45th Legislature

LC 0455/01

1	P. H. BILL NO. 317	
2	INTRODUCED BY Lien Shular	
3	BY REQUEST OF THE DEPARTMENT OF AGRICULTURE	

4

A BILL FOR AN ACT ENTITLED: MAN ACT AMENDING SECTIONS
3-3102 THROUGH 3-3107, R.C.M. 1947, PERTAINING TO MONTANA
APTCUSTURE LAM.**

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

10 Section 1. Section 3-3102, R.C.M. 1947, is amended to

*3-3102. Apiaries--powers and duties of the department of agriculture. (1) To prevent the spread of contagious and infectious disease among bees and apiaries, the department of agriculture may:

(1)(a) Order order the transfer of colonies of bees from hives or containers which cannot be properly examined for broad or other diseases to other hives or containers;

brood comb, or any other equipment which is infected or contaminated and burn any infected or contaminated been beenive, brood comb, or any other equipment, if, in its judgment, disinfection will not remove the infection or contamination. Before burning any property, the department shall give the owner or person in charge a written notice at

least five---(5) days before the date on which the property
will be burned. The notice shall be given by registered
certified mail or personal service upon the owner or person
in charge of the property.

(3)(c) Quarantine quarantine any apiary where foulbrood or any contagious or infectious diseases are present and, during the quarantine, prevent the removal from the apiary of any bees or equipment except under a special permit issued by the department permitting the removal under 1 n conditions prescribed by it. A person may not sell or offer 11 for sale any apiary, bees, or equipment which are under 12 quarantiney unless a permit authorizing the sale or removal is issued by the department. Written notice of quarantine 13 14 shall be posted by the department, owner, or person in 15 charge at the quarantined apiary at a conspicuous place, and 16 a copy shall be personally served or sent by registered certified mail to the owner of the apiary or person in 17 18 charge. The quarantine continues in effect until it is ordered removed and a copy of the removal order served in 20 the same manner.

21 <u>(4)(d)</u> Inspect inspect any apiary, hives, equipment.
22 or premises for the presence of disease;

23 (e) promulgate and enforce rules adopted pursuant to
24 this chapter.

25 (21 Any person failing to comply with a rule: order:

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or provisions of a quarantine pursuant to this section is
subject to denalties provided for in 3-3110."

3 Section 2. Section 3-3103, R.C.M. 1947, is amended to 4 read as follows:

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- 5 *3-3103• Registration• (1) A person who owns or 6 possesses an apiary in the state shall• before April 1 each 7 year• register the apiary•
 - (2) Applications shall be made to the department for registration application blanks.
- 10 (3) Registration application blanks shall be furnished
 11 by the department. The blank-shall-contains applicant; shall
 12 provide the following information:
- (a) a statement of the namey <u>and</u> place of residencey
 14 and-place-of-business-of-the-owner;
- (b) the number of colonies of bees, hives, and equipment in the apiary;
 - (c) the location of the apiary, setting forth specifically the location by sectional division to the nearest quarter section, and the township and range, and, if within the corporate limits of a town or city, the number of the lot and block in the town or city;
- 22 (d) the name of the owner, renter, or occupant of the23 land on which the apiary is located;
- 24 (e) the date when the location <u>apiary</u> was first 25 established; and

- 1 (f) other information the department may require under 2 rules adopted by it for the protection, safety, and welfare 3 of the public and beekeeping industry.
 - (4) Upon receipt of the application and payment of the fees prescribed, the department shall may issue a certificate of registration for an apiary, setting forth the name of the owner, the specific location, and the number of colonies of bees or size of the apiary authorized under the registration.
- 10 (5) In issuing certificates of registration for apiaries, if there is a conflict between applicants with respect to location, the department shall give preference to the applicant having the oldest continuous established location registered apiary.

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- (6) Certificates of registration may not be issued for new locations of apiaries which are within such close proximity to established registered apiaries that there is or may be danger of spread of disease, or that the proximity will or may interfere with the proper feeding and honey flow of established apiaries.
- (7) Before authorizing---the---establishment---of registering new locations apiaries the department shall give at least ten-(10) days notice by registered certified letter to all registered apiarists likely to be affected by the proposed new location apiary so that any party affected

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may file written protests with the department against sutherizing registering the new focations. Apiary. If a written protest is filed, the department may require a hearing. Notice of the time and place of the hearing shall be given all parties interested by registered certified mail at least ten-flot days before the date set for the hearing.

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- (8) Suitable evidence of registration furnished by the department shall be posted by the apiary registrant in a conspicuous place at or near the location-of-the-colony-of-honeybees-or-beehives* apiary. If an owner has more than one location, apiary, suitable evidence of registration furnished by the department shall be posted at each location apiary.
- (9) A registration not applied for by April 1 of each year is a late registration and incurs an added penalty of ten—(10%) per—cent of the regular registration fee. Registrants who fail to apply for reregistration by April 1 of each year shall be notified of their delinquency by the department. The notification shall be by registered certified mail and is sufficient if deposited in a United States post office or mail box and addressed to the registrant at his last address appearing in the bee—location apiary registration files of the department at least ten (10) days before May 1. A—location—for—which—application—for reregistration—is—not—made—by—May—1—of—each—year—is

forfeited-and-all-rights-under-the-location-terminatev Ihe
registration of an apiary for which application for
reregistration is not made by May 1 of each year is
forfeited and all rights under the registration terminate.*

Section 3- Section 3-3104, R.C.M. 1947, is amended to
read as follows:

*3-3104. Changing locations--enlarging or selling apiaries. (1) An owner of an established registered apiary may not change tocations the location of the apiary without 10 first receiving from the department a--permit authorization 11 to establish the new locations apiary. In making the application, he shall specify the location of the apiary 12 13 with the same particularity as in the application or for 14 original registration. If the new location apiary is not 15 used within sixty-f60) days after a permit new certificate of registration is issued, the permit certificate of 16 17 registration lapses and all rights under the permit registration terminate. Permits Registrations for 18 tocations apiaries may not be issued for greater areas than 19 20 the applicant can show are reasonably necessary for his 21 needs consistent with good beekeeping practice.

