

Introduced by

Legislative Management

(Agriculture Committee)

1 A BILL for an Act to create and enact chapter 4.1-16 of the North Dakota Century Code, relating
2 to beekeeping; to amend and reenact section 4.1-08-03 of the North Dakota Century Code,
3 relating to the submission of assessments by beekeepers; and to repeal chapter 4-12.2 of the
4 North Dakota Century Code, relating to beekeeping.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1. AMENDMENT.** Section 4.1-08-03 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **4.1-08-03. Submission of assessments - Civil penalty.**

- 9 1. Each beekeeper shall submit the assessment required by section 4.1-08-02 to the
10 commissioner at the same time the beekeeper submits the license application required
11 by section ~~4-12.2-04~~4.1-16-02.
- 12 2. If a beekeeper fails to submit the assessment as required by this section, the
13 commissioner may impose a penalty equal to five percent of the amount due, plus
14 interest at the rate of six percent per annum from the due date.

15 **SECTION 2.** Chapter 4.1-16 of the North Dakota Century Code is created and enacted as
16 follows:

17 **4.1-16-01. Definitions.**

18 In this chapter, unless the context otherwise requires:

- 19 1. "Apiary" means the site at which one or more colonies of bees are kept.
- 20 2. "Bee" means a honey-producing insect of the genus Apis, including all stages of its
21 life.
- 22 3. "Beekeeper" means a person who by virtue of ownership or a lease is responsible for
23 the maintenance of bees located in or placed in this state.

1 4. "Colony" means a familial group of adult bees consisting of drones, workers, and a
2 queen.

3 5. "Hive" means a manmade structure that houses a colony.

4 **4.1-16-02. Beekeeper's license required.**

5 1. Before a person may act as a beekeeper in this state, the person must be licensed by
6 the agriculture commissioner.

7 2. To obtain a beekeeper's license, a person must complete an application and submit it
8 to the commissioner.

9 3. The application must include:

10 a. The applicant's name, address, and telephone number;

11 b. The maximum number of colonies to be located in or placed in this state; and

12 c. The name, address, and telephone number of a resident agent who is authorized
13 to accept service of process.

14 **4.1-16-03. Beekeeper's license - Application of minor - Liability.**

15 An individual who is less than eighteen years of age may be licensed as a beekeeper, if that
16 individual's application for license is signed by the individual's parent. Any civil or administrative
17 liability for a violation of this chapter by a beekeeper who is less than eighteen years of age is
18 imputed to the parent who signed the application. The parent is jointly and severally liable with
19 the beekeeper.

20 **4.1-16-04. Beekeeper's license - Transferability - Expiration.**

21 1. A beekeeper's license issued under this chapter is not transferable.

22 2. A beekeeper's license issued under this chapter expires on December thirty-first.

23 **4.1-16-05. License - Grounds for denial.**

24 The agriculture commissioner may refuse to grant a license to any person who:

25 1. Has repeatedly violated this chapter;

26 2. Failed to pay an adjudicated civil penalty for violating this chapter, within thirty days
27 after a final determination that the civil penalty is owed; or

28 3. Provided false or misleading information in connection with any application or
29 notification required by this chapter.

30 **4.1-16-06. License fee.**

31 The fee for a beekeeper's license is five dollars.

1 **4.1-16-07. Colony assessment.**

2 In addition to the license fee required by section 4.1-16-06, an applicant for a license must
3 submit a colony assessment in an amount equal to fifteen cents multiplied by the maximum
4 number of colonies listed in the application.

5 **4.1-16-08. Apiary location - Notification.**

6 1. Before placing or locating hives in this state, a beekeeper shall notify the agriculture
7 commissioner of:

8 a. (1) The location of each apiary to the nearest section, quarter section,
9 township, and range, and, if within the corporate limits of a city, the number
10 or name of the lot, block, and addition in the city; or

11 (2) The location of each apiary using satellite navigation system coordinates;
12 and

13 b. The name of the person who owns or leases the property on which the apiary is
14 located.

15 2. The notification required by this section may be provided to the commissioner in
16 written or in electronic format.

17 **4.1-16-09. Identification of apiary.**

18 1. A beekeeper shall identify each apiary for which the beekeeper is responsible, by
19 means of:

20 a. An identification number that:

21 (1) Is assigned by the agriculture commissioner;

22 (2) Is affixed to a hive;

23 (3) Is colored in a manner that contrasts with the hive to which it is affixed;

24 (4) Is visible upon approach to the apiary's main entrance; and

25 (5) Consists of digits having a height of at least three inches [7.62 centimeters]
26 and a line thickness of at least one-half inch; or

27 b. A weatherproof placard that:

28 (1) Measures at least eight inches [20.32 centimeters] by eleven inches
29 [27.94 centimeters];

30 (2) Is visible upon approach to the apiary's main entrance; and

1 (3) Displays the beekeeper's name, address, and telephone number using
2 printed letters and digits having a height of at least one-half inch [1.27
3 centimeters].

4 2. Any apiary that is not identified, as required by this section, is subject to seizure by the
5 commissioner.

6 **4.1-16-10. Unidentified apiary - Notice - Seizure.**

7 1. If the agriculture commissioner determines that an apiary is not identified, as required
8 by section 4.1-16-09, and if after making a reasonable effort the commissioner fails to
9 identify the beekeeper responsible for the apiary, the commissioner shall publish in the
10 official newspaper of the county in which the apiary is located, a notice indicating that
11 at a time certain, all of the colonies, the hives, including their content, and all
12 beekeeping equipment present at the apiary, will be seized and sold at auction or
13 destroyed, unless the beekeeper or other responsible person appears to claim the
14 property and pay for any costs incurred by the commissioner under this section.

