

MINUTES  
NATURAL RESOURCES SUBCOMMITTEE  
50TH LEGISLATIVE SESSION  
HOUSE OF REPRESENTATIVES

February 18, 1987

The meeting of the Natural Resources Subcommittee was called to order by Chairman Swift on February 18, 1987, at 8:10 a.m. in room 317 of the State Capitol.

ROLL CALL: All subcommittee members were present. Also present were Carl Schweitzer, Senior Fiscal Analyst, from the Office of the Legislative Fiscal Analyst (LFA) and Karen Vollstedt, Budget Analyst, from the Office of Budget and Program Planning (OBPP).

Tape 79A

HB 578

EXHIBIT 1 HB 578  
EXHIBIT 2 Letter from Rep. Cohen to Chairman Swift requesting that HB 578 be tabled.

Rep. Devlin MOVED that HB 578 be tabled. Motion passed unanimously.

HB 461

EXHIBIT 3 HB 461

Rep. Corne presented HB 461 which he is carrying on behalf of the Montana beekeepers. The purpose of the bill is to address a problem that is developing in the bee industry to prevent the introduction and spread of pest bees into Montana. The bill provides for an increase in fees on the part of beekeepers to provide resources to address this problem.

Ron Barnett, board member, Montana Beekeepers' Association, spoke in support of HB 461. He said that Montana is a major honey-producing state, ranking 10th in the nation for honey production, and 1st or 2nd in production per hive. Mr. Barnett explained that two years ago, a small internal mite which infests honey bees came into the United States. The only way to inspect for these mites is to analyze a sample of bees. Mr. Barnett said that because the present law does not provide for this type of laboratory analysis, the law must be broadened to give the Department of Agriculture the authority to provide this service and a means to charge lab fees on a cost retrieval basis. It is the

intent of HB 461 that the department establish a fee structure for laboratory services.

Keith Kelly, Director, Department of Agriculture spoke in support of HB 461. Mr. Kelly said that the department commends the bee industry for raising their fees to more accurately cover the cost of the program.

There were no opponents to the bill.

Chairman Swift asked if there were any adverse comments from beekeepers as far as fees were concerned. Mr. Barnett said that the beekeepers are in unanimous support of this bill.

Rep. Manuel asked if the beekeepers were paying their way. Roy Bjornson, Administrator, Plant Industry Division, Department of Agriculture, said that the bee industry does not quite generate enough revenue to support the program, but it is close. Mr. Bjornson said that the bee industry should be commended that they came in on their own to recommend the fee increases.

Rep. Manuel MOVED do pass on HB 461. Motion passed unanimously.

Fees and Regulatory Licensing, Department of Agriculture

EXHIBIT 4 Plant Industry Revenue Review

Mr. Kelly said that this subcommittee had requested the department to consider a 12.5% fee increase across the board. In response to the subcommittee's request, the department reviewed all general fund fees and computed a fee increase based on that 12.5% guideline. Mr. Kelly presented an alternative proposal (Option B) for consideration whereby fees were developed using criteria such as industry response, date of last increase, inflation, and additional services offered since last fee increase.

Mr. Kelly reviewed the various fees as set out on Exhibit 3.

In answer to members' questions, Mr. Bjornson explained that produce inspection occurs in large areas through wholesale warehouses. Mr. Bjornson said that the department has contacted most industries on the list. The industries realize that the last fee increase was some time ago. The cherry people may have complaints,

but the department has often felt that the cherry industry should carry more of their own load. The cherry industry is so variable and so inflexible in terms of weather conditions.

Sen. Story asked if a bill was necessary to increase fees. Mr. Kelly said that most of the fees are statutory and would require a bill, all in Title 80.

Sen. Story Moved to ask for a committee bill that would raise fees 12.5%. Carl reminded members that Option B would raise about \$80,000 a year rather than \$40,000 under the 12.5% increase.

Sen. Story made a SUBSTITUTE MOTION to go with Option B as proposed by Director Kelly. Motion passed unanimously. Rep. Manuel agreed to carry this bill.

Tape 79B

Mr. Kelly explained the three Department of Agriculture items remaining to be handled by this subcommittee: 1) a technical error in the marketing program, 2) vacancy savings issue, and 3) executive budget \$5,000 MOD.

1) Funding error. Mr. Kelly explained that a funding correction is needed in the marketing program for \$3,388. Rep. Manuel MOVED to correct the budgeting error by adding \$3,388 in fiscal '89 to the marketing program (in the Agriculture Development Division) to bring to current level. Motion passed unanimously.

2) Vacancy savings. Mr. Kelly explained that the Department of Agriculture has a problem with the 4% vacancy savings in some areas. The Department has several one to three person offices where it is difficult to have vacancy savings--for example, the wheat coordinator position and wheat research and marketing position.