(2) Any---right--a--beekeeper--has--to--a--location A registered apiary may be sold or transferred to a purchaser subject to this chapter, if all bees and equipment on the location apiary are sold to the purchaser.

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	(3) A person enlarging an apiary so as to exceed the
Į	number of hives authorized under a certificate of
1	registration is subject to the penalties in 3-3110."

 Section 4. Section 3-3105, R.C.M. 1947, is amended to read as follows:

#3-3105. Apiaries — termination of rights — abandonment. (1) *n--old The registration of an apiary location which is not stocked with bees during at least part of the normal build-up or honey-producing season is forfeited and all rights under the location certificate of registration terminate. The location is location terminate. The location is registration at the location registration times.

(2) An apiary not regularly attended in accordance with good beekeeping practice, which comprises a hazard or threat to disease control in the beekeeping industry or which by reason of its physical condition or construction cannot be inspected, may be considered an abandoned apiary and may be seized by the department. Any diseased equipment or equipment which by reason of its physical condition or construction cannot be inspected, may be burned, and the remainder may be sold at public auction. Proceeds, after the cost of the sale are is deducted, shall be returned to the former owner or his estate. Before burning or sellin; any equipment, the department shall give the owner or person in charge a written notice at least five-(5) days before the

1	burning or sale. The notice shall be given by registered
2	<u>certified</u> mail or personal service upon the owner or person
3	in charge of the property. If the owner or person in charge
4	cannot be located, a registered certified letter sent to the
5	owner's last address registered with the department is
ś	sufficient notice under this section."
7	Section 5. Section 3-3106, R.C.M. 1947, is amended to
8	read as follows:
9	"3-3105. Registration fees. (1) Each year before a
10	certificate of registration may be issued for an apiary, the
11	owner or applicant for the certificate shall pay the
12	department a registration fee in accordance with the
13	following schedule of fees for the total number of colonies
14	owned or possessed:
15	1 to 10 colonies of bees
15	11 to 50 colonies5.00
17	51 to 200 colonies
18	201 to 300 colonies
19	301 to 500 colonies20.00
20	501 to 1±000 colonies
21	1±001 to 2±000 colonies35.00
22	2 ₂ 001 to 3 ₂ 000 colonies
23	3 ₁ 001 to 4 ₁ 000 colonies
24	4±001 to 5±000 colonies
25	5.001 colonies and upward

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(2) If, after registration, additional or new colonies are added authorized for a registered apiary, fees shall be paid by the registrant in accordance with the schedule in subsection (1) for the total number of colonies for that year.*

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Section 6. Section 3-3107, R.C.M. 1947, is amended to read as follows:

*3-3107. Inspection of bees or used beekeeping equipment transported interstate. (1) A person may not transport or bring into the state any used beekeeping equipment or containers, including honey to be extracted, unless it is certified and duly marked as disease-free by an officialy responsible for apiary regulations, of the state from which it is being moved. The department shall be advised in advance of the date of entry and the destination of the material. Used equipment transported into the state shall may be quarantined by the departments in accordance with subsection-(3)-of-section 3-3102(3), from the time it enters the state until it has been in use while under quarantine for a minimum of minety-1901 days and at least until the following July 1. The department may also inspecty and certify as disease-freey bees or beekeeping equipment which are is to be transported from Montana to a state which requires an inspection in the state of origin.

(2) The costs of making the inspections provided for

in subsection (1) shall be paid in advance by the owner of the bees or equipment and shall include a per diem of ten 3 dollars-- t\$10), necessary traveling expenses, and a fee of five-dollars-185) for the issuance of a certificate of health. If inspection by an official of any other state is considered insufficient for the protection of the Montana bee industry by the department, the department shall so state by public statement. Importation of beekeeping materials, including honey for extracting, from that other state shall be deniedy unless the materials or honey are 10 11 first inspected by the departments and there is obtained from it a certificate of inspection showing that the 12 13 materials or honey are apparently free from contagious or infectious disease. The costs of making the inspection shall 14 15 be paid by the person requesting it, and inspection may be 16 made at any point outside this state convenient to the 17 person making the inspection. The department may require 18 that the costs of making the inspection be paid in advance. 19 and the costs shall include per diem of ten--dollars--- (\$10), 20 necessary traveling expenses, and a fee of five-dollars-(\$5) 21 for the issuance of the certificate of inspection. The 22 beekeeping materials are also subject to guarantine as 23 provided in this section."

