

SENATE BILL NO. 146

INTRODUCED BY HAZELBAKER, AKLESTAD, E. SMITH, MANUEL

IN THE SENATE

January 15, 1981	Introduced and referred to Committee on Agriculture, Livestock, and Irrigation.
February 3, 1981	Committee recommend bill do pass as amended. Report adopted.
February 4, 1981	Bill printed and placed on members' desks.
February 5, 1981	Second reading, do pass.
February 6, 1981	Correctly engrossed.
February 7, 1981	Third reading, passed. Transmitted to House.

IN THE HOUSE

February 9, 1981	Introduced and referred to Committee on Agriculture.
March 10, 1981	Committee recommend bill be concurred in. Report adopted.
March 11, 1981	Second reading, concurred in.
March 14, 1981	Third reading, concurred in. Ayes, 92; Noes, 1.

IN THE SENATE

March 16, 1981	Returned from House. Concurred in. Sent to enrolling. Reported correctly enrolled.
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INTRODUCED BY *Senate* BILL NO. 146
Hall AKLESTAD Smith-Manuel

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE APICULTURE PROVISIONS RELATING TO DEFINITIONS, REGISTRATION OF APIARIES, AND THE INCREASE IN THE NUMBER OF HIVES ON AN APIARY; AMENDING SECTIONS 80-6-101 THROUGH 80-6-103, MCA."

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

Section 1. Section 80-6-101, MCA, is amended to read:

"80-6-101. Definitions. Unless the context requires otherwise, in this chapter the following definitions apply:

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

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

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

(4) "Colony" means the hive and all equipment used in connection with the hive.

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

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

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

~~(8)~~ "General apiary" means any apiary other than a pollination apiary, landowner apiary, or hobbyist apiary, except the term includes any apiary of 21 or more hives.

~~(6)(9)~~ "Hive" means a frame hive, box hive, box, barrel, log gum, skep, or other receptacle or container or a part of a container, natural or artificial, which may be used as a domicile for bees.

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

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

~~(12)~~ "Landowner" means the person who has the actual use and exclusive possession of the land upon which a landowner apiary is to be registered. However, a person leasing or renting land for the primary purpose of locating or establishing an apiary thereon is not considered a

1 landowner.

2 ~~(13) "Landowner apiary" means an apiary owned by a~~
3 ~~landowner as defined in this section.~~

4 ~~(7)(14) "Persons" means individuals, associations,~~
5 ~~partnerships, or corporations.~~

6 ~~(15) "Pollination apiary" means an apiary operated for~~
7 ~~pollination of a commercial seed, fruit, or other commercial~~
8 ~~agricultural product as provided in [section 4].~~

9 ~~(8)(16) "Queen apiary" means an apiary or premises in~~
10 ~~which queen bees are reared or kept for sale or gift."~~

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

12 "80-6-102. Registration. (1) A person who owns or
13 possesses an apiary in the state shall, before April 1 each
14 year, register the apiary. ~~There are four classes of apiary~~
15 ~~registration. The conditions under which the department may~~
16 ~~issue certificates of registration for each class are~~
17 ~~specified in [sections 3 through 7].~~

18 (2) Applications shall be made to the department for
19 registration application blanks.

20 (3) Registration application blanks shall be furnished
21 by the department. The applicant shall provide the following
22 information:

23 (a) a statement of the name and place of residence;

24 (b) the number of colonies of bees, hives, and
25 equipment in the apiary;

1 (c) the location of the apiary, setting forth
2 specifically the location by sectional division to the
3 nearest quarter section, and the township and range and, if
4 within the corporate limits of a town or city, the number of
5 the lot and block in the town or city;

6 (d) the name of the owner, renter, or occupant of the
7 land on which the apiary is located ~~and, when the~~
8 ~~application is for a new apiary being registered for the~~
9 ~~first time, the application must also show that the owner,~~
10 ~~renter, or occupant of the land has consented to the apiary~~
11 ~~being located on his land;~~

12 (e) the date when the apiary was first established;
13 and

14 ~~(f) the class of apiary registration for which~~
15 ~~application is being made; and~~

16 ~~(f)(g) other information the department may require~~
17 ~~under rules adopted by it for the protection, safety, and~~
18 ~~welfare of the public and the beekeeping industry.~~

19 (4) Upon receipt of the application and payment of the
20 fees prescribed, the department may issue a certificate of
21 registration for an apiary, setting forth the name of the
22 owner, the specific location, ~~and the number of colonies of~~
23 ~~bees or size of the apiary authorized under the~~
24 ~~registrations, and the class of apiary authorized by the~~
25 ~~registration.~~

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

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

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

21 (8) Suitable evidence of registration furnished by the
22 department shall be posted by the apiary registrant in a
23 conspicuous place at or near the apiary. If an owner has
24 more than one apiary, suitable evidence of registration
25 furnished by the department shall be posted at each apiary.

1 (9) A registration not applied for by April 1 of each
2 year is a late registration and incurs an added penalty of
3 10% of the regular registration fee. Registrants who fail to
4 apply for reregistration by April 1 of each year shall be
5 notified of their delinquency by the department. The
6 notification shall be by certified mail and is sufficient if
7 deposited in a United States post office or mail box and
8 addressed to the registrant at his last address appearing in
9 the apiary registration files of the department at least 10
10 days before May 1. The registration of an apiary for which
11 application for reregistration is not made by May 1 of each
12 year is forfeited and all rights under the registration
13 terminate.