Chairman Swift that this question will be addressed later by the subcommittee. He said that some other divisions and departments have the same problem.

3) Executive budget, \$5,000 MOD in the marketing program of the agriculture development division. Mr. Kelly explained that this item is for travel in the marketing program. Rep. Devlin Moved to not allow this MOD. Rep. Devlin reminded subcommittee members that this item had been out of the budget for two years.

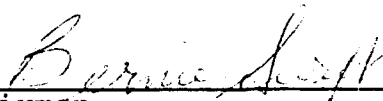
Rep. Devlin withdrew his motion. No action was taken on item 3.

Carl distributed EXHIBIT 5, Centralized Services Funding, Department of Natural Resources and Conservation. This exhibit clarifies the Centralized Services Division's budget as approved by this subcommittee.

Carl distributed EXHIBIT 6, Issues to be Decided by the Subcommittee.

Rep. Devlin MOVED to add \$10,000 each year of the biennium to the predator control division of the Department of Livestock, and increase the Department of Livestock grant to the Department of Fish, Wildlife, and Parks administrative budget by \$10,000. This would be general license fees.

Meeting adjourned at 10:10 a.m.

  
\_\_\_\_\_  
Chairman  
Natural Resources Subcommittee

DAILY ROLL CALL

NATURAL RESOURCES

SUBCOMMITTEE

DATE February 18, 1987

NAME	PRESENT	ABSENT	EXCUSED
Senator Boylan	X		
Representative Devlin	X		
Representative Manuel	X		
Senator Smith	X		
Representative Spaeth	X		
Senator Story	X		
Representative Swift	X		

SUBCOMMITTEE ACTION REPORT

THE FOLLOWING BILL WAS REFERRED TO MY SUBCOMMITTEE ON Natural Resources  
AND WAS HEARD ON Feb 18. THE RECOMMENDED ACTION FOLLOWS:

HB 578 HJR \_\_\_\_\_ HR \_\_\_\_\_ SB \_\_\_\_\_ SR \_\_\_\_\_ SJR \_\_\_\_\_ OTHER \_\_\_\_\_

THE SUBCOMMITTEE RECOMMENDED:

DO PASS \_\_\_\_\_ DO NOT PASS \_\_\_\_\_ DO PASS AS AMENDED \_\_\_\_\_  
TABLED X POSTPONED \_\_\_\_\_  
OTHER ACTION \_\_\_\_\_

Ellen Garity  
Secretary

2-18-87  
Date

SUBCOMMITTEE ACTION REPORT

THE FOLLOWING BILL WAS REFERRED TO MY SUBCOMMITTEE ON Nat. Resources  
AND WAS HEARD ON Feb. 18. THE RECOMMENDED ACTION FOLLOWS:

HB 461 HJR \_\_\_\_\_ HR \_\_\_\_\_ SB \_\_\_\_\_ SR \_\_\_\_\_ SJR \_\_\_\_\_ OTHER \_\_\_\_\_

THE SUBCOMMITTEE RECOMMENDED:

DO PASS  DO NOT PASS \_\_\_\_\_ DO PASS AS AMENDED \_\_\_\_\_

TABLED \_\_\_\_\_ POSTPONED \_\_\_\_\_

OTHER ACTION \_\_\_\_\_

Ellen Garrity  
Secretary

2-18-87  
Date

50th Legislature

LC 0973/01

*House* BILL NO. 578

INTRODUCED BY

1

2

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT APPROPRIATING MONEY TO  
5 THE PUBLIC SERVICE COMMISSION TO EMPLOY A RAILROAD SAFETY  
6 TRACK INSPECTOR."

7

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Appropriation. There is appropriated to the  
10 public service commission for the purpose of employing one  
11 railroad safety track inspector:

12	For the Fiscal	From the	
13	Year Beginning	General Fund	Special Revenue Fund
14	July 1, 1987	\$33,378	\$11,126
15	July 1, 1988	26,889	8,963

-End-





In compliance with a written request, there is hereby submitted a Fiscal Note for HB461, as introduced.

**DESCRIPTION OF PROPOSED LEGISLATION:**

A bill for an act entitled: "An act to generally revise the laws pertaining to apiary activities by increasing registration fees, providing for inspection fees, and providing for the detection quarantine, and detection of diseased or pest honey bees; amending sections 80-6-101, 80-6-102, 80-6-104, 80-6-105, 80-6-111, 80-6-201, and 80-6-202, and providing an effective date."

**ASSUMPTIONS:**

1. Assume no additional expenditures to existing apiary activities will occur.
2. The proposed \$13,988 increase in apiary registration fees is requested by industry and will bring additional \$13,988 to the general fund.
3. Assume lab service fees for pest analysis is deposited into the general fund.
4. Assume the use of existing equipment for lab analysis.
5. Assume existing personnel can be utilized for estimated number of samples.