-End-

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> Approved by Committee on Agriculture Livestock & Irrigation

1	HOUSE BILL NO. 317
2	INTRODUCED BY LIEN, JOHNSTON
3	BY REQUEST OF TRE DEPARTMENT OF AGRICULTURE
4	
5	A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTIONS
6	3-3102 THROUGH 3-3107, R.C.M. 1947, PERTAINING TO MONTANA
7	APICULTURE LAW."
8	
9	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MOSTARA:
10	Section 1. Section 3-3102, R.C.M. 1947, is amended to
11	read as follows:
12	"3-3102. Apiariespowers and duties of the department
13	of agriculture. (1) To prevent the spread of contagious and
14	infections disease among bees and apiaries, the department
15	of agriculture may:
16	(1) (a) Order order the transfer of colonies of bees
17	from hives or containers which cannot be properly examined
1.9	for brood or other diseases to other hives or containers;
19	(2)(b) Order order disinfection of any bee, beebive,
30	brood comb, or any other equipment which is infected or
21	contaminated and burn any infected or contaminated bee,
22	beehive, brood comb, or any other equipment, if, in its
23	judqment, disinfection will not remove the infection or
24	contamination. Before burning any property, the department

shall give the owner or person in charge a written notice at

least five- (5) days before the date on which the property will be burned. The notice shall be given by registered certified mail or personal service upon the owner or person 3 in charge of the property. where

5 (3) (c) Quarantine quarantine any apiary foulbrood or any contagious or infectious diseases are present and, during the quarantine, prevent the removal from the apiary of any bees or equipment except under a special permit issued by the department permitting the removal under 10 conditions prescribed by it. A person may not sell or offer 11 for sale any apiary, bees, or equipment which are under 12 quarantine, unless a permit authorizing the sale or removal 13 is issued by the department. Written notice of quarantine 14 shall be posted by the department, owner, or person in 15 charge at the quarantined apiary at a conspicuous place, and 16 a copy shall be personally served or sent by registered 17 certified mail to the owner of the apiary or person in 18 charge. The quarantine continues in effect until it is 19 ordered removed and a copy of the removal order served in 20 the same manner.

- 21 (4) (d) Inspect inspect any apiary, hives, equipment, 22 or premises for the presence of disease;
- 23 (e) prosulgate and enforce rules adopted pursuant to 24 this chapter.
- 25 (2) Any person failing to comply with a rule, order,

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or previsions PROVISION of a quarantine pursuant to this section is subject to penalties provided for in 3-3110."

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- 3 Section 2. Section 3-3103, R.C.M. 1947, is amended to 4 read as follows:
- 5 "3-3103. Registration. (1) A person who owns or 6 possesses an apiary in the state shall, before April 1 each 7 year, register the apiary.
- 8 (2) Applications shall be made to the department for 9 registration application blanks.
 - (3) Registration <u>application</u> blanks shall be furnished by the department. The <u>blank-shall-contain+ applicant shall</u> <u>provide the following information:</u>
 - (a) a statement of the name, and place of residence, and place of business of the owner:
- 15 (b) the number of colonies of bees, hives, and 16 equipment in the apiary;
 - (c) the location of the apiary, setting forth specifically the location by sectional division to the nearest quarter section, and the township and range, and, if within the corporate limits of a town or city, the number of the lot and block in the town or city;
- 22 (d) the name of the owner, renter, or occupant of the 23 land on which the apiary is located;
- 24 (e) the date when the location <u>apiary</u> was first 25 established: and

- 1 (f) other information the department may require under 2 rules adopted by it for the protection, safety, and welfare 3 of the public and beekeeping industry.
- 4 (4) Upon receipt of the application, and payment of
 the fees prescribed, the department shell may issue a
 certificate of registration for an apiary, setting forth the
 name of the owner, the specific location, and the number of
 colonies of bees or size of the apiary authorized under the
 registration.
 - (5) In issuing certificates of registration for apiaries, if there is a conflict between applicants with respect to location, the department shall give preference to the applicant having the cldest continuous established location registered apiary.
 - (6) Certificates of registration may not be issued for new locations of apiaries which are within such close proximity to established registered apiaries that there is or may be danger of spread of disease, or that the proximity will or may interfere with the proper feeding and honey flow of established apiaries.
- 21 (7) Before authorizing the establishment of
 22 registering new locations, apiaries, the department shall
 23 give at least tea (10) days' notice by registered certified
 24 letter FAIL to all registered apiarists likely to be
 25 affected by the proposed new location apiary so that any

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- party affected may file written protests with the department against authorizing registering the new locations apiary.

 If a written protest is filed, the department may require a hearing. Notice of the time and place of the hearing shall be given all parties interested by registered certified mail at least ten (10) days before the date set for the hearing.
- (8) Suitable evidence of registration furnished by the department shall be posted by the apiary registrant in a conspicuous place at or near the location of the sclony of honeybees or bechives, apiary. If an owner has more than one location, apiary, suitable evidence of registration furnished by the department shall be posted at each location apiary.

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(9) A registration not applied for by April 1 of each year is a late registration and incurs an added penalty of ten—(10%) per—cent—of the regular registration fee.

Registrants who fail to apply for reregistration by April 1 of each year, shall be notified of their delinquency by the department. The notification shall be by registered certified mail and is sufficient if deposited in a United States post office or mail box and addressed to the registrant at his last address appearing in the bee-legation application files of the department at least ten (10) days before May 1. A location for which application for reregistration is not made by May 1 of each year is

- 1 forfeited and all rights under the location terminate. The
 2 registration of an apiary for which application for
 3 reregistration is not made by May 1 of each year is
 4 forfeited and all rights under the registration terminate."
 5 Section 3. Section 3-3104, R.C.B. 1947, is amended to
 6 read as follows:
- 7 *3-3104. Changing locations-enlarging or selling apiaries. (1) An owner of an established registered apiary may not change losations the location of the apiary without 10 first receiving from the department a permit authorization 11 to establish the new location, apiary. In making the 12 application, he shall specify the location of the apiary 13 with the same particularity as in the application or for 19 original registration. If the new location appart is not 15 used within sisty (60) days after a permit new certificate of registration is issued, the permit certificate of 16 17 registration lapses and all rights under the permit 18 registration terminate. Permits Registrations for new 19 locations apiaries may not be issued for greater areas than 20 the applicant can show are reasonably necessary for his 21 needs consistent with good beekeeping practice.
- 22 (2) hay right a backcoper has to a location <u>a</u>

 23 registered apiary may be sold or transferred to a purchaser

 24 subject to this chapter, if all bees and equipment on the

 25 lecation apiary are sold to the purchaser.