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

20 (11) Nothing contained in this section or in [sections
21 3 through 7] shall be construed as invalidating, canceling,
22 amending, terminating, or extending any certificate of
23 registration issued by the department prior to [the
24 effective date of this act]. All such previously issued
25 certificates of registration remain in effect for the period

1 ~~for which they were issued, subject, however, to forfeiture,~~
 2 ~~lapse, abandonment, and termination in the manner provided~~
 3 ~~by law."~~

4 **NEW SECTION.** Section 3. General apiary registrations.
 5 (1) In order to control, limit, and prevent the spread of
 6 bee diseases and other contagious or infectious diseases
 7 among bees, hives, and apiaries and to control, limit, and
 8 prevent interference with the proper feeding and honey flow
 9 of established apiaries, general apiaries registered to
 10 different persons on [the effective date of this act] must
 11 be located 3 or more miles apart, except as otherwise
 12 provided in this part. The department shall not register or
 13 issue a certificate of registration for any general apiary
 14 that is located less than 3 miles from a general apiary
 15 registered to another person, except as otherwise provided
 16 in this section.

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

22 (3) A general apiary may be registered even though it
 23 is less than 3 miles from any registered pollination apiary,
 24 landowner apiary, or hobbyist apiary.

25 (4) A person with an existing apiary that is located

1 less than 3 miles from an existing general apiary registered
 2 to another person may register his apiary as a general
 3 apiary under the following conditions:

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

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

9 (c) the registration of his apiary has not been
 10 forfeited or abandoned under the provisions of
 11 80-6-102(3)(g) or 80-6-104.

12 **NEW SECTION.** Section 4. Pollination apiary
 13 registrations. (1) The department may grant pollination
 14 apiary registrations to commercial seed and fruit producers
 15 or other commercial agricultural producers under the
 16 following conditions:

17 (a) (i) the applicant must own, lease, or rent the
 18 land upon which the pollination apiary is to be located and
 19 the applicant must use the land for the purpose of growing a
 20 commercial seed, fruit, or other crop which is dependent
 21 upon bees or other insects for pollination;

22 (ii) the applicant does not own the bees or the hives
 23 which are to be placed upon the pollination apiary; and

24 (iii) the only purpose of the apiary is to pollinate a
 25 commercial agricultural crop.

1 (b) The applicant shall provide the department with
2 all pertinent information necessary to determine if
3 pollination apiaries are needed to pollinate the applicant's
4 crop adequately.

5 (c) The department may refuse to register a
6 pollination apiary based upon its own investigation of the
7 matter, but if the department approves the application, it
8 shall specify the number and location of pollination
9 apiaries needed for the purpose of pollinating the
10 applicant's commercial agricultural crop adequately.

11 (2) A pollination apiary registration is valid only
12 for the time period specified by the department, and all
13 pollination apiaries must be removed within 2 weeks after
14 the full bloom period of the crop to be pollinated.

15 (3) A registered pollination apiary which is sold,
16 leased, rented, or transferred to another person must be
17 reregistered by the lessee, renter, or transferee.

18 NEW SECTION. Section 5. Landowner apiary
19 registrations. (1) The department may grant landowner apiary
20 registrations under the following conditions:

21 (a) The applicant must be a landowner, as defined in
22 80-6-101 and must own the land upon which the apiary will be
23 located.

24 (b) The applicant must own the bees and the hives that
25 will be placed on the apiary.

1 (c) The bees and the hives must be personally managed
2 and operated by the applicant.

3 (2) A registered landowner apiary which is sold,
4 leased, rented, or transferred to another person must be
5 reregistered by the lessee, renter, or transferee.

6 NEW SECTION. Section 6. Hobbyist apiary
7 registrations. (1) The department may grant hobbyist apiary
8 registrations to hobbyist beekeepers under the following
9 conditions:

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

13 (b) The applicant must own the bees and the hives and
14 must personally manage and operate the bees and the hives.

15 (c) Only one hobbyist registration is allowed an
16 applicant and only two hobbyist apiary registrations are
17 allowed a family unit.

18 (d) If the department determines that too many
19 hobbyist apiaries are being registered within too close
20 proximity of each other or of other established apiaries so
21 that there is or may be danger of the spread of bee diseases
22 or other contagious or infectious diseases among bees or
23 apiaries or that there will be interference with the proper
24 feeding and honey flow of established apiaries, the
25 department may refuse to grant any further hobbyist

SB 146

1 registrations in the locality and area of the danger, in
2 accordance with 80-6-102(6).

3 (2) A registered hobbyist apiary which is sold,
4 leased, rented, or transferred to another person must be
5 reregistered by the lessee, renter, or transferee.

6 ~~NEW SECTION.~~ Section 7. Restrictions on apiary
7 locations. Pollination apiaries, landowner apiaries, and
8 hobbyist apiaries may be located less than 3 miles from
9 pollination apiaries, landowner apiaries, hobbyist apiaries,
10 and general apiaries registered to other persons. General
11 apiaries may be located within 3 miles of one another only
12 under the provisions of [section 3].

13 Section 8. Section 80-6-103, MCA, is amended to read:

14 "80-6-103. Changing locations -- enlarging or selling
15 apiaries. (1) An owner of an established registered apiary
16 may not change the location of the apiary without first
17 receiving from the department authorization to establish the
18 new apiary. In making the application, he shall specify the
19 location of the apiary with the same particularity as in the
20 application for original registration. If the new apiary is
21 not used within 60 days after a new certificate of
22 registration is issued, the certificate of registration
23 lapses and all rights under the registration terminate.
24 Registrations for new apiaries may not be issued for greater
25 areas than the applicant can show are reasonably necessary

1 for his needs consistent with good beekeeping practice.

2 (2) A registered apiary may be sold or transferred to
3 a purchaser subject to this chapter, if all bees and
4 equipment on the apiary are sold to the purchaser.