**FISCAL IMPACT:**

Expenditures:	FY88			FY89		
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
Personal Services	\$ 48,158	\$ 48,158	\$	\$ 48,081	\$ 48,081	\$ 0
Operating Expenses	5,000	10,190	5,190	5,000	10,190	5,190
<b>TOTAL</b>	<b>\$ 53,158</b>	<b>\$ 58,348</b>	<b>\$ 5,190</b>	<b>\$ 53,081</b>	<b>\$ 58,271</b>	<b>\$ 5,190</b>
<b>Funding:</b>						
General Fund	\$ 53,158	\$ 58,348	\$ 5,190	\$ 53,081	\$ 58,271	\$ 5,190
<b>Revenue: (to General Fund)</b>						
Bee colony registration	\$ 7,613	\$ 12,210	\$ 4,597	\$ 7,613	\$ 12,210	\$ 4,597
Agriculture General	1,081	2,162	1,081	1,081	2,162	1,081
Lab Analysis	0	13,500	13,500	0	13,500	13,500
<b>TOTAL</b>	<b>\$ 8,694</b>	<b>\$ 27,872</b>	<b>\$ 19,178</b>	<b>\$ 8,694</b>	<b>\$ 27,872</b>	<b>\$ 19,178</b>

**LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:**

Net impact of legislation will provide \$13,988 additional general fund revenue per year.

*David L. Hunter* DATE 1/21/82  
 DAVID L. HUNTER, BUDGET DIRECTOR  
 Office of Budget and Program Planning

*Dick Corne* DATE 2/2/82  
 DICK CORNE, PRIMARY SPONSOR

Fiscal Note for HB461, as introduced. MA 461



*The Big Sky Country*

**MONTANA HOUSE OF REPRESENTATIVES**

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COMMITTEES:  
BUSINESS & LABOR  
NATURAL RESOURCES

*2/17/87*

*Rep Bernie Smith  
Chair, Subcommittee on Nat. Resources*

*Dear Bernie,*

*re: HB 576 - Funding for Increased  
Track Inspection*

*Please table the above bill.  
I have no intention of trying to move  
this bill in the future.*

*Thanks  
Ben*

APPROVED BY COMMITTEE  
ON AGRICULTURE LIVESTOCK  
& IRRIGATION

STATEMENT OF INTENT

HOUSE BILL 461

House Agriculture, Livestock & Irrigation Committee

A statement of intent is required for this bill because it provides the department of agriculture authority to adopt rules for administration of this act.

It is the intent of the legislature that the department establish rules for the detection of pest honeybees by using the most efficient, scientifically acceptable method of identifying pests.

It is further the intent of the legislature that the department establish by rule a fee structure for laboratory services. The department should set fees to correspond with the costs of providing services. These costs include both direct and indirect costs, plus expenses associated with operation of the laboratory authorized under section 9.

In setting fees, the department may take into consideration the economic difficulties of the apiary industry and may reduce fees as may be necessary to promote increased use of services. The department may provide services at less than cost if alternative funding is available or if the economic conditions of the industry require the reduction of charges.

In addition, it is the intent of the legislature that

1 the department establish by rule an effective method for  
2 conducting quarantines to prevent the entry and spread of  
3 harmful honeybee pests and diseases, such as Africanized  
4 honeybees and honeybee mites. It is contemplated that the  
5 department quarantine any apiary where pest honeybees or any  
6 contagious or infectious diseases are present and, during  
7 the quarantine, prevent the removal from the apiary of any  
8 bees or equipment.



1 HOUSE BILL NO. 461  
 2 INTRODUCED BY CORNE'  
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE  
 5 LAWS PERTAINING TO APIARY ACTIVITIES BY INCREASING  
 6 REGISTRATION FEES, PROVIDING FOR INSPECTION FEES, AND  
 7 PROVIDING FOR THE DETECTION, QUARANTINE, AND DESTRUCTION OF  
 8 DISEASED OR PEST HONEYBEES; AMENDING SECTIONS 80-6-101,  
 9 80-6-102, 80-6-104, 80-6-105, 80-6-111, 80-6-114, 80-6-201,  
 10 AND 80-6-202, MCA; AND PROVIDING AN EFFECTIVE DATE."  
 11

12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 Section 1. Section 80-6-101, MCA, is amended to read:  
 14 "80-6-101. Definitions. Unless the context requires  
 15 otherwise, in this chapter the following definitions apply:

16 (1) "Apiary" means a place where one or more colonies  
 17 of bees are kept or one or more hives containing honeycombs  
 18 or bee combs are kept.

19 (2) "Bee diseases" means American or European  
 20 foulbrood, sacbrood, bee paralysis, or other disease or  
 21 abnormal condition of egg, larval, pupal, or adult stages of  
 22 bees.