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1	(3) A person enlarging an apiary so as to exceed the
2	number of hives authorized under a certificate of
3	registration is subject to the penalties in 3-3110."
đ	Section 4. Section 3-3105, R.C.M. 1947, is amended to
5	read as follows:
6	"3-3105. Apiaries — termination of rights —
7	abandonment. (1) An old The registration of an apiary
8	location which is not stocked with bees during at least part
9	of the normal build-up or honey-producing season is
10	forfeited and all rights under the legation certificate of
11	registration terminate. The legation is epen for new
12	registration-at the next-regular registration-time.
13	(2) An apiary not regularly attended in accordance
14	with good beekeeping practice, which comprises a hazard or
15	threat to disease control in the beekeeping industry, or
16	which by reason of its physical condition or construction
17	cannot be inspected, may be considered an abandoned aplary
18	and may be seized by the department. Any diseased equipment

or equipment which by reason of its physical condition or construction cannot be inspected, may be burned, and the

remainder may be sold at public auction. Proceeds, after the

cost of the sale are is deducted, shall be returned to the

former owner or his estate. Before burning or selling any equipment, the department shall give the owner or person in

charge a written notice at least five-{5} days before the

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•	building of Sale. The notice shall be given by regretered
2	certified mail or personal service upon the owner or person
3	in charge of the property. If the owner or person in charge
4	cannot be located, a registered certified letter sent to the
5	owner's last address registered with the department is
6	sufficient notice under this section."
7	Section 5. Section 3-3106, R.C.E. 1947, is amended to
8	read as follows:
9	*3-3106. Registration fees. (1) Each year before a
10	certificate of registration may be issued for an apiary, the
11	owner or applicant for the certificate shall pay the
12	department a registration fee in accordance with the
13	following schedule of fees for the total number of colonies
14	owned or possessed:
15	1 to 10 colonies of bees
16	11 to 50 colonies5.00
17	51 to 200 colonies10.00
81	201 to 300 colonies15.00
19	301 to 500 colonies
20	501 to 1 _x 000 colonies
21	1,001 to 2,000 colonies35.00
22	2 ₂ 001 to 3 ₂ 000 colonies45.00
23	3,001 to 4,000 colonies55.00
24	4 ₂ 001 to 5 ₂ 000 colonies
25	5.001 colonies and upward

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(2) If, after registration, additional or new colonies are added authorized for a registered apiary, fees shall be paid by the registrant in accordance with the schedule in subsection (1) for the total number of colonies for that year."

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Section 6. Section 3-3107, R.C.M. 1947, is amended to read as follows:

#3-3107. Inspection of bees or used beekeeping equipment transported interstate. (1) A person may not transport or bring into the state any used beekeeping equipment or containers, including honey to be extracted, unless it is certified and duly marked as disease-free by an official, responsible for apiary regulations, of the state from which it is being moved. The department shall be advised in advance of the date of entry and the destination of the material. Used equipment transported into the state shall may be quarantined by the department, in accordance with subsection (3) of section 3-3102(3), from the time it enters the state until it has been in use while under quarantine for a minimum of minety (90) days and at least until the following July 1. The department may also inspect, and certify as disease-free, bees or beekeeping equipment which are is to be transported from Montana to a state which requires an inspection in the state of origin.

(2) The costs of making the inspections provided for

in subsection (1) shall be paid in advance by the owner of 2 the bees or equipment and shall include a per diem of ten dellars (\$10), necessary traveling expenses, and a fee of five dellars (\$5) for the issuance of a certificate of health. If inspection by an official of any other state is considered insufficient for the protection of the Montana bee industry by the department, the department shall so state by public statement. Importation of beekeeping materials, including honey for extracting, from that other 10 state shall be denied, unless the materials or honey are 11 first inspected by the department, and there is obtained from it a certificate of inspection showing that the 12 13 materials or honey are apparently free from contagious or infectious disease. The costs of making the inspection shall 14 be paid by the person requesting it, and inspection may be 15 made at any point outside this state convenient to the 16 person making the inspection. The department way require 17 18 that the costs of making the inspection be paid in advance. and the costs shall include per dies of ten-dellars-(\$10), 19 20 necessary traveling expenses, and a fee of five-dellars (\$5)-21 for the issuance of the certificate of inspection. The 22 beekeeping materials are also subject to quarantine as 23 provided in this section."

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the same manner.