15 2. A seizure under this section may not occur until at least the sixth day after the date of
16 the published notice.

17 **4.1-16-11. Confiscation and disposal.**

18 Except as provided for in section 4.1-16-10, the agriculture commissioner or a law
19 enforcement officer may confiscate bees, hives, or beekeeping equipment, being transported or
20 maintained in violation of this chapter. Any bees, hives, or beekeeping equipment, confiscated
21 under this section, must be disposed of pursuant to a court order or an administrative order
22 issued by the commissioner.

23 **4.1-16-12. Agriculture commissioner - Powers.**

24 The agriculture commissioner may:

25 1. Assist farmers in identifying beekeepers who provide pollination services; and

26 2. Enter upon private land during daylight hours, for the purpose of enforcing this
27 chapter, provided the commissioner first makes a good faith effort to notify the owner
28 of the land or a lessee regarding the entry.

29 **4.1-16-13. Agriculture commissioner - Inspection of apiary - Issuance of certificate.**

30 At the request of a beekeeper, the agriculture commissioner shall inspect an apiary for the
31 purpose of issuing a certificate of inspection or other official document or validation.

1 **4.1-16-14. Agriculture commissioner - Inspection of apiary - Noncertification**

2 **purposes.**

3 The agriculture commissioner may:

- 4 1. At the request of a beekeeper, inspect apiaries for any purpose other than the
5 issuance of a certificate of inspection or other official document or validation; and
6 2. Charge a fee to cover the costs of inspecting an apiary under subsection 1.

7 **4.1-16-15. Quarantine - Declaration - Hearing - Penalty.**

- 8 1. a. If the agriculture commissioner determines that a quarantine of this state or any
9 portion thereof may be necessary to eradicate or control the spread of disease,
10 insects, or pests, within the apicultural industry, the commissioner shall schedule
11 a public hearing on the matter and provide notice of the hearing by publishing its
12 time, place, and date in the official newspaper of each county having land within
13 the proposed quarantine area.
14 b. If after the hearing the commissioner orders the imposition of a quarantine, the
15 order must include the date by which or the circumstances under which the
16 commissioner shall lift the quarantine order.
17 2. If the commissioner determines that the imposition of an emergency quarantine is
18 necessary to eradicate or control the spread of disease, insects, or pests, within the
19 apicultural industry, the commissioner may impose such an order for a period not
20 exceeding fourteen days. Within the fourteen-day period, the commissioner shall hold
21 a public hearing as provided for in subsection 1 and determine whether a quarantine
22 order under subsection 1 should be imposed.
23 3. Following the establishment of a quarantine, the movement of any colonies, hives, or
24 other beekeeping equipment, described in the quarantine order, is subject to the order.
25 4. For purposes of this section, "insects" include Africanized honeybees.

26 **4.1-16-16. Service of process.**

27 If neither the beekeeper nor the beekeeper's registered agent can be located for the
28 purpose of serving process, in connection with a violation of this chapter or rules adopted to
29 implement this chapter, the agriculture commissioner becomes the statutory agent for service of
30 process and any service upon the commissioner is deemed to be complete.

1 **4.1-16-17. Penalties.**

- 2 1. A person violating this chapter is guilty of a class A misdemeanor.¹
3 2. In addition to criminal sanctions that may be imposed pursuant to subsection 1, a
4 person found to have violated this chapter is subject to a civil penalty not to exceed
5 five thousand dollars per violation. The civil penalty may be adjudicated by a court or
6 by the agriculture commissioner through an administrative hearing pursuant to chapter
7 28-32.
8 3. The commissioner may maintain a civil action in the name of the state against any
9 person violating this chapter.

10 **4.1-16-18. Relocation of apiary - Petition - Hearing.**

- 11 1. An individual may petition the agriculture commissioner for an order requiring the
12 relocation of an apiary if:
13 a. The individual resides on land contiguous to that on which the beekeeper has
14 placed an apiary; and
15 b. The individual's health or welfare is endangered as a result of the apiary's
16 location.
17 2. Upon receipt of a petition, as set forth in subsection 1, the commissioner may provide
18 notice and schedule a hearing regarding the matter.
19 3. If after considering any testimony and documentary evidence offered at the hearing,
20 the commissioner determines that any threat to the individual's health or welfare would
21 be eliminated or significantly mitigated through the relocation of the apiary, the
22 commissioner may order that the beekeeper, on or before a date certain, remove the
23 apiary from its current location.
24 4. The commissioner may not preclude the beekeeper from relocating the apiary to any
25 other location on land:
26 a. That the beekeeper owns;
27 b. That the beekeeper leases; or
28 c. That the beekeeper utilizes, with the permission of the land's owner or lessee, for
29 the placement of an apiary.
30 5. The commissioner may not require that the beekeeper remove the apiary from its
31 current location, if:

- 1 a. The removal would negatively affect the level of honey production reasonably
2 anticipated from the current location; or
- 3 b. The land's owner or lessee does not agree to a relocation of the apiary.
- 4 6. If the beekeeper can demonstrate that labor costs will be incurred as a result of an
5 order issued under this section, the commissioner may direct that the labor costs are
6 to be the responsibility of the petitioner or that they are to be shared equally between
7 the petitioner and the beekeeper.
- 8 7. An order under this section is not appealable.
- 9 8. An order under this section expires on December thirty-first.
- 10 9. If a beekeeper relocates an apiary in accordance with this section, the commissioner
11 may not, during the same calendar year, consider any additional petition regarding the
12 relocated apiary.

13 **SECTION 3. REPEAL.** Chapter 4-12.2 of the North Dakota Century Code is repealed.