23 (3) "Bees" means any stage of the bees in the genus  
 24 *Apis*.

25 (4) "Colony" means the hive and all equipment used in

1 connection with the hive.

2 (5) "Department" means the department of agriculture,  
 3 provided for in 2-15-3001.

4 (6) "Equipment" means hives, supers, frames, veils,  
 5 gloves, or any apparatus, tools, machines, or other devices  
 6 used in the handling and manipulation of bees, honey, wax,  
 7 and hives and includes containers of honey and wax which may  
 8 be used in an apiary or in transporting bees and their  
 9 products and apiary supplies.

10 (7) "Family unit" means two or more persons living  
 11 together or residing in the same dwelling, house, or other  
 12 place of residence.

13 (8) "General apiary" means any apiary other than a  
 14 pollination apiary, landowner apiary, or hobbyist apiary.

15 (9) "Hive" means a frame hive, box hive, box, barrel,  
 16 log gum, skep, or other receptacle or container or a part of  
 17 a container, natural or artificial, which may be used as a  
 18 domicile for bees.

19 (10) "Hobbyist apiary" means an apiary owned by a  
 20 hobbyist beekeeper.

21 (11) "Hobbyist beekeeper" means a person who owns a  
 22 total of no more than five hives.

23 (12) "Landowner" means the person who has the actual  
 24 use and exclusive possession of the land upon which a

25 landowner apiary is to be registered. However, a person

1 leasing or renting land for the primary purpose of locating  
2 or establishing an apiary thereon is not considered a  
3 landowner.

4 (13) "Landowner apiary" means an apiary owned by a  
5 landowner as defined in this section.

6 (14) "Persons" means individuals, associations,  
7 partnerships, or corporations.

8 (15) "Pest" means the African honeybee (*Apis mellifera*  
9 *scutellata*) and those honeybees Africanized by interbreeding  
10 with the African honeybee, as identified by rule of the  
11 department.

12 (16) "Pollination apiary" means an apiary operated  
13 for pollination of a commercial seed, fruit, or other  
14 commercial agricultural product as provided in 80-6-112.

15 (17) "Queen apiary" means an apiary or premises in  
16 which queen bees are reared or kept for sale or gift."

17 Section 2. Section 80-6-102, MCA, is amended to read:

18 "80-6-102. Registration. (1) A person who owns or  
19 possesses an apiary in the state shall, before April 1 each  
20 year, register the apiary. There are four classes of apiary  
21 registration. The conditions under which the department may  
22 issue certificates of registration for each class are  
23 specified in 80-6-111 through 80-6-115.

24 (2) Applications shall be made to the department for  
25 registration application blanks.

1 (3) Registration application blanks shall be furnished  
2 by the department. The applicant shall provide the following  
3 information:

4 (a) a statement of the name and place of residence;  
5 (b) the number of colonies of bees, hives, and  
6 equipment in the apiary;

7 (c) the location of the apiary, setting forth  
8 specifically the location by sectional division to the  
9 nearest quarter section, and the township and range and, if  
10 within the corporate limits of a town or city, the number of  
11 the lot and block in the town or city;

12 (d) the name of the owner, renter, or occupant of the  
13 land on which the apiary is located and, when the  
14 application is for a new apiary being registered for the  
15 first time, the application must also show that the owner,  
16 renter, or occupant of the land has consented to the apiary  
17 being located on his land;

18 (e) the date when the apiary was first established;

19 (f) the class of apiary registration for which  
20 application is being made; and

21 (g) other information the department may require under  
22 rules adopted by it for the protection, safety, and welfare  
23 of the public and the beekeeping industry.

24 (4) Upon receipt of the application and payment of the  
25 fees prescribed, the department may issue a certificate of

1 registration for an apiary, setting forth the name of the  
2 owner, the specific location, the number of colonies of bees  
3 or size of the apiary authorized under the registration, and  
4 the class of apiary authorized by the registration.

5 (5) In issuing certificates of registration for  
6 apiaries, if there is a conflict between applicants with  
7 respect to location, the department shall give preference to  
8 the applicant having the oldest continuous registered  
9 apiary.

10 (6) Certificates of registration may not be issued for  
11 new apiaries which are within such close proximity to  
12 established registered apiaries that there is or may be  
13 danger of spread of disease or pests or that the proximity  
14 will or may interfere with the proper feeding and honey flow  
15 of established apiaries.

