

Importation of bees, certificate of health.

1933

sale  
=ion of bees, combs and supplies

1934

insanitary easiness; rules. Nandi rd\$:

1933

pens/tr.

1936

Rearing queen bees.

1937

Hindrance of commissioner unlawful.

1931

Damages

1910

Fruit trees, spawn's&

1941

Violation, penalties,  
Posting statement of ownership.

- 19.01 [ Repealed, 1951 c 324 s 24)
- 19.02 [ Repealed, 1951 c 324 s 24)
- 19.03 [ Repealed, 1951 c 324 s 24)
- 19.04 ( Repealed, 1951 c 324 s 24 ]
- 19.03 ( Repealed, 1951 c 324 s 24]
- 19.08 [ Repealed, 1951 c 324 s 24)
- 19.07 [ Repealed, 1951 c 324 s 24 ]
- 19.08 [ Repealed, 1951 c 324 s 24)
- 19.09 [ Repealed, 1951 c 324 s 24)
- 19.10 ( Repealed, 1951 c 324 s 24 ]
- 19.11 [ Repealed, 1951 c 324 s 24 ]
- 19.12 [ Repealed, 1951 c 324 s 24 ]
- 19.13 [ Repealed, 1951 c 324 s 24)
- 19.14 [ Repealed, 1951 c 324 s 24 ]
- 19.13 [ Repealed, 1951 c 324 s 24)
- 19.18 Repealed, 1951 c 324 s 24 1
- 19.17 [ Repealed, 1951 c 324 s 24)

19.18 DEFINITIONS. Subdivision 1. Terms. For the purposes of this chapter 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, together with all equipment used in maintaining and operating the same.

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. Bess. "Bees" means any stage of the common honey bee. *Apis mellifera*

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.

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## 19.19 APIARIES

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Subd. 9. Person. The term "person" includes individuals, associations, partnerships, firms and corporations.

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

Subd. 11. Commissioner. "Commissioner" means the commissioner of the state department of agriculture.

Subd. 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 if the crop is ripe; if any colony contains 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.

[ 1951 c 324 s 1; 1953c 113s 1; 1955 c 43 s 1; 1957 c 516 s 1,2; 1961 c 113s 1 ]

19.19 LICENSES. Subdivision 1. No person shall own, possess, or operate bees without registering his bees with the commissioner. Application for such registration must be filed within 30 days of obtaining possession of bees and equipment. The registration application shall describe the location of each of the applicant's apiaries and the number of colonies in each apiary or location. The commissioner shall issue a registration certificate to a person who makes written application on forms prepared by the commissioner and who pays a registration fee of \$5. Each registration certificate expires on the last day of June next following its issuance. Each registration certificate must be renewed within 30 days of expiration of previous registration. A registration certificate may be renewed upon written application and payment of the registration fee described in this subdivision.

Subd. 2. In addition to the annual registration fee, a person owning or possessing two or more bee colonies shall pay an annual inspection fee of 15 cents for each colony of bees owned, possessed, or operated. A person owning or possessing one to ten colonies is not required to pay an inspection fee. This fee shall be based upon the colony count taken as of June 15 of each year, and shall be payable on or before the last day of June of each year. A penalty of 50 percent of both the inspection fee and the registration fee imposed by subdivision 1 shall be imposed if a registration renewal certificate has not been applied for prior to August 1 of any year or within 30 days after a new apiary is established.

Subd. 3. All sums collected under this chapter, and acts amendatory thereof shall be deposited in the general fund.

Subd. 4. Upon initial entry into this state, beekeepers from other states desiring to locate apiaries in Minnesota shall submit to the commissioner of aviculture, legal descriptions of the apiary locations and pay in advance the required registration fee and an initial inspection fee of one dollar and fifty cents per colony of bees to be located in this state. The initial inspection fee prescribed in this subdivision shall not apply to hives or colonies of bees imported from bordering states, provided such bordering state does not require entrants to pay an initial inspection or entrance fee for hives or colonies of bees brought into that state from this state.

[ 1951 c 324 s 2; 1955 c 450 s 1; 1957 c 516 s 3; 1961 c 292 s 1; 1965 c 437 s 1,2; 1967 c 650s 1; 1969 c 56 s 1; 1969c 399s 1; 1974 c 35 s 1,2 ]

19.20 BEES, MOVEMENT OR SALE. 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 chapter and obtaining from the commissioner 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

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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.

Subd. 4. Inspection fee for certification of fall interstate shipments of bee colonies. An interstate inspection fee of twenty-five cents for each colony inspected shall be paid by the owner, possessor or operator requesting inspection service.

Subd 5. Special Inspection. Any person owning or operating bees or bee equipment who wishes special inspection service covering inspection of his bees prior to or after the regular inspection is conducted in his locality, may apply to the commissioner for such service, agreeing in his application to pay a predetermined mutually agreed upon fee for such special service.