5 ~~(3) No person may increase the number of hives on an~~
6 ~~apiary to exceed the number of hives authorized by his~~
7 ~~certificate of registration for that apiary, except that a~~
8 ~~person may increase the number of hives on a general apiary~~
9 ~~beyond the number authorized by the certificate of~~
10 ~~registration in order to protect his bees during adverse~~
11 ~~weather or crop conditions or to protect his bees and hives~~
12 ~~from bears or other predators. A person may also enlarge a~~
13 ~~general apiary during the spring buildup and in the fall~~
14 ~~after the end of the honey season in order to gather his~~
15 ~~bees for shipment out of the state or to winter his bees on~~
16 ~~that apiary.~~

17 ~~(3)(4) A person enlarging an apiary so as to exceed~~
18 ~~the number of hives authorized--under--a--certificete--of~~
19 ~~registration herein allowed is guilty of a misdemeanor and~~
20 ~~is subject to the penalties set forth in 80-6-303."~~

21 Section 9. Codification instruction. Sections 3
22 through 7 are intended to be codified as an integral part of
23 Title 80, chapter 6, part 1, and the provisions of Title 80,
24 chapter 6, apply to sections 3 through 7.

-End-

Approved by Committee
on Agriculture Livestock
& Irrigation

1 SENATE BILL NO. 146
2 INTRODUCED BY HAZELBAKER, AKLESTAD, E. SMITH, MANUEL
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE APICULTURE
5 PROVISIONS RELATING TO DEFINITIONS, REGISTRATION OF
6 APIARIES, AND THE INCREASE IN THE NUMBER OF HIVES ON AN
7 APIARY; AMENDING SECTIONS 80-6-101 THROUGH 80-6-103, MCA."
8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
10 Section 1. Section 80-6-101, MCA, is amended to read:
11 "80-6-101. Definitions. Unless the context requires
12 otherwise, in this chapter the following definitions apply:
13 (1) "Apiary" means a place where one or more colonies
14 of bees are kept or one or more hives containing honeycombs
15 or bee combs are kept.
16 (2) "Bee diseases" means American or European
17 foulbrood, sacbrood, bee paralysis, or other disease or
18 abnormal condition of egg, larval, pupal, or adult stages of
19 bees.
20 (3) "Bees" means any stage of the bees in the genus
21 Apis.
22 (4) "Colony" means the hive and all equipment used in
23 connection with the hive.
24 (5) "Department" means the department of agriculture,
25 provided for in 2-15-3001.

1 ~~(5)~~(6) "Equipment" means hives, supers, frames, veils,
2 gloves, or any apparatus, tools, machines, or other devices
3 used in the handling and manipulation of bees, honey, wax,
4 and hives and includes containers of honey and wax which may
5 be used in an apiary or in transporting bees and their
6 products and apiary supplies.
7 (7) "Family unit" means two or more persons living
8 together or residing in the same dwelling, house, or other
9 place of residence.
10 (8) "General apiary" means any apiary other than a
11 pollination apiary, landowner apiary, or hobbyist apiary
12 except the term includes any apiary of 21 or more hives.
13 ~~(6)~~(9) "Hive" means a frame hive, box hive, box,
14 barrel, log gum, skep, or other receptacle or container or a
15 part of a container, natural or artificial, which may be
16 used as a domicile for bees.
17 (10) "Hobbyist apiary" means an apiary owned by a
18 hobbyist beekeeper.
19 (11) "Hobbyist beekeeper" means a person who owns a
20 total of no more than five hives.
21 (12) "Landowner" means the person who has the actual
22 use and exclusive possession of the land upon which a
23 landowner apiary is to be registered. However, a person
24 leasing or renting land for the primary purpose of locating
25 or establishing an apiary thereon is not considered a

1 landowner.

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

4 ~~(7)~~(14) "Persons" means individuals, associations,
5 partnerships, or corporations.

6 (15) "Pollination apiary" means an apiary operated for
7 pollination of a commercial seed, fruit, or other commercial
8 agricultural product as provided in [section 4].

9 ~~(8)~~(16) "Queen apiary" means an apiary or premises in
10 which queen bees are reared or kept for sale or gift."

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

12 "80-6-102. Registration. (1) A person who owns or
13 possesses an apiary in the state shall, before April 1 each
14 year, register the apiary. There are four classes of apiary
15 registration. The conditions under which the department may
16 issue certificates of registration for each class are
17 specified in [sections 3 through 7].

18 (2) Applications shall be made to the department for
19 registration application blanks.

20 (3) Registration application blanks shall be furnished
21 by the department. The applicant shall provide the following
22 information:

23 (a) a statement of the name and place of residence;

24 (b) the number of colonies of bees, hives, and
25 equipment in the apiary;

1 (c) the location of the apiary, setting forth
2 specifically the location by sectional division to the
3 nearest quarter section, and the township and range and, if
4 within the corporate limits of a town or city, the number of
5 the lot and block in the town or city;

6 (d) the name of the owner, renter, or occupant of the
7 land on which the apiary is located and, when the
8 application is for a new apiary being registered for the
9 first time, the application must also show that the owner,
10 renter, or occupant of the land has consented to the apiary
11 being located on his land;

12 (e) the date when the apiary was first established;
13 and

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

16 ~~(f)~~(g) other information the department may require
17 under rules adopted by it for the protection, safety, and
18 welfare of the public and the beekeeping industry.

19 (4) Upon receipt of the application and payment of the
20 fees prescribed, the department may issue a certificate of
21 registration for an apiary, setting forth the name of the
22 owner, the specific location, and the number of colonies of
23 bees or size of the apiary authorized under the
24 registration, and the class of apiary authorized by the
25 registration.

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

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

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

21 (8) Suitable evidence of registration furnished by the
22 department shall be posted by the apiary registrant in a
23 conspicuous place at or near the apiary. If an owner has
24 more than one apiary, suitable evidence of registration
25 furnished by the department shall be posted at each apiary.

1 (9) A registration not applied for by April 1 of each
2 year is a late registration and incurs an added penalty of
3 10% of the regular registration fee. Registrants who fail to
4 apply for reregistration by April 1 of each year shall be
5 notified of their delinquency by the department. The
6 notification shall be by certified mail and is sufficient if
7 deposited in a United States post office or mail box and
8 addressed to the registrant at his last address appearing in
9 the apiary registration files of the department at least 10
10 days before May 1. The registration of an apiary for which
11 application for reregistration is not made by May 1 of each
12 year is forfeited and all rights under the registration
13 terminate.