16 (7) Before registering new apiaries, the department  
17 shall give at least 10 days' notice by certified mail to all  
18 registered apiarists likely to be affected by the proposed  
19 new apiary so that any party affected may file written  
20 protests with the department against registering the new  
21 apiary. If a written protest is filed, the department may  
22 require a hearing. Notice of the time and place of the  
23 hearing shall be given all parties interested by certified  
24 mail at least 10 days before the date set for the hearing.  
25 (8) Suitable evidence of registration furnished by the

1 department shall be posted by the apiary registrant in a  
2 conspicuous place at or near the apiary. If an owner has  
3 more than one apiary, suitable evidence of registration  
4 furnished by the department shall be posted at each apiary.

5 (9) A registration not applied for by April 1 of each  
6 year is a late registration and incurs an added penalty of  
7 10% of the regular registration fee or \$10, whichever is  
8 greater. Registrants who fail to apply for reregistration by  
9 April 1 of each year shall be notified of their delinquency  
10 by the department. The notification shall be by certified  
11 mail and is sufficient if deposited in a United States post  
12 office or mail box and addressed to the registrant at his  
13 last address appearing in the apiary registration files of  
14 the department at least 10 days before May 1. The  
15 registration of an apiary for which application for  
16 reregistration is not made by May 1 of each year is  
17 forfeited and all rights under the registration terminate.

18 (10) Any person who owns or possesses any bees, hives,  
19 colonies, or beekeeping equipment in this state or who owns  
20 or possesses an apiary in this state and who fails or  
21 refuses to register the same as provided in this part is  
22 guilty of a misdemeanor and upon conviction thereof is  
23 subject to the penalties set forth in 80-6-303.

24 (11) Nothing contained in this section or in 80-6-111  
25 through 80-6-115 shall be construed as invalidating,

1 canceling, amending, terminating, or extending any,  
 2 certificate of registration issued by the department prior  
 3 to October 1, 1981. All such previously issued certificates  
 4 of registration remain in effect for the period for which  
 5 they were issued; subject, however, to forfeiture, lapse,  
 6 abandonment, and termination in the manner provided by law."

7 Section 3. Section 80-6-104, MCA, is amended to read:  
 8 "80-6-104. Apiaries -- termination of rights --  
 9 abandonment. (1) The registration of an apiary which is not  
 10 stocked with bees during at least part of the normal  
 11 build-up or honey-producing season is forfeited and all  
 12 rights under the certificate of registration terminate.

13 (2) An apiary not regularly attended in accordance  
 14 with good beekeeping practice, which comprises a hazard or  
 15 threat to disease or pest control in the beekeeping industry  
 16 or which by reason of its physical condition or construction  
 17 cannot be inspected, or any apiary not registered in  
 18 accordance with 80-6-102, may be considered an abandoned  
 19 apiary and may be seized by the department. Any  
 20 pest-infected or diseased equipment or equipment which by  
 21 reason of its physical condition or construction cannot be  
 22 inspected may be burned, and the remainder may be sold at  
 23 public auction. Proceeds, after the cost of the sale is  
 24 deducted, shall be returned to the former owner or his  
 25 estate. Before burning or selling any equipment, the

1 department shall give the owner or person in charge a  
 2 written notice at least 5 days before the burning or sale.  
 3 The notice shall be given by certified mail or personal  
 4 service upon the owner or person in charge of the property.  
 5 If the owner or person in charge cannot be located, a  
 6 certified letter sent to the owner's last address registered  
 7 with the department is sufficient notice under this  
 8 section."

9 Section 4. Section 80-6-105, MCA, is amended to read:  
 10 "80-6-105. Registration fees. (1) Each year before a  
 11 certificate of registration may be issued for an apiary, the  
 12 owner or applicant for the certificate shall pay the  
 13 department a registration fee in accordance with the  
 14 following schedule of fees for the total number of colonies  
 15 owned or possessed:

16	1 to 10 colonies of bees	5-00	\$ 5-00	\$10.00
17	11 to 50 colonies	10-00	10-00	10-00
18	51 to 200 colonies	20-00	20-00	25.00
19	201 to 300 colonies	30-00	30-00	30-00
20	301 to 500 colonies	40-00	40-00	40.00
21	501 to 1,000 colonies	60-00	60-00	70.00
22	1,001 to 2,000 colonies	70-00	70-00	70-00
23	2,001 to 3,000 colonies	90-00	90-00	100.00
24	3,001 to 4,000 colonies	110-00	110-00	110-00
25	4,001 to 5,000 colonies	140-00	140-00	140.00

1 5,001 colonies and upward ..... \$50-00 200.00  
 2 (2) If, after registration, additional or new colonies  
 3 are authorized for a registered apiary, fees shall be paid  
 4 by the registrant in accordance with the schedule in  
 5 subsection (1) for the total number of colonies for that  
 6 year."