*1951 c 324 s 3; 1957 c 516 s 4; 1974 c 35 s 3 I*

19.21 INSPECTIONS, INVESTIGATIONS—The commissioner 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.

*1951 c 324 s 4; 1957 c 516 s 5 ]*

19.22 COMMISSIONER; POWERS, *DMUS*. For the purpose of ascertaining the existence of any bee disease, the commissioner, 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 commissioner 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 commissioner.

*{ 1951 c 324 s 5; 1957 c 516 s 6 )*

19.23 CERTIFICATE OF INSPECTION; ISSUANCE, REVOCATION. The commissioner may cause such apiaries to be inspected. When an apiary has been inspected and found to be free from bee diseases, the commissioner shall issue to the owner thereof a certificate of inspection provided all the provisions of this chapter have been complied with by him. Any certificate of inspection and health may be revoked by the commissioner whenever he determines due cause exists therefor.

*[ 1951 c 324 s 6; 1957 c 516 s 7 ]*

19.24 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 commissioner declares the same to be free from any such bee diseases. The commissioner 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.

*( 1951 c 324 s 7; 1957 c 516 s 8 )*

19.25 SPREAD OF DISEASE, PREVENTION. After the commissioner, 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.

*( 1951 c 324 s 8; 1957 c 516 s 9 I*

19.26 ABANDONED APIARY, NOTICE When any apiary is deemed by the commissioner 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.

*( 1951 c 324 s 9; 1957 c 516 s 10 )*

19.27 DESTRUCTION OF DISEASED ABANDONED APIARIES. If any abandoned apiary is found, upon inspection, to be diseased, the commissioner shall cause it

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### 19.28 APIARIES

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to be immediately destroyed.

( 1951 c 324 s 1D; 1957 c 516 s 11 I

19.28 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 commissioner to cease the abandonment and neglect thereof, the commissioner shall take possession of such apiary and proceed to sell it at public auction. A notice specifying the time and place of such auction sale, together with a description of the abandoned apiary, shall be served upon the owner in the manner as provided for the service of process in a civil action at least 10 days prior to such 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 commissioner. No such abandoned apiary shall be sold at any such public sale to the owner or operator who abandoned and neglected it. Every purchaser at such auction sale shall receive a certificate of purchase signed by the commissioner reciting the description of the apiary purchased and the amount paid therefor.

After deducting the expense of such public sale and the unpaid balance upon all encumbrances or liens existing againstt, the abandoned apiary sold, the balance of the proceeds thereof shall be paid to the owner of the apiary so sold.

( 1951 c 324 s 11; 1953 c 113 s 2; 1957 c 516 s 12 )

19.29 DISEASED COMBS AND FRAMES, DESTRUCTION. Any person keeping bees shall destroy, in such manner as is prescribed by the commissioner by regulations, all combs and frames taken from any diseased colony.

( 1951 c 324 s 12; 1957 c 516 s 13 )

19.30 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.

[ 1951 c 324 s 13 j

19.31 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 commissioner, 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 chapter relating to the registration of bees.

( 1951 c 324 s 14; 1957 c 516 s 14 ]

19.32 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.

[ 1951 c 324 s 15 ) •

19.33 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 commissioner, and having a permit therefor issued by him.

( 1951 c 324 s 16; 1957 c 516 s 15 ]

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**19.34 INSANITARY CONDMONS; RULES, STANDARDS; PENALTY.** Subdivision 1. Upon notice and hearing in accordance with the requirements of section 15.0412, the commissioner of agriculture, shall have power to establish uniform rules, regulations and standards relating to the sanitation of honey houses, the keeping and maintaining of bees, bee equipment, apiaries and appliances.

Subd. 2. When the commissioner 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 thereof shall place such premises in a sanitary condition.

Subd. 3. Any person who shall manufacture, sell, or offer or expose for sale, or transport any bees or any products of bees without first complying with the provisions of this chapter, or with the rules, regulations and standards made and published by the commissioner hereunder shall be guilty of a misdemeanor.

-1951 c  
324--s-1-7;-1955-e-43-s-2; 195 516-s 16T1 7; 19617s4 13 1

**19.33 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 commissioner. 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 commissioner declares such apiary free from bee diseases.

[ 1951 c 324 s 18; 1957 c 516 s 18

**19.36 HINDRANCE OF COMMISSIONER UNLAWFUL** It is unlawful for any person to resist, impede, or hinder the commissioner in the performance of his duties under the provisions of this chapter.

( 1951 c 324 s 19; 1957 c 516 s 19]

**19.37 DAMAGES.** 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 chapter.

( 1951 c 324 § 20]

**19.33 FRUIT TREES, SPRAYING.** Fruit trees shall not be sprayed, while in full bloom, with any material which is injurious to bees.

[ 1951 c 324 s 21 )

19.39 [ Repealed, 1961 c 292 s 3

**19.40 VIOLATIONS; PENALTIES.** Subdivision I. 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 misdemeanor.

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

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

Subd. 4. Any persons keeping unregistered apiaries or bees on which inspection fees have not *been* paid may be prosecuted in the county in which the apiaries are located.