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

20 (11) Nothing contained in this section or in [sections
21 3 through 7] shall be construed as invalidating, canceling,
22 amending, terminating, or extending any certificate of
23 registration issued by the department prior to [the
24 effective date of this act]. All such previously issued
25 certificates of registration remain in effect for the period

1 for which they were issued; subject, however, to forfeiture,
 2 lapse, abandonment, and termination in the manner provided
 3 by law."

4 NEW SECTION. Section 3. General apiary registrations.

5 (1) In order to control, limit, and prevent the spread of
 6 bee diseases and other contagious or infectious diseases
 7 among bees, hives, and apiaries and to control, limit, and
 8 prevent interference with the proper feeding and honey flow
 9 of established apiaries, general apiaries registered to
 10 different persons on [the effective date of this act] must
 11 be located 3 or more miles apart, except as otherwise
 12 provided in this part. The department shall not register or
 13 issue a certificate of registration for any general apiary
 14 that is located less than 3 miles from a general apiary
 15 registered to another person, except as otherwise provided
 16 in this section.

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

22 (3) A general apiary may be registered even though it
 23 is less than 3 miles from any registered pollination apiary,
 24 landowner apiary, or hobbyist apiary.

25 (4) A person with an existing apiary that is located

1 less than 3 miles from an existing general apiary registered
 2 to another person may register his apiary as a general
 3 apiary under the following conditions:

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

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

9 (c) the registration of his apiary has not been
 10 forfeited or abandoned under the provisions of
 11 ~~80-6-102(3)(g)~~ 80-6-102(2) or 80-6-104.

12 NEW SECTION. Section 4. Pollination apiary

13 registrations. (1) The department may grant pollination
 14 apiary registrations to commercial seed and fruit producers
 15 or other commercial agricultural producers under the
 16 following conditions:

17 (a) (i) the applicant must own, lease, or rent the
 18 land upon which the pollination apiary is to be located and
 19 the applicant must use the land for the purpose of growing a
 20 commercial seed, fruit, or other crop which is dependent
 21 upon bees or other insects for pollination;

22 (ii) the applicant does not own the bees or the hives
 23 which are to be placed upon the pollination apiary; and

24 (iii) the only purpose of the apiary is to pollinate a
 25 commercial agricultural crop.

1 (b) The applicant shall provide the department with
2 all pertinent information necessary to determine if
3 pollination apiaries are needed to pollinate the applicant's
4 crop adequately.

5 (c) The department may refuse to register a
6 pollination apiary based upon its own investigation of the
7 matter, but if the department approves the application, it
8 shall specify the number and location of pollination
9 apiaries needed for the purpose of pollinating the
10 applicant's commercial agricultural crop adequately.

11 (2) A pollination apiary registration is valid only
12 for the time period specified by the department, and all
13 pollination apiaries must be removed within 2 weeks after
14 the full bloom period of the crop to be pollinated.

15 ~~(3) A registered-pollination-apiary-which-is-sold,~~
16 ~~leased,-rented,-or-transferred-to-another-person-must-be~~
17 ~~re-registered-by-the-lessee,-renter,-or-transferee. NO~~
18 CERTIFICATE OF REGISTRATION OF A POLLINATION APIARY MAY BE
19 LEASED, ASSIGNED, OR TRANSFERRED AND NO PERSON OTHER THAN
20 THE POLLINATION APIARY REGISTRANT MAY EXERCISE ANY RIGHTS OR
21 PRIVILEGES, DIRECTLY OR INDIRECTLY, AUTHORIZED BY THE
22 CERTIFICATE OF REGISTRATION.

23 NEW SECTION. Section 5. Landowner apiary
24 registrations. (1) The department may grant landowner apiary
25 registrations under the following conditions:

1 (a) The applicant must be a landowner, as defined in
2 80-6-101 and must own the land upon which the apiary will be
3 located.

4 (b) The applicant must own the bees and the hives that
5 will be placed on the apiary.

6 (c) The bees and the hives must be personally managed
7 and operated by the applicant.

8 ~~(2) A registered-landowner-apiary-which-is-sold,~~
9 ~~leased,-rented,-or-transferred-to-another-person-must-be~~
10 ~~re-registered-by-the-lessee,-renter,-or-transferee. NO~~
11 CERTIFICATE OF REGISTRATION OF A LANDOWNER APIARY MAY BE
12 LEASED, ASSIGNED, OR TRANSFERRED AND NO PERSON OTHER THAN
13 THE LANDOWNER APIARY REGISTRANT MAY EXERCISE ANY RIGHTS OR
14 PRIVILEGES, DIRECTLY OR INDIRECTLY, AUTHORIZED BY THE
15 CERTIFICATE OF REGISTRATION.

16 NEW SECTION. Section 6. Hobbyist apiary
17 registrations. (1) The department may grant hobbyist apiary
18 registrations to hobbyist beekeepers under the following
19 conditions:

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

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

25 (c) Only one hobbyist registration is allowed an

1 applicant and only two hobbyist apiary registrations are
2 allowed a family unit.

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

13 ~~(2) A registered hobbyist apiary which is sold,~~
14 ~~leased, rented, or transferred to another person must be~~
15 ~~reregistered by the lessee, renter, or transferee. NO~~
16 CERTIFICATE OF REGISTRATION OF A HOBBYIST APIARY MAY BE
17 LEASED, ASSIGNED, OR TRANSFERRED AND NO PERSON OTHER THAN
18 THE HOBBYIST APIARY REGISTRANT MAY EXERCISE ANY RIGHTS OR
19 PRIVILEGES, DIRECTLY OR INDIRECTLY, AUTHORIZED BY THE
20 CERTIFICATE OF REGISTRATION.

21 NEW SECTION. Section 7. Restrictions on apiary
22 locations. Pollination apiaries, landowner apiaries, and
23 hobbyist apiaries may be located less than 3 miles from
24 pollination apiaries, landowner apiaries, hobbyist apiaries,
25 and general apiaries registered to other persons. General

1 apiaries may be located within 3 miles of one another only
2 under the provisions of [section 3].