7 Section 5. Section 80-6-111, MCA, is amended to read:  
 8 "80-6-111. General apiary registrations. (1) In order  
 9 to control, limit, and prevent the spread of bee diseases,  
 10 pests, and other contagious or infectious diseases among  
 11 bees, hives, and apiaries and to control, limit, and prevent  
 12 interference with the proper feeding and honey flow of  
 13 established apiaries, general apiaries registered to  
 14 different persons on October 1, 1981, must be located 3 or  
 15 more miles apart, except as otherwise provided in this part.  
 16 The department shall not register or issue a certificate of  
 17 registration for any general apiary that is located less  
 18 than 3 miles from a general apiary registered to another  
 19 person, except as otherwise provided in this section.

20 (2) A person may register a general apiary that is  
 21 situated less than 3 miles from another general apiary he  
 22 has registered so long as the location of the general apiary  
 23 being applied for is 3 or more miles from general apiaries  
 24 registered to other persons.

25 (3) A general apiary may be registered even though it

1 is less than 3 miles from any registered pollination apiary,  
 2 landowner apiary, or hobbyist apiary.

3 (4) A person with an existing apiary that is located  
 4 less than 3 miles from an existing general apiary registered  
 5 to another person may register his apiary as a general  
 6 apiary under the following conditions:

7 (a) his apiary was established and registered with the  
 8 department as a general apiary under the department's rules  
 9 in effect prior to July 1, 1981;

10 (b) his apiary is registered with the department as a  
 11 general apiary as of July 1, 1981; and

12 (c) the registration of his apiary has not been  
 13 forfeited or abandoned under the provisions of 80-6-102(9)  
 14 or 80-6-104."

15 Section 6. Section 80-6-114, MCA, is amended to read:  
 16 "80-6-114. Hobbyist apiary registrations. (1) The  
 17 department may grant hobbyist apiary registrations to  
 18 hobbyist beekeepers under the following conditions:

19 (a) The applicant must not own a total of more than  
 20 five hives, and all of the hives must be placed on the  
 21 hobbyist apiary.

22 (b) The applicant must own the bees and the hives and  
 23 must personally manage and operate the bees and the hives.

24 (c) Only one hobbyist registration is allowed an  
 25 applicant and only two hobbyist apiary registrations are



1 allowed a family unit.

2 (d) If the department determines that too many  
3 hobbyist apiaries are being registered within too close  
4 proximity of each other or of other established apiaries so  
5 that there is or may be danger of the spread of bee  
6 diseases, pests, or other contagious or infectious diseases  
7 among bees or apiaries or that there will be interference  
8 with the proper feeding and honey flow of established  
9 apiaries, the department may refuse to grant any further  
10 hobbyist registrations in the locality and area of the  
11 danger, in accordance with 80-6-102(6).

12 (2) No certificate of registration of a hobbyist  
13 apiary may be leased, assigned, or transferred, and no  
14 person other than the hobbyist apiary registrant may  
15 exercise any rights or privileges, directly or indirectly,  
16 authorized by the certificate of registration."

17 Section 7. Section 80-6-201, MCA, is amended to read:  
18 "80-6-201. Apiaries -- powers and duties of the  
19 department. (1) To prevent the spread of pests and  
20 contagious and infectious disease among bees and apiaries,  
21 the department may:

22 (a) order the transfer of colonies of bees from hives  
23 or containers which cannot be properly examined for brood or  
24 other diseases to other hives or containers;

25 (b) order disinfection of any bee, beehive, brood

1 comb, or any other equipment which is infected or  
2 contaminated with disease or pests and burn any infected or  
3 contaminated bee, beehive, brood comb, or any other  
4 equipment if, in its judgment, disinfection will not remove  
5 the infection or contamination. Before burning any  
6 property, the department shall give the owner or person in  
7 charge a written notice at least 5 days before the date on  
8 which the property will be burned. The notice shall be given  
9 by certified mail or personal service upon the owner or  
10 person in charge of the property.

11 (c) quarantine any apiary where pests, foulbrood, or  
12 any contagious or infectious diseases are present and,  
13 during the quarantine, prevent the removal from the apiary  
14 of any bees or equipment except under a special permit  
15 issued by the department permitting the removal under  
16 conditions prescribed by it. A person may not sell or offer  
17 for sale any apiary, bees, or equipment which are under  
18 quarantine unless a permit authorizing the sale or removal  
19 is issued by the department. Written notice of quarantine  
20 shall be posted by the department, owner, or person in  
21 charge at the quarantined apiary at a conspicuous place, and  
22 a copy shall be personally served or sent by certified mail  
23 to the owner of the apiary or person in charge. The  
24 quarantine continues in effect until it is ordered removed  
25 and a copy of the removal order served in the same manner.