1	HOUSE BILL NO. 31/
2	INTRODUCED BY LIEN, JOHNSTON
3	BY REQUEST OF THE DEPARTMENT OF AGRICULTURE
4	
5	A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTIONS
6	3-3102 THROUGH 3-3107, R.C.M. 1947, PERTAINING TO HOWTANA
7	APICULTURE LAW."
8	
9	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MOSTAGE:
10	Section 1. Section 3-3102, R.C.M. 1947, is amended to
11	read as follows:
12	43-3102. Apiariespowers and duties of the department
13	of agriculture. [1] To prevent the spread of contagious and
14	infectious disease among bees and apiaries, the department
15	of agriculture may:
16	(1)(a) Order order the transfer of colonies of bees
17	from hives or containers which cannot be properly examined
18	for brood or other diseases to other hives or containers;
19	(2)(b) Order order disinfection of any bee, beehive,
20	brood comb, or any other equipment which is infected or
21	contaminated and burn any infected or contaminated bee,
22	beehive, brood comb, or any other equipment, if, in its
23	judgment, disinfection will not remove the infection or
24	contamination. Before burning any property, the department
25	shall give the owner or person in charge a written notice at

certified mail or personal service upon the owner or person a in charge of the property. 5 (3) (c) Quarantine quarantine any apiary where foulbrood or any contagious or infectious diseases are 7 present and, during the quarantine, prevent the removal from the apiary of any bees or equipment except under a special 9 permit issued by the department permitting the removal under 10 conditions prescribed by it. A person may not sell or offer for sale any apiary, bees, or equipment which are under 11 12 quarantine, unless a permit authorizing the sale or removal 13 is issued by the department. Written notice of quarantine shall be posted by the department, owner, or person in 14 15 charge at the quarantined apiary at a conspicuous place, and 16 a copy shall be personally served or sent by registered

least five -- (5) days before the date on which the property

will be burned. The notice shall be given by registered

certified mail to the owner of the apiary or person in

charge. The quarantine continues in effect until it is

ordered removed and a copy of the removal order served in

- 23 (e) promulgate and enforce rules adopted pursuant to
 24 this chapter.
- 25 (2) Any person failing to comply with a rule, order,

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1	or	provisions	PROVISION	of a	<u>quarantine</u>	pursuant	to this
2	sec	tion is subj	ect to pena	lties	provided for	r in 3-31	10."

- 3 Section 2. Section 3-3103, R.C.M. 1947, is amended to read as follows:
- 5 "3-3103. Registration. (1) A person who owns or 6 possesses an apiary in the state shall, before April 1 each 7 year, register the apiary.
- 8 (2) Applications shall be made to the department for 9 registration application blanks.
- 10 (3) Registration application blanks shall be furnished
 11 by the department. The blank shall contains applicant shall
 12 provide the following information:
- 13 (a) a statement of the name, and place of residence,

 14 and place of business of the owner;
- 15 (b) the number of colonies of bees, hives, and 16 equipment in the apiary:
- 17 (c) the location of the apiary, setting forth
 18 specifically the location by sectional division to the
 19 nearest guarter section, and the township and range, and, if
 20 within the corporate limits of a town or city, the number of
 21 the lot and block in the town or city:
- 22 (d) the name of the owner, renter, or occupant of the 23 land on which the apiary is located;
- 24 (e) the date when the location <u>apiary</u> was first 25 established; and

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- (f) other information the department may require under rules adopted by it for the protection, safety, and welfare of the public and beekeeping industry.
- (4) Upon receipt of the application, and payment of the fees prescribed, the department chall may issue a certificate of registration for an apiary, setting forth the name of the owner, the specific location, and the number of colonies of bees or size of the apiary authorized under the registration.
- 10 (5) In issuing certificates of registration for
 11 apiaries, if there is a conflict between applicants with
 12 respect to location, the department shall give preference to
 13 the applicant having the oldest continuous established
 14 location registered apiary.
- 15 (6) Certificates of registration may not be issued for
 16 new lessations of apiaries which are within such close
 17 proximity to established registered apiaries that there is
 18 or may be danger of spread of disease, or that the proximity
 19 will or may interfere with the proper feeding and honey flow
 20 of established apiaries.
- 21 (7) Before authorising the establishment of

 22 registering new locations, apiaries, the department shall

 23 give at least ten (10) days' notice by registered certified

 24 letter MAIL to all registered apiarists likely to be

 25 affected by the proposed new location apiary so that any

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party affected may file written protests with the department
against authorizing registering the new locations, apiary,
The arritten protest is filed, the department may require a
hearing. Notice of the time and place of the hearing shall
be given all parties interested by registered certified mail
at least ten—{10} days before the date set for the hearing.

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- (8) Suitable evidence of registration farnished by the department shall be posted by the apiary registrant in a conspicuous place at or near the location of the seleny of honeyboos or bechives, apiary. If an owner has more than one location, apiary, suitable evidence of registration furnished by the department shall be posted at each location apiary.
- year is a late registration and incurs an added penalty of ten (10%) per sent of the regular registration fee.

 Registrants who fail to apply for reregistration by April 1 of each year, shall be notified of their delinquency by the department. The notification shall be by registered certified mail and is sufficient if deposited in a United States post office or mail box and addressed to the registrant at his last address appearing in the bee location applary registration files of the department at least ten (10) days before May 1. A location for which application for reregistration is not made by May 1 of each year is

forfeited and all rights under the location terminate. The
registration of an apiary for which application for
reregistration is not made by May 1 of each year is
forfeited and all rights under the registration terminate.*

Section 3. Section 3-3104, R.C.H. 1947, is amended to
read as follows:

7 "3-3104. Changing locations-enlarging or selling 8 apiaries. (1) An owner of an established registered apiary 9 may not change legations the location of the apiary without first receiving from the department a permit authorization 10 to establish the new location, apiary. In making the 11 application, he shall specify the location of the apiary 12 13 with the same particularity as in the application or for 14 original registration. If the new location apiary is not 15 used within sisty (60) days after a poreit new certificate 16 of registration is issued, the persit certificate of 17 registration lapses and all rights under the persit 18 registration terminate. Permits Registrations for new 19 locations apiaries may not be issued for greater areas than 20 the applicant can show are reasonably necessary for his 21 needs consistent with good beekeeping practice.