3 Section B. Section 80-6-103, MCA, is amended to read:
4 "80-6-103. Changing locations -- enlarging or selling
5 apiaries. (1) An owner of an established registered apiary
6 may not change the location of the apiary without first
7 receiving from the department authorization to establish the
8 new apiary. In making the application, he shall specify the
9 location of the apiary with the same particularity as in the
10 application for original registration. If the new apiary is
11 not used within 60 days after a new certificate of
12 registration is issued, the certificate of registration
13 lapses and all rights under the registration terminate.
14 Registrations for new apiaries may not be issued for greater
15 areas than the applicant can show are reasonably necessary
16 for his needs consistent with good beekeeping practice.

17 (2) A registered apiary may be sold or transferred to
18 a purchaser subject to this chapter, if all bees and
19 equipment on the apiary are sold to the purchaser.

20 (3) No person may increase the number of hives on an
21 apiary to exceed the number of hives authorized by his
22 certificate of registration for that apiary, except that a
23 person may increase the number of hives on a general apiary
24 beyond the number authorized by the certificate of
25 registration in order to protect his bees during adverse

1 weather or crop conditions or to protect his bees and hives
2 from bears or other predators. A person may also enlarge a
3 general apiary during the spring buildup and in the fall
4 after the end of the honey season in order to gather his
5 bees for shipment out of the state or to winter his bees on
6 that apiary.

7 ~~(3)~~(4) A person enlarging an apiary so as to exceed
8 the number of hives ~~authorized under a certificate of~~
9 registration herein allowed is guilty of a misdemeanor and
10 is subject to the penalties set forth in 80-6-303."

11 Section 9. Codification instruction. Sections 3
12 through 7 are intended to be codified as an integral part of
13 Title 80, chapter 6, part 1, and the provisions of Title 80,
14 chapter 6, apply to sections 3 through 7.

-End-

1 SENATE BILL NO. 146

2 INTRODUCED BY HAZELBAKER, AKLESTAD, E. SMITH, MANUEL

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE APICULTURE
5 PROVISIONS RELATING TO DEFINITIONS, REGISTRATION OF
6 APIARIES, AND THE INCREASE IN THE NUMBER OF HIVES ON AN
7 APIARY; AMENDING SECTIONS 80-6-101 THROUGH 80-6-103, MCA."8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Section 80-6-101, MCA, is amended to read:

11 "80-6-101. Definitions. Unless the context requires
12 otherwise, in this chapter the following definitions apply:13 (1) "Apiary" means a place where one or more colonies
14 of bees are kept or one or more hives containing honeycombs
15 or bee combs are kept.16 (2) "Bee diseases" means American or European
17 foulbrood, sacbrood, bee paralysis, or other disease or
18 abnormal condition of egg, larval, pupal, or adult stages of
19 bees.20 (3) "Bees" means any stage of the bees in the genus
21 Apis.22 (4) "Colony" means the hive and all equipment used in
23 connection with the hive.24 (5) "Department" means the department of agriculture,
25 provided for in 2-15-3001.1 ~~†5†~~(6) "Equipment" means hives, supers, frames, veils,
2 gloves, or any apparatus, tools, machines, or other devices
3 used in the handling and manipulation of bees, honey, wax,
4 and hives and includes containers of honey and wax which may
5 be used in an apiary or in transporting bees and their
6 products and apiary supplies.7 †7† "Family unit" means two or more persons living
8 together or residing in the same dwelling, house, or other
9 place of residence.10 †8† "General apiary" means any apiary other than a
11 pollination apiary, landowner apiary, or hobbyist apiary,
12 except the term includes any apiary of 21 or more hives.13 ~~†6†~~(9) "Hive" means a frame hive, box hive, box,
14 barrel, log gum, skep, or other receptacle or container or a
15 part of a container, natural or artificial, which may be
16 used as a domicile for bees.17 †10† "Hobbyist apiary" means an apiary owned by a
18 hobbyist beekeeper.19 †11† "Hobbyist beekeeper" means a person who owns a
20 total of no more than five hives.21 †12† "Landowner" means the person who has the actual
22 use and exclusive possession of the land upon which a
23 landowner apiary is to be registered. However, a person
24 leasing or renting land for the primary purpose of locating
25 or establishing an apiary thereon is not considered a

1 landowner.

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

4 ~~(7)~~(14) "Persons" means individuals, associations,
 5 partnerships, or corporations.

6 (15) "Pollination apiary" means an apiary operated for
 7 pollination of a commercial seed, fruit, or other commercial
 8 agricultural product as provided in [section 4].

9 ~~(8)~~(16) "Queen apiary" means an apiary or premises in
 10 which queen bees are reared or kept for sale or gift."

11 Section 2. Section 80-6-102, MCA, is amended to read:
 12 "80-6-102. Registration. (1) A person who owns or
 13 possesses an apiary in the state shall, before April 1 each
 14 year, register the apiary. There are four classes of apiary
 15 registration. The conditions under which the department may
 16 issue certificates of registration for each class are
 17 specified in [sections 3 through 7].

18 (2) Applications shall be made to the department for
 19 registration application blanks.

20 (3) Registration application blanks shall be furnished
 21 by the department. The applicant shall provide the following
 22 information:

23 (a) a statement of the name and place of residence;

24 (b) the number of colonies of bees, hives, and
 25 equipment in the apiary;

1 (c) the location of the apiary, setting forth
 2 specifically the location by sectional division to the
 3 nearest quarter section, and the township and range and, if
 4 within the corporate limits of a town or city, the number of
 5 the lot and block in the town or city;

6 (d) the name of the owner, renter, or occupant of the
 7 land on which the apiary is located and, when the
 8 application is for a new apiary being registered for the
 9 first time, the application must also show that the owner,
 10 renter, or occupant of the land has consented to the apiary
 11 being located on his land;

12 (e) the date when the apiary was first established;
 13 and

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

16 ~~(f)~~(g) other information the department may require
 17 under rules adopted by it for the protection, safety, and
 18 welfare of the public and the beekeeping industry.