1951 c 324 s 23; 1957 c 516 s 20; 1961 c 292 s 2 1

**19.41 POSTING STATEMENT OF OWNERSHIP.** Any owner or possessor of an apiary shall, unless such apiary is located at owner's place of residence or beekeeping headquarters, post and keep posted in a prominent place at each apiary a statement of the ownership of the apiary, including thereon the name and address of the owner.

( 1974 c 35 s 4

# Appendix 3

03/06/14

REVISOR

JRM/DM

14-5306

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## State of Minnesota

# HOUSE OF REPRESENTATIVES <sup>,,livivon</sup> H. F. No. OU //

EIGHTY-EIGHTH SESSION

03/13/2014 Authored by Hansen

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

11

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. **119.701 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

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colonies of bees or the nuclei of bees are kept.

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Subd. 5. **Authorized agent.** "Authorized agent" means an individual who is not

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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.

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

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

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

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

2.11 Subd. 11. Colony. "Colony" means the aggregate of worker bees, drones, the queen,  
2.12 and developing young bees living together as a family unit in a hive or other dwelling.

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

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

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

2.18 Subd. 15. Hive. "Hive" means a frame hive, box hive, box, barrel, log gum, skep,  
2.19 or any other receptacle or container, natural or artificial, or any part of one, which is  
2.20 used as domicile for bees.

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

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

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

2.28 Sec. 2. 119.721 COMMISSIONER'S DUTIES.

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

2.34 Subd. 2. Prevention of disease; exotic parasites; exotic strains. The commissioner  
2.35 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. **(19.741 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. **119.761 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



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

4.3 **Sec. 5. 119.781 INSPECTION; NOTIFICATION OF DISEASES.**

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

4.12 **Sec. 6. 119.801 PUBLIC NUISANCES; DESTRUCTION OF BEES.**

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

4.23 **Sec. 7. 119.821 AFRICANIZED HONEYBEES; POSSESSION.**

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

4.26 **Sec. 8. 119.841 QUARANTINE.**

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

5.1           Sec. 9. **119.861 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  
s. ii 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. 119.881 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 a the abandoned apiarV eqiiiPiniit by  
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. 119.901 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. 119.921 REVOCATION OF INSPECTION CERTIFICATE.

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

6.22 Sec. 13. 119.941 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

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

7.4 **Sec. 14. 119.961 VIOLATION; PENALTY.**

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

..... -I- 15. Minnesota Statutes 2012, section 15A.02, Subdivision 2, amended to read:

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

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

7.21 \$100,000 in fiscal year 2015 is appropriated from the general fund to the Minnesota  
 7.22 Zoological Board to study the feasibility of expanding the Prairie Butterfly Conservation  
 7.23 Program to other beneficial pollinators, where practical, in order to avert possible extinction  
 7.24 by preserving genetic integrity and maintaining breeding populations of each species.

# Appendix 4

if 1907-2007

MINNESOTA HONEY



Hi Mark, This is Dan Whitney, the current president of the Minnesota Honey Producer's Ass'n (MHPA) Our position on reinstating new bee laws hasn't changed since our meeting with MDR back in June. We feel that a new apiary law is unnecessary, and not in the best interest of Minnesota beekeepers. At our annual convention this July, the key points were discussed *and* a resolution was passed stating MDA's opposition to any legislative attempts to reinstatement the apiary laws and an inspector program. That being said, I will try to explain why some of the key point items are either unnecessary for successful beekeeping, or will be an undo burden placed on Minnesota beekeepers.

## 1) Prevention of Diseases and Exotic Pests

Reinstatement of the Apiary Laws and an Inspector Program will not prevent diseases or new exotic pests from afflicting MN honeybee colonies. Other states and neighboring countries have inspection programs, bee laws, quarantine laws, and they have all failed to prevent in the last 20 years the proliferation of varroa mites, small hive beetle, and nosema cerana. Many beekeepers are migratory. Their colonies will be exposed to thousands of other colonies every winter in California's almond groves. It is impossible to stop the spread of diseases under these circumstances. The first line *and* best line of defense is the **beekeeper**. It is the beekeepers responsibility to be able to identify and correct problems quickly when they show up. By the time an inspector would find and identify a problem during a yearly annual inspection, it would be weeks and months too late to save the afflicted colonies. If something new or bizarre arises, most commercial beekeepers in MN have an annual subscription through the Bee Informed Partnership (BIP) and can get assistance very quickly. All MN beekeepers have access to help from the honey bee program at the U of M. there is also the Urban Bee Squad to help beekeepers in the metro are. There are already systems in place.

## 2) Sanitary Inspection of Apiaries, Including Notifications of Disease, Nuisances, and Quarantines.

Again, this is linked to key point item number one. It is unnecessary and will not produce the intended results. Beekeepers are the best monitors of their own colonies. (Each colony gets worked on average every 10-14 days) Rather, it **seems** to be a waste of time, money, and resources on MDA and the beekeeper's part Bees can be shipped to and from CA. with no inspections needed. Those of us who travel to the southern states pay big money to get a joke of an inspection for a useless permit A piece of paper won't keep your colonies healthy. It is in all practical purpose solely a money generating function for those states. Why should we have to pay to get a similar inspection again half a year later, back in MN?