22 (2) Any right a beckeeper has to a location <u>a</u>
23 requistered apiary may be sold or transferred to a purchaser
24 subject to this chapter, if all bees and equipment on the
25 lecation apiary are sold to the purchaser.

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1	(3) A person enlarging an apiary so as to exceed the
2	number of hives authorized under a certificate of
3	registration is subject to the penalties in 3-3110."
ij	Section 4. Section 3-3105, R.C.B. 1947, is amended to
5	read as follows:
6	#3-3105. Apiaries termination of rights
7	abandonment. (1) An old The registration of an apiary
8	location which is not stocked with bees during at least part
9	of the normal build-up or honey-producing season is
10	forfeited and all rights under the location certificate of
11	registration terminate. The location is open for new
2	registration-at-the next-regular-registration-time.
3	(2) An apiary not regularly attended in accordance
3	(2) An apiary not regularly attended in accordance with good beekeeping practice, which comprises a hazard or
4	with good beekeeping practice, which comprises a hazard or
15	with good beekeeping practice, which comprises a hazard or threat to disease control in the beekeeping industry, or
15 16	with good beekeeping practice, which comprises a hazard or threat to disease control in the beekeeping industry, or which by reason of its physical condition or construction
14 15 16	with good beekeeping practice, which comprises a hazard or threat to disease control in the beekeeping industry, or which by reason of its physical condition or construction cannot be inspected, may be considered an abandoned apiary
14 15 16 17	with good beekeeping practice, which comprises a hazard or threat to disease control in the beekeeping industry, or which by reason of its physical condition or construction cannot be inspected, may be considered an abandoned apiary and may be seized by the department. Any diseased equipment
14 15 16 17	with good beekeeping practice, which comprises a hazard or threat to disease control in the beekeeping industry, or which by reason of its physical condition or construction cannot be inspected, may be considered an abandoned apiary and may be seized by the department. Any diseased equipment or equipment which by reason of its physical condition or
14 15 16 17 18	with good beekeeping practice, which comprises a hazard or threat to disease control in the beekeeping industry, or which by reason of its physical condition or construction cannot be inspected, may be considered an abandoned apiary and may be seized by the department. Any diseased equipment or equipment which by reason of its physical condition or construction cannot be inspected, may be burned, and the
14 15 16 17 18 19	with good beekeeping practice, which comprises a hazard or threat to disease control in the beekeeping industry, or which by reason of its physical condition or construction cannot be inspected, may be considered an abandoned apiary and may be seized by the department. Any diseased equipment or equipment which by reason of its physical condition or construction cannot be inspected, may be burned, and the remainder may be sold at public auction. Proceeds, after the

1	burning or sale. The notice shall be given by registered
2	certified mail or personal service upon the owner or person
3	in charge of the property. If the owner or person in charge
4	cannot be located, a registered certified letter sent to the
5	owner's last address registered with the department is
6	sufficient notice under this section."
7	Section 5. Section 3-3106, R.C.H. 1947, is amended to
В	read as follows:
9	#3-3106. Registration fees. (1) Each year before a
0	certificate of registration may be issued for an apiary, the
1	owner or applicant for the certificate shall pay the
2	department a registration fee in accordance with the
3	following schedule of fees for the total number of colonies
4	owned or possessed:
5	1 to 10 colonies of bees 2.50
6	11 to 50 colonies
7	51 to 200 colonies10.00
8	201 to 300 colonies15.00
9	301 to 500 colonies20.00
0	501 to 1,000 colonies30.00
1	1,001 to 2,000 colonies35.00
2	2,001 to 3,000 colonies45.00
3	3_001 to 4_000 colonies55.00
4	4,001 to 5,000 colonies65.00
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charge a written notice at least five (5) days before the

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(2) If, after registration, additional or new colonies are added authorized for a registered apiary, fees shall be paid by the registrant in accordance with the schedule in subsection (1) for the total number of colonies for that year."

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6 Section 6. Section 3-3107, R.C.H. 1947, is amended to 7 read as follows:

*3-3107. Inspection of bees or used beekeeping equipment transported interstate. (1) A person may not transport or bring into the state any used beekeeping equipment or containers, including honey to be extracted, unless it is certified and duly marked as disease-free by an official, responsible for apiary regulations, of the state from which it is being moved. The department shall be advised in advance of the date of entry and the destination of the material. Used equipment transported into the state shall may be guarantined by the department, in accordance with subsection (3) of costion 3-3102(3), from the time it enters the state until it has been in use while under quarantine for a minimum of aimety-(90) days and at least until the following July 1. The department may also inspect, and certify as disease-free, bees or beekeeping equipment which are is to be transported from Montana to a state which requires an inspection in the state of origin.

(2) The costs of making the inspections provided for

1 in subsection (1) shall be paid in advance by the owner of the bees or equipment and shall include a per diem of too 3 dollars (\$10), necessary traveling expenses, and a fee of five dollars (\$5) for the issuance of a certificate of health. If inspection by an official of any other state is considered insufficient for the protection of the Montana bee industry by the department, the department shall so 8 state by public statement. Importation of beekeeping 9 materials, including honey for extracting, from that other 10 state shall be denied, unless the materials or honey are 11 first inspected by the department, and there is obtained from it a certificate of inspection showing that the 12 13 materials or honey are apparently free from contagious or 14 infectious disease. The costs of making the inspection shall be paid by the person requesting it. and inspection may be 15 16 made at any point outside this state convenient to the person making the inspection. The department may require 17 18 that the costs of making the inspection be paid in advance. 19 and the costs shall include per diem of ten dellars (\$10). 20 necessary traveling expenses, and a fee of five dellars (\$5) 21 for the issuance of the certificate of inspection. The 22 beekeeping materials are also subject to quarantine as 23 provided in this section."