19 (4) Upon receipt of the application and payment of the
 20 fees prescribed, the department may issue a certificate of
 21 registration for an apiary, setting forth the name of the
 22 owner, the specific location, and the number of colonies of
 23 bees or size of the apiary authorized under the
 24 registration, and the class of apiary authorized by the
 25 registration.

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

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

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

21 (8) Suitable evidence of registration furnished by the
22 department shall be posted by the apiary registrant in a
23 conspicuous place at or near the apiary. If an owner has
24 more than one apiary, suitable evidence of registration
25 furnished by the department shall be posted at each apiary.

1 (9) A registration not applied for by April 1 of each
2 year is a late registration and incurs an added penalty of
3 10% of the regular registration fee. Registrants who fail to
4 apply for reregistration by April 1 of each year shall be
5 notified of their delinquency by the department. The
6 notification shall be by certified mail and is sufficient if
7 deposited in a United States post office or mail box and
8 addressed to the registrant at his last address appearing in
9 the apiary registration files of the department at least 10
10 days before May 1. The registration of an apiary for which
11 application for reregistration is not made by May 1 of each
12 year is forfeited and all rights under the registration
13 terminate.

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

20 (11) Nothing contained in this section or in [sections
21 3 through 7] shall be construed as invalidating, canceling,
22 amending, terminating, or extending any certificate of
23 registration issued by the department prior to [the
24 effective date of this act]. All such previously issued
25 certificates of registration remain in effect for the period

1 for which they were issued; subject, however, to forfeiture,
 2 lapse, abandonment, and termination in the manner provided
 3 by law."

4 NEW SECTION. Section 3. General apiary registrations.

5 (1) In order to control, limit, and prevent the spread of
 6 bee diseases and other contagious or infectious diseases
 7 among bees, hives, and apiaries and to control, limit, and
 8 prevent interference with the proper feeding and honey flow
 9 of established apiaries, general apiaries registered to
 10 different persons on [the effective date of this act] must
 11 be located 3 or more miles apart, except as otherwise
 12 provided in this part. The department shall not register or
 13 issue a certificate of registration for any general apiary
 14 that is located less than 3 miles from a general apiary
 15 registered to another person, except as otherwise provided
 16 in this section.

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

22 (3) A general apiary may be registered even though it
 23 is less than 3 miles from any registered pollination apiary,
 24 landowner apiary, or hobbyist apiary.

25 (4) A person with an existing apiary that is located

1 less than 3 miles from an existing general apiary registered
 2 to another person may register his apiary as a general
 3 apiary under the following conditions:

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

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

9 (c) the registration of his apiary has not been
 10 forfeited or abandoned under the provisions of
 11 ~~80-6-102(3)(g)~~ 80-6-102(9) or 80-6-104.

12 NEW SECTION. Section 4. Pollination apiary

13 registrations. (1) The department may grant pollination
 14 apiary registrations to commercial seed and fruit producers
 15 or other commercial agricultural producers under the
 16 following conditions:

17 (a) (i) the applicant must own, lease, or rent the
 18 land upon which the pollination apiary is to be located and
 19 the applicant must use the land for the purpose of growing a
 20 commercial seed, fruit, or other crop which is dependent
 21 upon bees or other insects for pollination;

22 (ii) the applicant does not own the bees or the hives
 23 which are to be placed upon the pollination apiary; and

24 (iii) the only purpose of the apiary is to pollinate a
 25 commercial agricultural crop.

1 (b) The applicant shall provide the department with
2 all pertinent information necessary to determine if
3 pollination apiaries are needed to pollinate the applicant's
4 crop adequately.

5 (c) The department may refuse to register a
6 pollination apiary based upon its own investigation of the
7 matter, but if the department approves the application, it
8 shall specify the number and location of pollination
9 apiaries needed for the purpose of pollinating the
10 applicant's commercial agricultural crop adequately.

11 (2) A pollination apiary registration is valid only
12 for the time period specified by the department, and all
13 pollination apiaries must be removed within 2 weeks after
14 the full bloom period of the crop to be pollinated.

15 ~~(3) A registered pollination apiary which is sold,~~
16 ~~leased, rented, or transferred to another person must be~~
17 ~~reregistered by the lessee, renter, or transferee. NO~~
18 CERTIFICATE OF REGISTRATION OF A POLLINATION APIARY MAY BE
19 LEASED, ASSIGNED, OR TRANSFERRED AND NO PERSON OTHER THAN
20 THE POLLINATION APIARY REGISTRANT MAY EXERCISE ANY RIGHTS OR
21 PRIVILEGES, DIRECTLY OR INDIRECTLY, AUTHORIZED BY THE
22 CERTIFICATE OF REGISTRATION.

23 NEW SECTION. Section 5. Landowner apiary
24 registrations. (1) The department may grant landowner apiary
25 registrations under the following conditions:

1 (a) The applicant must be a landowner, as defined in
2 80-6-101 and must own the land upon which the apiary will be
3 located.

4 (b) The applicant must own the bees and the hives that
5 will be placed on the apiary.

6 (c) The bees and the hives must be personally managed
7 and operated by the applicant.

8 (2) ~~A registered landowner apiary which is sold,~~
9 ~~leased, rented, or transferred to another person must be~~
10 ~~reregistered by the lessee, renter, or transferee. NO~~
11 CERTIFICATE OF REGISTRATION OF A LANDOWNER APIARY MAY BE
12 LEASED, ASSIGNED, OR TRANSFERRED AND NO PERSON OTHER THAN
13 THE LANDOWNER APIARY REGISTRANT MAY EXERCISE ANY RIGHTS OR
14 PRIVILEGES, DIRECTLY OR INDIRECTLY, AUTHORIZED BY THE
15 CERTIFICATE OF REGISTRATION.