## 3) Apiary Location Registry, to facilitate agency response to pollinator deaths or illness and for pesticide applicators to be aware of apiaries to avoid impacts, including data practices and privacy protections.

Again not needed, and will prove to be a burden and obstacle to successful beekeeping here in Minnesota. Registering bee yards will not save the bees from pesticide kills. Honeybees forage at a range of up to 5 miles. All that will be protected, would be the outside of the wooden boxes themselves. If the wrong product is used, or the correct product is used incorrectly lie. Improper conditions such as when foragers are present), honeybees deaths will occur. Some foragers will simply die in the field, depleting the colonies field force drastically, and In other situations, foragers will return, thereby contaminating the comb, pollen stores, honey, wax, brood larva and adult bees. The vast majority of Minnesota beekeepers simply ask, that when an approved agriculture chemical needs to be applied, it is done so in accordance to its label. If a more bee friendly product can be used, then hopefully that option is considered. Most MN beekeepers understand that farmers need to use products to protect their crops. in return we hope that our needs are considered as well. Our bees, are our livelihoods.

Our Landowners (the people who give us permission to place hives on their properties), are not in favor of a registration program. They are not comfortable with allowing state government access to their land. I personally have heard the phrases "government intrusion" and "Big Brother" from my landowners, when I visited with them on this topic. Many of them have told me "do not register your bee yard on my land. If you are forced to, then you can no longer keep bees on my land". This is not a good thing. It will lead to under reporting of apiary locations.

There is another real life scenario. This is a common occurrence in North Dakota. Other beekeepers will learn of where apiaries are located in an area and then "crowd" that area with colonies of their own. This will cause the average honey yield per colony to drop, and definitely make disease control much harder. Beekeepers stake out a territory similar to a trapper's trap line. Some areas have been in beekeepers families since WWII. This will cause bad feelings amongst older established beekeepers and new beekeepers just starting out When there are bad feelings, the more experienced beekeepers clam up and will not share information with the new guy. With the intent of hoping he fails and gets out of the business. This is not good for the future of MN. Beekeeping.

Registering of apiaries will not facilitate a quicker agency response to a problem. If the beekeeper has a problem, then he or she should call in to the dept of Ag. And bring the agency officials to the site. The beekeeper should be present anyway during an inspection. If there is a complaint from a neighbor, then they should take it up with the landowner. The landowner typically then calls the *beekeeper*, to see what can be done to alleviate the situation. That is what is done now. And they always been that way. Minnesotans in particular are pretty good about being "neighborly".

Pesticides applicators and the notification of beekeepers. The MHPA again requests that applicators again use the correct products and follow the label. This is the best solution for growers who need to protect their crops, **and** the beekeepers who shouldn't have to bear the burden of having to cover their hives during prime foraging hours, or moving the colonies to escape the danger. It is not feasible to move hundreds of colonies each night to avoid chemical applications. There are no "safe" places to move the colonies to. If there is spraying occurring in one township, then it is certainly occurring in the neighboring townships as well Perhaps, countywide. Moving bees, especially frequently is

stressful to the bees. Studies have shown that honeybees that are moved, even once a year have a lower threshold tolerance to Varroa mites. The biggest concern that gives the MHPA pause on this is, it seems to the beekeepers that the applicators will then have license to use whatever product they wanted, whenever they wanted as long as they gave the apiary owners in the area a proper notice. This will shift the liability and financial burden on colony deaths to the beekeeper, because the beekeeper was given "proper notice" to take precaution. This is unfair. The beekeeper has as much right as the farmer and applicators to make a living and protect his or her own Investments. Again there are no safe places to move bees when widespread applications are occurring countywide. The beekeeper should not have to lose money because he/she had to cover their colonies with a net, costing them time and honey yields, or yet move the colonies to another area where there might not be suitable forage. Costing again a lot of time, big losses in money from honey losses, and a few hundred dollars each night in diesel fuel. Beekeepers will simply be run ragged trying to keep up with all the notifications. This is a no win situation for Minnesota Beekeepers.

#### 4) Public benefit of any Apiary Program, and fiscal costs.

There are no direct benefits to the general public that I can see. The public and our environment benefits most from **the** pollination provided by healthy colonies under *the* care of Minnesota beekeepers. Apiary registration and an inspector program will not accomplish that goal. Beekeeper and applicator knowledge, education, and using products properly, are the best avenues to healthy honeybees.