-End-

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1 HOUSE BILL NO. 317 INTRODUCED BY LIEN. JUHNSTON BY REQUEST OF THE DEPARTMENT OF AGRICULTURE A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTIONS 3-3102 THROUGH 3-3107, R.C.M. 1947, PERTAINING TO MONTANA APICULTURE LAW.* 성 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HONTANA: 4 Section 1. Section 3-3102, R.C.M. 1947, is amended to lυ read as follows: 11 *3-3102. Apiaries--powers and duties of the department 12 of agriculture. (1) To prevent the spread of contagious and 13 infectious disease among bees and apiaries, the department 14 15 of agriculture may: (1)(a) Order order the transfer of colonies of bees 16 from nives or containers which cannot be properly examined 17 for broad or other diseases to other hives or containers; 16 title) arder order disinfection of any bee, beehive, 19 brood comb, or any other equipment which is infected or 20 contaminated and burn any infected or contaminated bees 21 beenive, prood comb, or any other equipment, if, in its 22 judgment, disinfection will not remove the infection or د 2 contamination. Sefore burning any property, the department

small give the owner or person in charge a written notice at

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will be burned. The notice shall be given by registered certified mail or personal service upon the owner or person in charge of the property. (3)(c) Querentine quarantine any apiary where foulbrood or any contagious or infectious diseases are present and, during the quarantine, prevent the removal from the apiary of any bees or equipment except under a special permit issued by the department permitting the removal under 10 conditions prescribed by it. A person may not sell or offer 11 for sale any apiary, bees, or equipment which are under 12 quarantiney unless a permit authorizing the sale or removal 13 is issued by the department. Written notice of quarantine shall be posted by the department, owner, or person in 14 15 charge at the quarantined apiary at a conspicuous place, and 16 a copy shall be personally served or sent by registered 17 certified mail to the owner of the apiary or person in 18 charge. The quarantine continues in effect until it is ordered removed and a copy of the removal order served in 19 20 the same manner. 21 {++1dl Inspect inspect any apiary, hives, equipments 22 or premises for the presence of disease: 23 (e) promulgate and enforce rules adopted pursuant to 24 this chapter.

least five-- to days before the date on which the property

(2) Any person failing to comply with a rule, order,

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Ł	HOUSE BILL NO. 317
È	INTRODUCED BY LIEN, JUHNSTON
3	BY REQUEST OF THE DEPARTMENT OF AGRICULTURE
4	
5	A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTIONS

3-3102 THROUGH 3-3107. R.C.M. 1947. PERTAINING TO MONTANA APICULTURE LAN."

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

Section 1. Section 3-3102, R.C.M. 1947, is amended to read as follows:

*3-3102. Apiaries--powers and duties of the department of agriculture. (1) To prevent the spread of contagious and infectious disease among bees and apiaries, the department of agriculture may:

(1)(a) Order order the transfer of colonies of bees from nives or containers which cannot be properly examined for broad or other diseases to other hives or containers;

fr)(b) Order order disinfection of any bee, beehive, brood comb, or any other equipment which is infected or contaminated and burn any infected or contaminated bee, beenive, prood comb, or any other equipmenty if, in its judgment, disinfection will not remove the infection or contamination. Before burning any property. the department small give the owner or person in charge a written notice at least five-- (5) days before the date on which the property will be burned. The notice shall be given by registered certified mail or personal service upon the owner or person in charge of the property.

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(3)(c) Quarentine quarantine any apiary where foulbrood or any contagious or infectious diseases are present and, during the quarantine, prevent the removal from the apiary of any bees or equipment except under a special permit issued by the department permitting the removal under conditions prescribed by it. A person may not sell or offer 10 11 for sale any apiary, bees, or equipment which are under 12 quarantine, unless a permit authorizing the sale or removal is issued by the department. Written notice of quarantine 13 shall be posted by the department, owner, or person in 14 15 charge at the quarantined apiary at a conspicuous place, and 16 a copy shall be personally served or sent by registered certified mail to the owner of the apiary or person in 17 18 charge. The quarantine continues in effect until it is ordered removed and a copy of the removal order served in 19 20 the same manner.

21 {4}(d) Inspect inspect any apiary, hives, equipment. 22 or premises for the presence of disease;

23 (e) promulgate and enforce rules adopted pursuant to 24 this chapter.

25 (2) Any person failing to comply with a rule. order.

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L	ΩĽ	provisions	PROYISION	of a quarantine pursuant to this
2	sec	<u>tion is subj</u>	ect to pena	lties provided for in 3-3110."