16 NEW SECTION. Section 6. Hobbyist apiary
17 registrations. (1) The department may grant hobbyist apiary
18 registrations to hobbyist beekeepers under the following
19 conditions:

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

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

25 (c) Only one hobbyist registration is allowed an

1 applicant and only two hobbyist apiary registrations are
2 allowed a family unit.

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

13 (2) ~~A registered hobbyist apiary which is sold,~~
14 ~~leased, rented, or transferred to another person must be~~
15 ~~reregistered by the lessee, renter, or transferee. NO~~
16 CERTIFICATE OF REGISTRATION OF A HOBBYIST APIARY MAY BE
17 LEASED, ASSIGNED, OR TRANSFERRED AND NO PERSON OTHER THAN
18 THE HOBBYIST APIARY REGISTRANT MAY EXERCISE ANY RIGHTS OR
19 PRIVILEGES, DIRECTLY OR INDIRECTLY, AUTHORIZED BY THE
20 CERTIFICATE OF REGISTRATION.

21 NEW SECTION: Section 7. Restrictions on apiary
22 locations. Pollination apiaries, landowner apiaries, and
23 hobbyist apiaries may be located less than 3 miles from
24 pollination apiaries, landowner apiaries, hobbyist apiaries,
25 and general apiaries registered to other persons. General

1 apiaries may be located within 3 miles of one another only
2 under the provisions of [section 3].

3 Section 8. Section 80-6-103, MCA, is amended to read:
4 "80-6-103. Changing locations -- enlarging or selling
5 apiaries. (1) An owner of an established registered apiary
6 may not change the location of the apiary without first
7 receiving from the department authorization to establish the
8 new apiary. In making the application, he shall specify the
9 location of the apiary with the same particularity as in the
10 application for original registration. If the new apiary is
11 not used within 60 days after a new certificate of
12 registration is issued, the certificate of registration
13 lapses and all rights under the registration terminate.
14 Registrations for new apiaries may not be issued for greater
15 areas than the applicant can show are reasonably necessary
16 for his needs consistent with good beekeeping practice.

17 (2) A registered apiary may be sold or transferred to
18 a purchaser subject to this chapter, if all bees and
19 equipment on the apiary are sold to the purchaser.

20 (3) No person may increase the number of hives on an
21 apiary to exceed the number of hives authorized by his
22 certificate of registration for that apiary, except that a
23 person may increase the number of hives on a general apiary
24 beyond the number authorized by the certificate of
25 registration in order to protect his bees during adverse

1 weather or crop conditions or to protect his bees and hives
2 from bears or other predators. A person may also enlarge a
3 general apiary during the spring buildup and in the fall
4 after the end of the honey season in order to gather his
5 bees for shipment out of the state or to winter his bees on
6 that apiary.

7 ~~††(4)~~ A person enlarging an apiary so as to exceed
8 the number of hives authorized--under--a--certificate-of
9 registration herein allowed is guilty of a misdemeanor and
10 is subject to the penalties set forth in 80-6-303."

11 Section 9. Codification instruction. Sections 3
12 through 7 are intended to be codified as an integral part of
13 Title 80, chapter 6, part 1, and the provisions of Title 80,
14 chapter 6, apply to sections 3 through 7.

-End-

1 SENATE BILL NO. 146

2 INTRODUCED BY HAZELBAKER, AKLESTAD, E. SMITH, MANUEL

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE APICULTURE
5 PROVISIONS RELATING TO DEFINITIONS, REGISTRATION OF
6 APIARIES, AND THE INCREASE IN THE NUMBER OF HIVES ON AN
7 APIARY; AMENDING SECTIONS 80-6-101 THROUGH 80-6-103, MCA."

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

10 Section 1. Section 80-6-101, MCA, is amended to read:

11 "80-6-101. Definitions. Unless the context requires
12 otherwise, in this chapter the following definitions apply:13 (1) "Apiary" means a place where one or more colonies
14 of bees are kept or one or more hives containing honeycombs
15 or bee combs are kept.16 (2) "Bee diseases" means American or European
17 foulbrood, sacbrood, bee paralysis, or other disease or
18 abnormal condition of egg, larval, pupal, or adult stages of
19 bees.20 (3) "Bees" means any stage of the bees in the genus
21 Apis.22 (4) "Colony" means the hive and all equipment used in
23 connection with the hive.24 (5) "Department" means the department of agriculture,
25 provided for in 2-15-3001.

1 ~~(5)~~(6) "Equipment" means hives, supers, frames, veils,
2 gloves, or any apparatus, tools, machines, or other devices
3 used in the handling and manipulation of bees, honey, wax,
4 and hives and includes containers of honey and wax which may
5 be used in an apiary or in transporting bees and their
6 products and apiary supplies.

7 (7) "Family unit" means two or more persons living
8 together or residing in the same dwelling, house, or other
9 place of residence.10 (8) "General apiary" means any apiary other than a
11 pollination apiary, landowner apiary, or hobbyist apiary
12 except the term includes any apiary of 21 or more hives.13 ~~(6)~~(9) "Hive" means a frame hive, box hive, box,
14 barrel, log gum, skep, or other receptacle or container or a
15 part of a container, natural or artificial, which may be
16 used as a domicile for bees.17 (10) "Hobbyist apiary" means an apiary owned by a
18 hobbyist beekeeper.19 (11) "Hobbyist beekeeper" means a person who owns a
20 total of no more than five hives.21 (12) "Landowner" means the person who has the actual
22 use and exclusive possession of the land upon which a
23 landowner apiary is to be registered. However, a person
24 leasing or renting land for the primary purpose of locating
25 or establishing an apiary thereon is not considered a

1 landowner.

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

4 ~~††~~(14) "Persons" means individuals, associations,
5 partnerships, or corporations.

6 (15) "Pollination apiary" means an apiary operated for
7 pollination of a commercial seed, fruit, or other commercial
8 agricultural product as provided in [section 4].