Fiscal costs-will be high. Commercial beekeepers will be affected the most They will bear the brunt of the financial costs of this program. I don't believe the program can be run for less \$150,000. A head inspector, couple of part time inspectors, response team, and some office personnel, equals big money. This dollar amount will then have to **be** divided by 25-40 beekeepers. Big time burden! MN. Beekeepers typically net \$10.00-16.00 per colony after expenses, in a decent crop year. Good crops are hard to come by now, due to poor bee forage. A \$1.00 per hive or \$10.00 or more fee on apiary locations would be a big financial burden to commercial beekeepers. Then beekeepers would also have to Pay money to get a license to keep bees next. This would have the effect of keeping hobbyists from starting up. Some hobbyists eventually move up to sideliners and commercial levels of beekeeping, this would stifle future growth. Charging money will lead to under reporting by beekeepers of all sizes In colony numbers under their control, and number of apiary locations. Some would not register at all. This would be counter- productive to what we all are trying to accomplish. When people are holding back and keeping some things secret, it is impossible to get a clear picture on the conditions of MN's honey bee industry. Basic data items such as number of colonies in the state, number of apiaries, pounds of honey per hive, would not be accurate at all.

Daniel Whitney  
president MHPA

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701-388-1177  
[dwapiary@gmail.com](mailto:dwapiry@gmail.com)



# Minnesota Hobby Beekeepers Association

setter beekeeping through ethication.

October 17, 2014

RE: Response Concerning Hive Registration and Inspection

Hi Mr. Schreiber,

My name is Ellen Coffey and I am the current president of the Minnesota Hobby Beekeepers Association. The Minnesota Hobby Beekeepers Association does not support the re-establishment of any kind of apiary registration or inspection program.

1. It is the beekeeper's responsibility to be able to identify any diseases or pests that occur in their hives. There is help available from the U of MN Bee Lab and/or the Bee Squad.

2. Beekeepers are the best monitors of their own hives. Colonies are usually checked by the beekeeper every seven to ten days and if a problem arises then it can be addressed. We have a good relationship with Dr. Marla Spivak and Gary Reuter at the U of MN Bee Lab. We also have the Bee Squad. If needed, help is available.

3. We do not want a location registry. This could result in fewer places to put our bees, as landowners do not want government inspectors on their property. It could also result in noncompliance from some beekeepers that do not want anyone to know where their hives are located.

4. I cannot see any public benefit from registration and inspection. The greatest public benefit will come from pollination provided by healthy bees being taken care of by Minnesota beekeepers. An apiary registration and inspection program will not accomplish this. Beekeeper and applicator knowledge, education, and using products properly as labeled are the best ways to have healthy bees. I cannot see any cost advantage to having this apiary inspection program in place. It will only place a bigger burden on the beekeepers themselves. The beekeepers who would be affected the most would be the sideliner and large commercial beekeepers who are bearing a big enough financial burden already without adding to it

Some beekeepers have said that if this apiary registry and inspection program gets re-instated that they will get out of beekeeping altogether. This is not good for us or for the bees. The more beekeepers there are the more bees there are.

Ellen Coffe resident

Regards,  
Ellen

Minnesota Hobby Beekeepers Association

## Schreiber, Mark (MDA)

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**From:** Schreiber, Mark (MDA)  
**Sent:** Tuesday, October 28, 2014 7:32 AM  
**To:** Schreiber, Mark (MDA)  
**Subject:** SE MN Beekeeper reply

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**From:** Chris Schad [<mailto:chris@thebeeshed.com>]  
**Sent:** Wednesday, October 15, 2014 4:16 AM  
**To:** Schreiber, Mark (MDA)  
**Cc:** [president@mnbeekeepers.com](mailto:president@mnbeekeepers.com); [nemnbeekeepers@gmail.com](mailto:nemnbeekeepers@gmail.com); [info@northcentralbeekeepers.org](mailto:info@northcentralbeekeepers.org); [mdsund2000@yahoo.com](mailto:mdsund2000@yahoo.com); [president@tricitybeekeepers.com](mailto:president@tricitybeekeepers.com); Friisoe, Geir (MDA); Dryke, Chuck (MDA)  
**Subject:** Re: Request for your input: Report to the Legislature

Mark-

I have feedback for you from members of the SE Mn Beekeepers Association. For background, this group is comprised of nearly all hobby beekeepers, with a handful of small sideliners.

I received a response from 25 members of the club. Of those, twenty-two were opposed to a state-run apiary inspection program and registration of hive location. Most of those opposed felt quite strongly about it, and several indicated they would quit keeping bees if such a law were enacted.

Three respondents were in favor of the proposal described below.

**Chris**

[chris @ thebeeshed.com](mailto:chris@thebeeshed.com)  
[www.thebeeshed.com](http://www.thebeeshed.com)

On Sep 29, 2014, at 3:08 PM, Schreiber, Mark (MDA) wrote:

### *Minnesota Beekeeping Organizations:*

A bill was introduced during the last legislative session that attempted to reinstate a version of the old Apiary Law, Chapter 19, which included inspection, quarantine and certification powers for the commissioner of agriculture as well as fee collection. **This bill failed.**

However, legislation was passed last session that requires the commissioner of agriculture to prepare a report to legislative agriculture committees regarding the feasibility of re-establishing an apiary program. Points to include in the report are recommendations on whether reinstating a new apiary law is needed to assist beekeepers with any or all of the first three items below, and the fees beekeepers would be willing to pay (Item 4).

