

1 ^H BILL NO. 317
 2 INTRODUCED BY Liam Illustro
 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 MONTANA
 7 APOICULTURE LAW."
 8

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 10 Section 1. Section 3-3102, R.C.M. 1947, is amended to
 11 read as follows:

12 *3-3102. Apiaries--powers 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

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

5 ~~(3)(c)~~ Quarantine ~~quarantine~~ any apiary where
 6 foulbrood or any contagious or infectious diseases are
 7 present and, during the quarantine, prevent the removal from
 8 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
 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) ~~promulgate and enforce rules adopted pursuant to~~
 24 this chapter.

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

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

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.

10 (3) Registration application blanks shall be furnished
 11 by the department. ~~The blank shall contain:~~ applicant shall
 12 provide the following information:

13 (a) a statement of the name and place of residence and
 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 quarter 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 apiary 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
 5 the fees prescribed, the department ~~shall~~ may issue a
 6 certificate of registration for an apiary, setting forth the
 7 name of the owner, the specific location, and the number of
 8 colonies of bees or size of the apiary authorized under the
 9 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 locations 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 ~~authorizing the establishment of~~
 22 registering new locations apiaries, the department shall
 23 give at least ~~ten~~ {10} days' notice by registered certified
 24 letter to all registered apiarists likely to be affected by
 25 the proposed new location apiary so that any party affected

1 may file written protests with the department against
 2 ~~authorizing registering~~ the new ~~locations~~ apiary. If a
 3 written protest is filed, the department may require a
 4 hearing. Notice of the time and place of the hearing shall
 5 be given all parties interested by ~~registered~~ certified mail
 6 at least ~~ten~~-(10) days before the date set for the hearing.

7 (8) Suitable evidence of registration furnished by the
 8 department shall be posted ~~by the apiary registrant~~ in a
 9 conspicuous place at or near the ~~location of the colony of~~
 10 ~~honeybees or beehives~~ apiary. If an owner has more than one
 11 ~~location~~ apiary, suitable evidence of registration
 12 furnished by the department shall be posted at each ~~location~~
 13 apiary.

14 (9) A registration not applied for by April 1 of each
 15 year is a late registration and incurs an added penalty of
 16 ~~ten~~-(10) per--cent of the regular registration fee.
 17 Registrants who fail to apply for reregistration by April 1
 18 of each year shall be notified of their delinquency by the
 19 department. The notification shall be by ~~registered~~
 20 certified mail and is sufficient if deposited in a United
 21 States post office or mail box and addressed to the
 22 registrant at his last address appearing in the ~~bee-location~~
 23 apiary registration files of the department at least ~~ten~~
 24 (10) days before May 1. ~~A location for which application for~~
 25 ~~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.M. 1947, is amended to
 6 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 ~~locations~~ 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
 12 application, he shall specify the location of the apiary
 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~~-(60) days after a permit ~~new certificate~~
 16 of registration is issued, the ~~permit certificate~~ of
 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) ~~Any right a beekeeper has to a location~~ A
 23 registered apiary may be sold or transferred to a purchaser
 24 subject to this chapter, if all bees and equipment on the
 25 ~~location~~ apiary are sold to the purchaser.

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."~~

4 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 ~~location~~ certificate of
11 registration terminate. ~~The--location--is--open--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 apiary
18 and may be seized by the department. Any diseased equipment
19 or equipment which by reason of its physical condition or
20 construction cannot be inspected, may be burned, and the
21 remainder may be sold at public auction. Proceeds, after the
22 cost of the sale ~~are is~~ deducted, shall be returned to the
23 former owner or his estate. Before burning or selling any
24 equipment, the department shall give the owner or person in
25 charge a written notice at least five-(5) days before 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.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
14 owned or possessed:

15	1 to 10 colonies of bees.....	\$ 2.50
16	11 to 50 colonies.....	5.00
17	51 to 200 colonies.....	10.00
18	201 to 300 colonies.....	15.00
19	301 to 500 colonies.....	20.00
20	501 to 1,000 colonies.....	30.00
21	1,001 to 2,000 colonies.....	35.00
22	2,001 to 3,000 colonies.....	45.00
23	3,001 to 4,000 colonies.....	55.00
24	4,001 to 5,000 colonies.....	65.00
25	5,001 colonies and upward.....	75.00

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

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

8 "3-3107. Inspection of bees or used beekeeping
 9 equipment transported interstate. (1) A person may not
 10 transport or bring into the state any used beekeeping
 11 equipment or containers, including honey to be extracted,
 12 unless it is certified and duly marked as disease-free by an
 13 official responsible for apiary regulations of the state
 14 from which it is being moved. The department shall be
 15 advised in advance of the date of entry and the destination
 16 of the material. Used equipment transported into the state
 17 ~~shall~~ may be quarantined by the department, in accordance
 18 with ~~subsection (3) of section 3-3102(3)~~, from the time it
 19 enters the state until it has been in use while under
 20 quarantine for a minimum of ~~ninety (90)~~ days and at least
 21 until the following July 1. The department may also
 22 inspect and certify as disease-free bees or beekeeping
 23 equipment which ~~are~~ is to be transported from Montana to a
 24 state which requires an inspection in the state of origin.