- 3 Section 2. Section 3-3103, R.C.M. 1947, is amended to 4 read as follows:
- *3-3103. Registration. (1) A person who owns or
 possesses an apiary in the state shall, before April 1 each
 year, register the apiary.
- 8 (2) Applications shall be made to the department for
 9 registration application blanks.
- 10 (3) Registration application blanks shall be furnished
 11 by the department. The blank-shall-contains applicant shall
 12 provide the following information:
- 13 (a) a statement of the namey and place of residencey

 14 and-place-of-business-of-the-owner;
- (b) the number of colonies of bees, hives, and equipment in the apiary;

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- (c) the location of the apiary, setting forth specifically the location by sectional division to the nearest quarter section, and the township and range, and, if within the corporate limits of a town or city, the number of the lot and block in the town or city;
- 22 (d) the name of the owner, renter, or occupant of the
 23 land on which the apiary is located;
- 24 (e) the date when the location <u>apiary</u> was first 25 established; and

- (f) other information the department may require under rules adopted by it for the protection, safety, and welfare of the public and beekeeping industry.
- (4) Upon receipt of the application and payment of the fees prescribed, the department shall may issue a certificate of registration for an apiary, setting forth the name of the owner, the specific location, and the number of colonies of bees or size of the apiary authorized under the registration.
 - (5) In issuing certificates of registration for apiaries, if there is a conflict between applicants with respect to location, the department shall give preference to the applicant having the oldest continuous established location registered apiary.
 - (6) Certificates of registration may not be issued for new locations—of apiaries which are within such close proximity to established registered apiaries that there is or may be danger of spread of disease, or that the proximity will or may interfere with the proper feeding and honey flow of established apiaries.
 - (7) Before authorizing——the——establishment——of registering new locations, apiaries, the department shall give at least ten—(10) days notice by registered certified letter MAIL to all registered apiarists likely to be affected by the proposed new location apiary so that any

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party affected may file written protests with the department against authorizing registering the new locations apiary. If a written protest is filed, the department may require a hearing. Notice of the time and place of the hearing shall be given all parties interested by registered certified mail at least ten-fl0+ days before the date set for the hearing.

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- (8) Suitable evidence of registration furnished by the department shall be posted by the apiary registrant in a conspicuous place at or near the location of the colony of honeybees or beehives apiary. If an owner has more than one locationy apiary, suitable evidence of registration furnished by the department shall be posted at each location apiary.
- (9) A registration not applied for by April 1 of each year is a late registration and incurs an added penalty of ten—(10%) per—cent of the regular registration fee-kegistrants who fail to apply for reregistration by April 1 of each year shall be notified of their delinquency by the department. The notification shall be by registered certified mail and is sufficient if deposited in a United States post office or mail box and addressed to the registrant at his last address appearing in the bee-location apiary registration files of the department at least ten 100 days before May 1. A-location—for—which—application—for reregistration—is—not—made—by—May—1—of—each—year—is

registration of an apiary for which application for reregistration is not made by May 1 of each year is forfeited and all rights under the registration terminate." 5 Section 3. Section 3-3104, R.C.M. 1947, is amended to read as follows: 7 #3-3104. Changing locations--enlarging or selling apiaries. (1) An owner of an established registered apiary may not change tocations the location of the apiary without 10 first receiving from the department e-permit authorization to establish the new tocations apiary. In making the 11 12 13 14

forfeited--and--all-rights-under-the-location-terminatew Ihe

- application, he shall specify the location of the apiary with the same particularity as in the application or for original registration. If the new location appart is not 15 used within sixty-460; days after a permit new certificate of registration is issued, the permit certificate of 16 registration lapses and all rights under the permit 17 registration terminate. Permits Registrations for new 18 tocations apiaries may not be issued for greater areas than 19 the applicant can show are reasonably necessary for his 20 21 needs consistent with good beekeeping practice. 22
 - (2) Any-right-a-beekeeper-has-to-a-location A

 registered apiary may be sold or transferred to a purchaser

 subject to this chapter, if all bees and equipment on the

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(3) A person enlarging an apiary so as to exceed the
number of bives authorized under a certificate of
registration is subject to the penalties in 3-3110.

Section 4. Section 3-3105, R.C.M. 1947, is amended to read as follows:

abandonment. (1) An-old <u>The registration of an apiary</u> location which is not stocked with bees during at least part of the normal build-up or honey-producing season is forfeited and all rights under the location certificate of registration terminate. The location is open for new registration at the next regular registration time.

with good beekeeping practice, which comprises a hazard or threat to disease control in the beekeeping industry, or which by reason of its physical condition or construction cannot be inspected, may be considered an abandoned apiary and may be seized by the department. Any diseased equipment or equipment which by reason of its physical condition or construction cannot be inspected, may be burned, and the remainder may be sold at public auction. Proceeds, after the cost of the sale are is deducted, shall be returned to the former owner or his estate. Before burning or selling any equipment, the department shall give the owner or person in charge a written notice at least five—(5) days before the

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1	burning or sale. The notice shall be given by registered
2	<u>certified</u> mail or personal service upon the owner or person
3	in charge of the property. If the owner or person in charge
4	cannot be located, a registered <u>certified</u> letter sent to the
ō	owner's last address registered with the department is
6	sufficient notice under this section."
7	Section 5. Section 3-3106, R.C.M. 1947, is amended to
8	read as follows:
9	#3-3106. Registration fees. (1) Each year before a
10	certificate of registration may be issued for an apiary, the
11	owner or applicant for the certificate shall pay the
12	department a registration fee in accordance with the
13	following schedule of fees for the total number of colonies
l 4	owned or possessed:
15	1 to 10 colonies of bees\$ 2.50
16	11 to 50 colonies5.00
1.7	51 to 200 colonies10-00
18	201 to 300 colonies15.00
19	301 to 500 colonies20.00
20	501 to 1,000 colonies30.00
21	1±001 to 2±000 colonies35.00
22	2 ₂ 001 to 3 ₂ 000 colonies45-00
23	3 ₁ 001 to 4 ₂ 000 colonies55.00
24	4±001 to 5±000 colonies
25	5 ₂ 001 colonies and upward

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