1. Prevention of diseases and exotic pests
2. Sanitary inspection of apiaries, including notification of diseases, nuisances, and quarantines



3. An apiary location registry, to facilitate agency response to pollinator deaths or illnesses and for pesticide applicators to be aware of apiaries to avoid impacts, including data practices and privacy protections
4. Public benefit of an apiary program and the fiscal costs associated with a program

The topic of reestablishing a statewide apiary program was discussed in a very preliminary manner with a few representatives of the Minnesota Honey Producers Association and the Minnesota Hobby Beekeepers Association. However, not all the points required by the statute were covered nor was formal written documentation of comments prepared. This email is sent to all Minnesota beekeeping associations **to get your formal input into this review.**

The report will detail the potential role of a state wide apiary program for each item listed above. Before the report is prepared we are soliciting comments from your group. Feel free to discuss the issues among your members and between the associations receiving this email. We would appreciate any other contacts you think would provide comments on the four components of the report.

The deadline for the report is no later than January 15, 2015. With all the internal review anticipated and the busy holiday season toward the end of this year, **I would appreciate your comments by email no later than Odolber TT, 2014.**

My contact information is below should you have any questions regarding the content of the report or wish clarification of any point targeted by the report.

I look forward to your insights, comments and opinions regarding reestablishing a statewide apiary program. Thank you for your cooperation and participation in this review.

*Mark C. Schreiber*

Supervisor

Nursery Inspection & Export Certification Unit

Plant Protection Division

Minnesota Department of Agriculture

Phone: 651-201-6388

Fax: 651-215-9687

Email: [mark.schreiber@state.mn.us](mailto:mark.schreiber@state.mn.us)

## Appendix 5

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*MINNESOTA AGRICULTURAL AIRCRAFT ASSOCIATION*  
P.O.Box 248--Prior Lake, MN 55372  
(952) 226-5874  
*Tambroz@aoLcom*

January 5, 2015

Geir Y Friisoe  
Director, Plant Protection Division  
Minnesota Department of Agriculture  
625 Robert Street North  
St. Paul, MN 55155-2538

Dear Geir,

Thank you for the opportunity to comment on the MDA's report entitled "Feasibility of Re-Establishing an Apiary Program in Minnesota." The report addresses four key aspects of re-establishing an apiary program in the State of Minnesota. On behalf of the Minnesota Agricultural Aircraft Association (MAAA), however, I would like to address only one: ***An apiary location registry, to facilitate agency response to pollinator deaths or illnesses, and for private applicators to be aware of apiaries to avoid impacts, including data practices and privacy protections.***

As noted in the report, an apiary location registry was eliminated in 2006, as was the requirement to label apiaries with the name and address of the beekeeper owner. For the past 8 years beekeepers and pesticide applicators have operated with this reality, sometimes with successful lines of communication to facilitate protection of the pollinators, often times not. As the beekeepers noted in their comments (pg. 9), ***"Many beekeepers do not want anyone to know where their hives are located. Bees can forage up to five miles from their colony making it very difficult to find safe places to move bees when widespread pesticide applications are occurring within a county. Farmers/applicators need to follow the label. Use less toxic products."***

In 2014, the legislature established a compensation fund for acute poisoning of bees. The fund allows for up to \$100,000.00 per fiscal year to be taken from the pesticide regulatory account (which is made up with fees paid to the MDA by pesticide manufacturers, distributors, and applicators) to assemble experts to investigate and consult with the MDA in the event of pollinator deaths or illnesses; the fund also appropriates \$150,000 per fiscal year to allow the MDA to compensate beekeepers whose colonies have been killed by a pesticide poisoning in which the responsible party **cannot** be identified. Lastly, the enabling legislation for the fund also requires that in the cases where a responsible party (pesticide applicator) **can be** identified, that party will be responsible for restitution to the beekeeper.

When this legislation was originally introduced it contained a section stating that the beekeeper would have to register his/her hives and provide the location of such hives in order to be eligible for restitution/reimbursement. Our organization was supportive of that concept and the legislation. The registration requirement was removed late in the session, and sent to the MDA for the purposes of this study. The position of the MAAA is that we do not support compensation for apiaries if we are not provided with the location of the hives.

As noted in the MDA report, currently, there is in existence a website that would allow beekeepers to list the location of their colonies. There would be no cost to the state for this and all issues of confidentiality are avoided. The MAAA strongly supports a legislative mandate requiring beekeepers to register their hives with [mn.driftwatch.org](http://mn.driftwatch.org) in order to be eligible for compensation from the Pesticide Regulatory Account.

The beekeepers argue that, "Many beekeepers do not want people to know where their hives are located." How can pesticide applicators even begin to provide protection for a hive that they do not know exists in their area?" If they know a hive exists, and they know who the owner is, they have the opportunity to communicate about when/where they may be applying pesticides in the area of the hive.

The beekeepers also state, "Farmers/Applicators need to follow the label/use less toxic pesticides." There are several pesticide labels that state, "Do not apply when bees are actively foraging." Applicators do their best to comply with this label statement, but it is much easier to readily identify an area where you may or may not have foraging bees when you are aware that there is a hive in the target area.