25 (2) The costs of making the inspections provided for

1 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~~
 3 ~~dollars--(\$10)~~, necessary traveling expenses, and a fee of
 4 ~~five-dollars-(\$5)~~ for the issuance of a certificate of
 5 health. If inspection by an official of any other state is
 6 considered insufficient for the protection of the Montana
 7 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
 12 from it a certificate of inspection showing that the
 13 materials or honey are apparently free from contagious or
 14 infectious disease. The costs of making the inspection shall
 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 quarantine as
 23 provided in this section."

-End-

Approved by Committee
on Agriculture Livestock
& Irrigation

HOUSE BILL NO. 317

INTRODUCED BY LIEN, JOHNSTON

BY REQUEST OF THE DEPARTMENT OF AGRICULTURE

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTIONS
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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 brood or other diseases to other hives or containers;

(2)(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,
beehive, 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.

(2)(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
conditions prescribed by it. A person may not sell or offer
for sale any apiary, bees, or equipment which are under
quarantine, unless a permit authorizing the sale or removal
is issued by the department. Written notice of quarantine
shall be posted by the department, owner, or person in
charge at the quarantined apiary at a conspicuous place, and
a copy shall be personally served or sent 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
the same manner.

(4)(d) ~~inspect~~ inspect any apiary, hives, equipment,
or premises for the presence of disease;

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

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

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

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.

10 (3) Registration application blanks shall be furnished
11 by the department. ~~The blank shall contain~~ 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;~~

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16 equipment in the apiary;

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18 specifically the location by sectional division to the
19 nearest quarter 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;

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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
5 the fees prescribed, the department ~~shall~~ may issue a
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7 name of the owner, the specific location, and the number of
8 colonies of bees or size of the apiary authorized under the
9 registration.

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11 apiaries, if there is a conflict between applicants with
12 respect to location, the department shall give preference to
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15 (6) Certificates of registration may not be issued for
16 new ~~locations~~ 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 ~~authorizing 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

1 party affected may file written protests with the department
 2 against ~~authorizing~~ registering the new ~~locations,~~ apiary.
 3 If a written protest is filed, the department may require a
 4 hearing. Notice of the time and place of the hearing shall
 5 be given all parties interested by ~~registered~~ certified mail
 6 at least ~~ten~~ (10) days before the date set for the hearing.

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 9 conspicuous place at or near the ~~location of the colony of~~
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 11 ~~location,~~ apiary, suitable evidence of registration
 12 furnished by the department shall be posted at each ~~location~~
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 15 year is a late registration and incurs an added penalty of
 16 ~~ten~~ (10%) ~~per cent~~ of the regular registration fee.
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 18 of each year, shall be notified of their delinquency by the
 19 department. The notification shall be by ~~registered~~
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 21 States post office or mail box and addressed to the
 22 registrant at his last address appearing in the ~~bee location~~
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 12 application, he shall specify the location of the apiary
 13 with the same particularity as in the application ~~or for~~
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 15 used within ~~sixty~~ (60) days after a ~~permit~~ new certificate
 16 of registration is issued, the ~~permit~~ certificate of
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 20 the applicant can show are reasonably necessary for his
 21 needs consistent with good beekeeping practice.

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 23 registered apiary may be sold or transferred to a purchaser
 24 subject to this chapter, if all bees and equipment on the
 25 ~~location~~ apiary are sold to the purchaser.

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2 number of hives authorized under a certificate of
3 registration is subject to the penalties in 3-3110."

4 Section 4. Section 3-3105, R.C.M. 1947, is amended to
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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~~
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 apiary
18 and may be seized by the department. Any diseased equipment
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22 cost of the sale ~~are~~ is deducted, shall be returned to the
23 former owner or his estate. Before burning or selling any
24 equipment, the department shall give the owner or person in
25 charge a written notice at least ~~five~~ (5) days before the

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2 are ~~added~~ authorized for a registered apiary, fees shall be
3 paid by the registrant in accordance with the schedule in
4 subsection (1) for the total number of colonies for that
5 year."