1 (d) establish by rule interior and exterior  
 2 quarantines to prevent the entry or spread of diseases or  
 3 pests which are not known to occur in Montana;  
 4 ~~(e)~~ inspect any apiary, hives, equipment, or  
 5 premises for the presence of disease or pests;  
 6 ~~(f)~~ promulgate and enforce rules adopted pursuant  
 7 to parts 1 through 3.  
 8 (2) Any person failing to comply with a rule, order,  
 9 or provision of a quarantine pursuant to this section is  
 10 subject to penalties provided for in 80-6-303.

1 transported into the state may be quarantined by the  
 2 department, in accordance with 80-6-201(1)(c), from the time  
 3 it enters the state until it has been inspected and found to  
 4 be apparently free of pests and diseases or until it has  
 5 been in use while under quarantine for a minimum of 90 days  
 6 and at least until the following July 1. The beekeeping  
 7 materials are also subject to quarantine as provided in this  
 8 section. The department may also inspect and certify as  
 9 being apparently pest- and disease-free bees or beekeeping  
 10 equipment which is to be transported from Montana to a state  
 11 which requires an inspection in the state of origin.

12 (3) The department may provide disease and pest  
 13 inspection, sampling, and laboratory analysis services for a  
 14 fee. The department shall adopt rules setting the fee  
 15 commensurate with costs and establishing procedures for  
 16 sampling and analysis."

17 Section 8. Section 80-6-202, MCA, is amended to read:  
 18 "80-6-202. Inspection of bees or used beekeeping  
 19 equipment transported interstate. (1) A person may not  
 20 transport or bring into the state any used beekeeping  
 21 equipment or containers, including honey to be extracted,  
 22 unless it is certified and duly marked as being apparently  
 23 pest- and disease-free by an official responsible for apiary  
 24 regulations of the state from which it is being moved. The  
 25 department shall be advised in advance of the date of entry  
 and the destination of the material. Used equipment

12 (2) The costs of making the inspections provided for  
 13 in subsection (1) shall be paid in advance by the owner of  
 14 the bees or equipment and shall include a per diem pursuant  
 15 to Title 2, chapter 18, part 5, necessary traveling  
 16 expenses, and a fee of \$20 \$50 for the issuance of a  
 17 certificate of health. If inspection by an official of any  
 18 other state is considered insufficient for the protection of  
 19 the Montana bee industry by the department, the department  
 20 shall so state by public statement. Importation of  
 21 beekeeping materials, including honey for extracting, from  
 22 that other state shall be denied unless the materials or  
 23 honey are first inspected by the department and there is  
 24 obtained from it a certificate of inspection showing that  
 25 the materials or honey are apparently free from pests and

1 contagious or infectious disease. The costs of making the  
 2 inspection shall be paid by the person requesting it, and  
 3 inspection may be made at any point outside this state  
 4 convenient to the person making the inspection. The  
 5 department may require that the costs of making the  
 6 inspection be paid in advance, and the costs shall include  
 7 per diem pursuant to Title 2, chapter 18, part 5, necessary  
 8 traveling expenses, and a fee of \$20 \$50 for the issuance of  
 9 the certificate of inspection."

10 NEW SECTION. Section 9. Bee laboratory authorized.  
 11 The department or a party designated by the department may  
 12 develop and maintain a laboratory to provide disease and  
 13 pest analytical services required to carry out the  
 14 provisions of this part. The laboratory may be authorized by  
 15 the department to provide services to persons possessing any  
 16 bees or equipment on a fee basis pursuant to 80-6-201(3).  
 17 NEW SECTION. Section 10. Codification instruction.  
 18 Section 9 is intended to be codified as an integral part of  
 19 Title 80, chapter 6, part 3, and the provisions of Title 80,  
 20 chapter 6, apply to section 9.

21 NEW SECTION. Section 11. Extension of authority. Any  
 22 existing authority of the department of agriculture to make  
 23 rules on the subject of the provisions of this act is  
 24 extended to the provisions of this act.

25 NEW SECTION. Section 12. Effective date. This act is

1 effective May 1, 1987.  
 -End-

PLANT INDUSTRY REVENUE REVIEW  
PROPOSED FEE INCREASE SUMMARY

NAME	CURRENT REVENUE LFA DATA	DEPT REVENUE DATA	COMMITTEE RECOMMEND @ 12.5%	ALTERNATIVE PROPOSED FEE	% INCREA
Produce Inspection (2.5 cents)	\$101,362		\$114,032	\$141,907	40
Bean Grading	1,809		2,035	1,809	- 0
Phytosanitary	2,261		2,544	2,261	- 0
Potato Inspection (33,935)	37,176		41,823	45,343	33
Cherry Inspection (3,699)				7,591	40
Produce Tags	211		237	211	- 0
Public Warehouse	15,050	(14,450)*	16,931	16,050	7
Commodity Dealer	27,175	(22,150)*	30,572	24,760	7
Agricultural Seed	8,485		9,546	11,100	
Class A Nursery (30)	9,010		10,136	15,000	67
Class B Nursery (20)	1,240		1,395	2,170	75
Class C Nursery (10)	2,700		3,038	5,400	100
Bee Registration	7,613	(7,710)*	8,664	12,210	58
Wholesaler License (100)	4,600		5,175	9,200	100
Itinerant Merchant (100)	2,401		2,701	4,800	100
Permit of Exemption (100)	28		32	560	
Culture General	1,081		1,216	1,081	- 0
Dept. of Potato - Reimburse	472		531	472	- 0
TOTALS	\$222,674 =====		\$250,608 =====	\$301,925 =====	