Bees, as stated in the beekeeper comments, sometimes forage several miles from their hives. They are foraging on land that is not owned by the beekeeper, but by neighboring farms. Requiring farmers and applicators to protect bees, and compensate for bee losses, while not telling them where the hives are located is like hiding something valuable in your neighborhood, not telling the neighbors, and then expecting them to reimburse you if it is lost or damaged.

At this time, 100% of the responsibility for protecting pollinators in the state of Minnesota falls on the farmers/applicators. The MAAA supports a compensation fund for acute pesticide poisoning but only if the beekeepers in the state are willing to accept the responsibility of registering their hives. Through Driftwatch (at no cost to applicators, beekeepers, nor the state of Minnesota) applicators will receive notification of where the hives are located, when they are moved or added to the database, and receive advance data integration to help alert them to hive locations in their spray area. If legislation is not introduced to require beekeeper participation in Driftwatch as a precursor to reimbursement for hive losses due to pesticides, then the compensation fund for acute pesticide poisoning should be abolished.

Sincerely,

Theresa Stieren  
Executive Director

**MINNESOTA PESTICIDE INFORMATION & EDUCATION (MN PIE)**  
**PO Box 248**  
**Prior Lake, MN 55378**  
**(952) 226-5874**

January 9, 2015

Geir Y Friisoe  
Director, Plant Protection Division  
Minnesota Department of Agriculture  
625 Robert Street North  
St. Paul, MN 55155-2538

Dear Geir,

As the current President of the Board of Directors of Minnesota Pesticide Information & Education (MN PIE), I would like to thank you for allowing me to comment on MDA's report entitled "Feasibility of Re-Establishing an Apiary Program in Minnesota."

MN PIE is a non-profit coalition of individuals, businesses and organizations whose mission is to promote the efficient production of food & fiber, and the protection of human health, personal property and the environment, through integrated pest management. Our organization focuses on industrial vegetation management for utility and transportation rights-of-way and forestry. Our board members include representatives from the MN Department of Transportation, the MN DNR—Forestry Division, and Minnesota Companies like Connexus Energy, Exel Energy, Great River Energy, MN Power, Asplundh, and Wright Tree, to name a few.

The MDA's report addresses four key aspects of re-establishing an apiary program in the State of Minnesota. On behalf MN PIE I would like to focus on the: Apiary Location Registry.

Last year, the legislature established a compensation fund for acute poisoning of bees. The fund allows for up to \$100,000.00 per fiscal year to be taken from the pesticide regulatory account (made-up with fees paid to the MDA by pesticide manufacturers, distributors, and applicators) to assemble experts to investigate and consult with the MDA in the event of pollinator deaths or illnesses; the fund also appropriates \$150,000 per fiscal year to allow the MDA to compensate beekeepers whose colonies have been killed by a pesticide poisoning in which the responsible party **cannot** be identified. Finally, the legislation mandates that in the case where a responsible party (pesticide applicator) **can be** identified, that party will be responsible for restitution to the beekeeper.

When this legislation was introduced it contained a requirement for beekeepers to register their hives in order to be eligible for restitution/reimbursement. MN PIE and its members were supportive of that legislation. The registration requirement was removed late in the session, and sent to the MDA for the purposes of this study. The position of our organization is that we do not support compensation for apiaries if vegetation managers are not provided with the location of beehives and beekeepers are not required to register their hives.

The MDA report summarizes the beekeepers position as follows: *"Many beekeepers do not want anyone to know where their hives are located. Bees can forage up to five miles from their colony making it very difficult to find safe places to move bees when widespread pesticide applications are occurring within a county. Farmers/applicators need to follow the label. Use less toxic products."*

If beekeepers do not want people to know where their hives are located, how can pesticide applicators provide protection for hives they do not know exist?" If they know a hive exists, and they know who the owner is, they have the opportunity to communicate about when/where they may be applying pesticides in the area of the hive.

Bees, as stated in the beekeeper comments, sometimes forage several miles from their hives. They are foraging on land that is not owned by the beekeeper, but is managed by forest management entities, both public and private, utility companies, and in the case of transportation rights-of-way, county, state and local municipalities. This is especially true in Northern Minnesota where the landscape is dominated by forests/timberlands and rights-of-way become valuable forage areas. Requiring rights-of-way and Forest Managers along with the contract applicators they employ to protect bees that are foraging on their land, and compensate for bee losses, while not telling them where the hives are located puts these land managers in a difficult position. Through a registry, lines of communication between beekeepers and land managers can develop to help avoid conflicts and the need for the re-imbusement fund is reduced.

MN PIE members strive to manage vegetation in a manner that addresses their needs of their organization while at the same time understand the value that the land under their charge has for pollinators and wildlife in general. We also support a compensation fund for apiary losses due to acute pesticide poisoning but only if beekeepers are required to register their hives. Through Driftwatch (at no cost to applicators, beekeepers, or the state of Minnesota) land managers, municipalities and applicators will receive notification of where hives are located, and when they are moved or added in their area.