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13 official, responsible for apiary regulations, of the state
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15 advised in advance of the date of entry and the destination
16 of the material. Used equipment transported into the state
17 ~~shall may~~ be quarantined by the department, in accordance
18 with ~~subsection (3) of section 3-3102(3)~~, from the time it
19 enters the state until it has been in use while under
20 quarantine for a minimum of ~~ninety (90)~~ days and at least
21 until the following July 1. The department ~~may~~ also
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23 equipment which ~~are is~~ to be transported from Montana to a
24 state which requires an inspection in the state of origin.

25 (2) The costs of making the inspections provided for

1 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~~
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(2)(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 conditions prescribed by it. A person may not sell or offer for sale any apiary, bees, or equipment which are under quarantine, unless a permit authorizing the sale or removal is issued by the department. Written notice of quarantine shall be posted by the department, owner, or person in charge at the quarantined apiary at a conspicuous place, and a copy shall be personally served or sent 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 the same manner.

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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 quarter 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~~ apiary 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
 5 the fees prescribed, the department shall may issue a
 6 certificate of registration for an apiary, setting forth the
 7 name of the owner, the specific location, and the number of
 8 colonies of bees or size of the apiary authorized under the
 9 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 ~~locations~~ 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 ~~authorizing 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

1 party affected may file written protests with the department
 2 against ~~authorizing~~ registering the new ~~locations,~~ apiary.
 3 If a written protest is filed, the department may require a
 4 hearing. Notice of the time and place of the hearing shall
 5 be given all parties interested by ~~registered~~ certified mail
 6 at least ~~ten~~ (10) days before the date set for the hearing.

7 (8) Suitable evidence of registration furnished by the
 8 department shall be posted by the apiary registrant in a
 9 conspicuous place at or near the ~~location of the colony of~~
 10 ~~honeybees or beehives,~~ apiary. If an owner has more than one
 11 ~~location,~~ apiary, suitable evidence of registration
 12 furnished by the department shall be posted at each ~~location~~
 13 apiary.

14 (9) A registration not applied for by April 1 of each
 15 year is a late registration and incurs an added penalty of
 16 ~~ten~~ (10%) ~~per cent~~ of the regular registration fee.
 17 Registrants who fail to apply for reregistration by April 1
 18 of each year, shall be notified of their delinquency by the
 19 department. The notification shall be by ~~registered~~
 20 certified mail and is sufficient if deposited in a United
 21 States post office or mail box and addressed to the
 22 registrant at his last address appearing in the ~~bee location~~
 23 apiary registration files of the department at least ~~ten~~
 24 (10) days before May 1. ~~A location for which application for~~
 25 ~~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.M. 1947, is amended to
 6 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 ~~locations~~ 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~~
 14 original registration. If the new ~~location~~ apiary is not
 15 used within ~~sixty~~ (60) days after a ~~permit~~ new certificate
 16 of registration is issued, the ~~permit~~ certificate of
 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) ~~Any right a beekeeper has to a location~~ A
 23 registered apiary may be sold or transferred to a purchaser
 24 subject to this chapter, if all bees and equipment on the
 25 ~~location~~ apiary are sold to the purchaser.

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."

4 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 location certificate of
11 registration terminate. ~~The location is open 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 apiary
18 and may be seized by the department. Any diseased equipment
19 or equipment which by reason of its physical condition or
20 construction cannot be inspected, may be burned, and the
21 remainder may be sold at public auction. Proceeds, after the
22 cost of the sale ~~are~~ is deducted, shall be returned to the
23 former owner or his estate. Before burning or selling any
24 equipment, the department shall give the owner or person in
25 charge a written notice at least ~~five~~ (5) days before 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.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
14 owned or possessed:

15	1 to 10 colonies of bees.....	\$ 2.50
16	11 to 50 colonies.....	5.00
17	51 to 200 colonies.....	10.00
18	201 to 300 colonies.....	15.00
19	301 to 500 colonies.....	20.00
20	501 to 1,000 colonies.....	30.00
21	1,001 to 2,000 colonies.....	35.00
22	2,001 to 3,000 colonies.....	45.00
23	3,001 to 4,000 colonies.....	55.00
24	4,001 to 5,000 colonies.....	65.00
25	5,001 colonies and upward.....	75.00

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

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

8 "3-3107. Inspection of bees or used beekeeping
 9 equipment transported interstate. (1) A person may not
 10 transport or bring into the state any used beekeeping
 11 equipment or containers, including honey to be extracted,
 12 unless it is certified and duly marked as disease-free by an
 13 official, responsible for apiary regulations, of the state
 14 from which it is being moved. The department shall be
 15 advised in advance of the date of entry and the destination
 16 of the material. Used equipment transported into the state
 17 shall may be quarantined by the department, in accordance
 18 with ~~subsection (3) of section 3-3102(3)~~, from the time it
 19 enters the state until it has been in use while under
 20 quarantine for a minimum of ~~ninety (90)~~ days and at least
 21 until the following July 1. The department may also
 22 inspect, and certify as disease-free, bees or beekeeping
 23 equipment which are is to be transported from Montana to a
 24 state which requires an inspection in the state of origin.