GENERAL FUND

REVENUE VS. EXPENSES FY88 APPROPRIATION

FY88 General Fund	\$420,462	\$420,462	\$420,462
Revenue	222,674	250,608	301,925
Cost to General Fund	\$197,788 =====	\$169,854 =====	\$118,537 =====

The proposed fee increase (301,925) over 222,674 represents a 36% increase. The committee recommendation of 12.5% is acceptable and can be adopted.

\*A difference in base revenue.

EXHIBIT 5  
Natural Resources Subcommittee

CENTRALIZED SERVICES FUNDING

	FY 1988				FY 1989				
	SUBCOMMITTEE RECOM	EXECUTIVE BUDGET	DIFFERENCE	SUBCOMMITTEE RECOM	EXECUTIVE BUDGET	DIFFERENCE	SUBCOMMITTEE RECOM	EXECUTIVE BUDGET	DIFFERENCE
TOTAL PROGRAM	1,552,453	1,552,453	0	1,570,435	1,570,435	0	1,570,435	1,570,435	0
FUNDING									
RANGELAND 2052	12,500	12,500	0	12,500	12,500	0	12,500	12,500	0
MAJOR FAC SITING 2428	20,000	20,000	0	20,000	20,000	0	20,000	20,000	0
WATER RIGHTS 2430	3,750	3,750	0	3,750	3,750	0	3,750	3,750	0
GRAZING FEES 2433	500	500	0	500	500	0	500	500	0
CONSER DIST 2434	11,000	11,000	0	11,000	11,000	0	11,000	11,000	0
ALT ENERGY 2437	26,161	38,282	(12,121)	26,085	37,104	(11,019)	26,085	37,104	(11,019)
OIL AND GAS 2432	70,000	41,736	28,264	70,000	42,508	27,492	70,000	42,508	27,492
RRD 2436	6,530	6,530	0	6,530	6,530	0	6,530	6,530	0
FEDERAL INDIR 3036	142,000	130,000	12,000	142,000	130,000	12,000	142,000	130,000	12,000
WATER DEVELOP 2435	102,375	102,375	0	102,493	102,493	0	102,493	102,493	0
RIT INTEREST 2027	78,350	0	78,350	78,350	0	78,350	78,350	0	78,350
GENERAL FUND 1100	1,079,287	1,185,780	(106,493)	1,097,227	1,204,050	(106,823)	1,097,227	1,204,050	(106,823)
TOTAL FUNDING	1,552,453	1,552,453	0	1,570,435	1,570,435	0	1,570,435	1,570,435	0

ISSUES TO BE DECIDED IN BY THE SUBCOMMITTEE

FISCAL 1988      FISCAL 1989

1. Science and Technology:

A. MOD Seed Capital Program      \$ 72,549      \$105,060

2. Hard Rock Board:

The executive has recommended that the appropriation to the trust fund be a statutory appropriation. The subcommittee could approve this concept, or appropriate the trust fund appropriation in the appropriation bill.

3. Board of Investments:

A. The subcommittee need to take action on the executive proposal to transfer the Board of Investments to the Commerce and incorporate the Montana Economic Development Board with the Board of Investments.

B. Language in the appropriation bill to extend the \$150,000 general fund loan through the 1989 biennium.

4. Bill before the subcommittee.

- A. HB 40 Montana Grain Marketing Program
- B. HB 461 Apiary Law
- C. HB 463 Management of the Sun River game preserve
- D. HB 275 Linked Deposit
- E. HB 578 Rail Inspector

5. Department of Agriculture: Plant Industry inspection charges

6. Department of Agriculture: Increased marketing travel      \$5,000      \$5,000

VISITOR'S REGISTER

Natural Resources

SUBCOMMITTEE

AGENCY(S) \_\_\_\_\_

DATE Feb 18, 1987

DEPARTMENT \_\_\_\_\_

NAME	REPRESENTING	SUP- PORT	OP- POSE
RON BARNETT (461)	BOARD MEMBER MONTANA BEEKEEPERS ASSOC.	X	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT.  
IF YOU HAVE WRITTEN COMMENTS, PLEASE GIVE A COPY TO THE SECRETARY.