To summarize, our view is that for beekeepers to qualify for compensation through a fund paid from the Pesticide Regulatory Fund they must have their hives registered. The registry could be voluntary but those that choose to not participate in the registry would also waive their access the fund in case of losses.

Thank you again for the opportunity to comment on this issue.

Sincerely,

Dale Sutherland  
CPS Timberland  
President, MN PIE Board of Directors

# Minnesota Crop Production Retailers

'11



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Phone: 763.235.6466  
Fax: 763.235.6461  
[www.mcpr-cca.org](http://www.mcpr-cca.org)

January 14, 2015

Geir Y Friisoe  
Director, Plant Protection Division  
Minnesota Department of Agriculture  
625 Robert Street North  
St. Paul, MN 55155-2538

Dear Geir,

The Minnesota Crop Production Retailers is providing comments on the MDA report entitled "Feasibility of Re-Establishing an Apiary Program in Minnesota. This report is in response to the 2014 Legislative directive contained in H.F. 3172, Sec. 43:

*"By January 15, 2015, the commissioner of agriculture shall report to the house of representatives and senate committees with jurisdiction over agriculture regarding re-establishing an apiary program." The report includes recommendations on an apiary program and its role in:*

- *Prevention of diseases and exotic pests;*
- *Sanitary inspection of apiaries, including notification of diseases, nuisances and quarantines;*
- *An apiary location registry, to facilitate agency response to pollinator deaths or illnesses and for pesticide applicators to be aware of apiaries to avoid impacts, including data practices and privacy protections; and,*
- *The public benefit of an apiary program and the fiscal costs associated with a program.*

In contrast to other states in the Upper Midwest, organized bee keeper organizations in Minnesota have stated in the report that they do not wish to register or reveal the location of their hives to those who are requesting information about these locations. Pesticide applications, therefore, must be made without necessarily having knowledge as to the location of these hives. Apparently the Minnesota bee keeper organizations are willing to undertake this risk with full knowledge that they do not support nor are they required to register or identify locations. MCPR

would not object to this practice and position of the bee keepers if the 2014 legislation had not also required substantial expenditures from the pesticide user fee regulatory account to investigate and compensate bee keepers for losses due to pesticides applied. In fact, House research advised that in addition to the MDA Pollinator report required above, the legislation also authorized the MDA to:

"... assemble a team of pollinator experts to assist in investigations and may compensate the experts up to \$100,000.00 per fiscal year from the Pesticide Regulatory Account." "If MDA cannot determine the pesticide applicator or the pesticide applicator is identified and found to have followed application instructions and restrictions on the product's label, MDA could compensate the bee owner from the Pesticide Regulatory Account. The appropriation for this purpose is limited to \$150,000 per fiscal year,"

This ill-conceived public policy provided for in the 2014 legislation authorized expenditures up m. annually-from-the-user fees paid-through-pesticide-purchases-to-solve a-problem for—which little if any demonstrable need was identified. Consider the following experience of the MDA:

***MDA information regarding inspections involving potential bee losses due to pesticides:***

***2009 -1 request to MDA for inspection; no detection of pesticides found***

***2010 - 0 requests***

***2011 -1 request to MDA for inspection; no detection of pesticides found***

***2012 -1 request to MDA for inspection; no detection of pesticides found***

***2013 —6 requests for inspection;***

***5 instances of detection of pesticides.***

***3 of those 5 detections involved Minneapolis beekeepers***

*3 Mpls Bee kill MDA Inspections - the September 12, 2013 bee kill in the Minneapolis area.*

*On September 12, a number of dead bee were found at three different locations in the Minneapolis area. The three locations were within a two miles radius. Staff from MDA and University of MN Bee Lab were contacted to investigate. Samples of dead bees were submitted to laboratories and it was determined that fipronil was*

*present in the dead bees. Fipronil is a commonly used product in the pest control industry and is also available to the general public. In many communities, a permit is needed to keep bees. During the investigation of last year's bee kill in the Minneapolis area, MDA checked a number of pesticide users in the area and found that none used Fipronil. At this time the investigation is closed.*

***The other 2 were commercial beekeepers outstate - the two investigations outside Mpls involving commercial beekeepers:***

***Was the responsible party determined? No***

***Was a miss application determined? No***

***Was application according to the label application determined? The issue was seed treatment products so it did not apply***

***Was an enforcement action taken? No***

***2014 - 6 total investigations***

***In 5 cases the pesticide was applied by the bee keeper***

***In 1 case the pesticide was not applied by the bee keeper, but the amount of damage verified did not rise to a level that would qualify for reimbursement.***

With no evidence that substantial damage to bee hives is caused by misapplication of agricultural pesticides, the ill-conceived system established by the 2014 legislation is a classic example of a solution in search of a problem.

In conclusion, until such time as the Minnesota bee keeper organizations support and encourage some form of identification and registration of bee hives, MCPR will not support expenditures and liability paid from the MDA pesticide regulatory account to investigate or pay damages.

Since ly,, \_\_\_\_\_

William Bond  
Executive Director, MCPR