25 (2) The costs of making the inspections provided for

1 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~~
 3 ~~dollars (\$10)~~, necessary traveling expenses, and a fee of
 4 ~~five dollars (\$5)~~ for the issuance of a certificate of
 5 health. If inspection by an official of any other state is
 6 considered insufficient for the protection of the Montana
 7 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
 12 from it a certificate of inspection showing that the
 13 materials or honey are apparently free from contagious or
 14 infectious disease. The costs of making the inspection shall
 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 quarantine as
 23 provided in this section."

-End-

1 HOUSE BILL NO. 317

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 MONTANA
7 APICULTURE LAW."

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

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

12 "3-3102. Apiaries--powers 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 ~~(1)(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

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

5 ~~(2)(c)~~ ~~Quarantine~~ ~~quarantine~~ any apiary where
6 foulbrood or any contagious or infectious diseases are
7 present and, during the quarantine, prevent the removal from
8 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
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)~~ ~~promulgate and enforce rules adopted pursuant to~~
24 ~~this chapter.~~

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

REFERENCE BILL

1 HOUSE BILL NO. 317

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 MONTANA
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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 (1)(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

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

5 (3)(c) ~~Quarantine~~ quarantine any apiary where
6 foulbrood or any contagious or infectious diseases are
7 present and, during the quarantine, prevent the removal from
8 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
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) promulgate and enforce rules adopted pursuant to
24 this chapter.

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

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

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.

10 (3) Registration application blanks shall be furnished
 11 by the department. ~~The blank shall contain~~ applicant shall
 12 provide the following information:

13 (a) a statement of the name and place of residence and
 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 quarter 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 apiary 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
 5 the fees prescribed, the department ~~shall~~ may issue a
 6 certificate of registration for an apiary, setting forth the
 7 name of the owner, the specific location, and the number of
 8 colonies of bees or size of the apiary authorized under the
 9 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 ~~locations~~ 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 ~~authorizing 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

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

7 (8) Suitable evidence of registration furnished by the
 8 department shall be posted by the apiary registrant in a
 9 conspicuous place at or near the ~~location of the colony of~~
 10 ~~honeybees or beehives,~~ apiary. If an owner has more than one
 11 ~~location,~~ apiary, suitable evidence of registration
 12 furnished by the department shall be posted at each ~~location~~
 13 apiary.

14 (9) A registration not applied for by April 1 of each
 15 year is a late registration and incurs an added penalty of
 16 ~~ten-{10}~~ per--cent of the regular registration fee.
 17 Registrants who fail to apply for reregistration by April 1
 18 of each year shall be notified of their delinquency by the
 19 department. The notification shall be by ~~registered~~
 20 certified mail and is sufficient if deposited in a United
 21 States post office or mail box and addressed to the
 22 registrant at his last address appearing in the ~~bee location~~
 23 apiary registration files of the department at least ~~ten~~
 24 ~~{10}~~ days before May 1. ~~A location for which application for~~
 25 ~~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.M. 1947, is amended to
 6 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 ~~locations~~ 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
 14 original registration. If the new ~~location~~ apiary is not
 15 used within ~~sixty-{60}~~ days after a ~~permit~~ new certificate
 16 of registration is issued, the ~~permit~~ certificate of
 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) ~~Any--right--a--beekeeper--has--to--a--location~~ A
 23 registered apiary may be sold or transferred to a purchaser
 24 subject to this chapter, if all bees and equipment on the
 25 ~~location~~ apiary are sold to the purchaser.

1 ~~(1) 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."~~

4 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--and~~ 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~~
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 apiary
18 and may be seized by the department. Any diseased equipment
19 or equipment which by reason of its physical condition or
20 construction cannot be inspected, may be burned, and the
21 remainder may be sold at public auction. Proceeds, after the
22 cost of the sale are is deducted, shall be returned to the
23 former owner or his estate. Before burning or selling any
24 equipment, the department shall give the owner or person in
25 charge a written notice at least ~~five-(5)~~ days before 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.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
14 owned or possessed:

15	1 to 10 colonies of bees.....	\$ 2.50
16	11 to 50 colonies.....	5.00
17	51 to 200 colonies.....	10.00
18	201 to 300 colonies.....	15.00
19	301 to 500 colonies.....	20.00
20	501 to 1,000 colonies.....	30.00
21	1,001 to 2,000 colonies.....	35.00
22	2,001 to 3,000 colonies.....	45.00
23	3,001 to 4,000 colonies.....	55.00
24	4,001 to 5,000 colonies.....	65.00
25	5,001 colonies and upward.....	75.00