9 ~~††~~(16) "Queen apiary" means an apiary or premises in
10 which queen bees are reared or kept for sale or gift."

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

12 "80-6-102. Registration. (1) A person who owns or
13 possesses an apiary in the state shall, before April 1 each
14 year, register the apiary. There are four classes of apiary
15 registration. The conditions under which the department may
16 issue certificates of registration for each class are
17 specified in [sections 3 through 7].

18 (2) Applications shall be made to the department for
19 registration application blanks.

20 (3) Registration application blanks shall be furnished
21 by the department. The applicant shall provide the following
22 information:

23 (a) a statement of the name and place of residence;

24 (b) the number of colonies of bees, hives, and
25 equipment in the apiary;

1 (c) the location of the apiary, setting forth
2 specifically the location by sectional division to the
3 nearest quarter section, and the township and range and, if
4 within the corporate limits of a town or city, the number of
5 the lot and block in the town or city;

6 (d) the name of the owner, renter, or occupant of the
7 land on which the apiary is located and, when the
8 application is for a new apiary being registered for the
9 first time, the application must also show that the owner,
10 renter, or occupant of the land has consented to the apiary
11 being located on his land;

12 (e) the date when the apiary was first established;
13 and

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

16 ~~††~~(g) other information the department may require
17 under rules adopted by it for the protection, safety, and
18 welfare of the public and the beekeeping industry.

19 (4) Upon receipt of the application and payment of the
20 fees prescribed, the department may issue a certificate of
21 registration for an apiary, setting forth the name of the
22 owner, the specific location, and the number of colonies of
23 bees or size of the apiary authorized under the
24 registration, and the class of apiary authorized by the
25 registration.

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

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

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

21 (8) Suitable evidence of registration furnished by the
22 department shall be posted by the apiary registrant in a
23 conspicuous place at or near the apiary. If an owner has
24 more than one apiary, suitable evidence of registration
25 furnished by the department shall be posted at each apiary.

1 (9) A registration not applied for by April 1 of each
2 year is a late registration and incurs an added penalty of
3 10% of the regular registration fee. Registrants who fail to
4 apply for reregistration by April 1 of each year shall be
5 notified of their delinquency by the department. The
6 notification shall be by certified mail and is sufficient if
7 deposited in a United States post office or mail box and
8 addressed to the registrant at his last address appearing in
9 the apiary registration files of the department at least 10
10 days before May 1. The registration of an apiary for which
11 application for reregistration is not made by May 1 of each
12 year is forfeited and all rights under the registration
13 terminate.

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

20 (11) Nothing contained in this section or in [sections
21 3 through 7] shall be construed as invalidating, canceling,
22 amending, terminating, or extending any certificate of
23 registration issued by the department prior to [the
24 effective date of this act]. All such previously issued
25 certificates of registration remain in effect for the period

1 for which they were issued; subject, however, to forfeiture,
 2 lapse, abandonment, and termination in the manner provided
 3 by law."

4 NEW SECTION. Section 3. General apiary registrations.
 5 (1) In order to control, limit, and prevent the spread of
 6 bee diseases and other contagious or infectious diseases
 7 among bees, hives, and apiaries and to control, limit, and
 8 prevent interference with the proper feeding and honey flow
 9 of established apiaries, general apiaries registered to
 10 different persons on [the effective date of this act] must
 11 be located 3 or more miles apart, except as otherwise
 12 provided in this part. The department shall not register or
 13 issue a certificate of registration for any general apiary
 14 that is located less than 3 miles from a general apiary
 15 registered to another person, except as otherwise provided
 16 in this section.

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

22 (3) A general apiary may be registered even though it
 23 is less than 3 miles from any registered pollination apiary,
 24 landowner apiary, or hobbyist apiary.

25 (4) A person with an existing apiary that is located

1 less than 3 miles from an existing general apiary registered
 2 to another person may register his apiary as a general
 3 apiary under the following conditions:

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

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

9 (c) the registration of his apiary has not been
 10 forfeited or abandoned under the provisions of
 11 ~~80-6-102(3)(g)~~ 80-6-102(9) or 80-6-104.

12 NEW SECTION. Section 4. Pollination apiary
 13 registrations. (1) The department may grant pollination
 14 apiary registrations to commercial seed and fruit producers
 15 or other commercial agricultural producers under the
 16 following conditions:

17 (a) (i) the applicant must own, lease, or rent the
 18 land upon which the pollination apiary is to be located and
 19 the applicant must use the land for the purpose of growing a
 20 commercial seed, fruit, or other crop which is dependent
 21 upon bees or other insects for pollination;

22 (ii) the applicant does not own the bees or the hives
 23 which are to be placed upon the pollination apiary; and

24 (iii) the only purpose of the apiary is to pollinate a
 25 commercial agricultural crop.

1 (b) The applicant shall provide the department with
2 all pertinent information necessary to determine if
3 pollination apiaries are needed to pollinate the applicant's
4 crop adequately.

5 (c) The department may refuse to register a
6 pollination apiary based upon its own investigation of the
7 matter, but if the department approves the application, it
8 shall specify the number and location of pollination
9 apiaries needed for the purpose of pollinating the
10 applicant's commercial agricultural crop adequately.

11 (2) A pollination apiary registration is valid only
12 for the time period specified by the department, and all
13 pollination apiaries must be removed within 2 weeks after
14 the full bloom period of the crop to be pollinated.

15 ~~(3) A registered pollination apiary which is sold,~~
16 ~~leased, rented, or transferred to another person must be~~
17 ~~reregistered by the lessee, renter, or transferee. NO~~
18 CERTIFICATE OF REGISTRATION OF A POLLINATION APIARY MAY BE
19 LEASED, ASSIGNED, OR TRANSFERRED AND NO PERSON OTHER THAN
20 THE POLLINATION APIARY REGISTRANT MAY EXERCISE ANY RIGHTS OR
21 PRIVILEGES, DIRECTLY OR INDIRECTLY, AUTHORIZED BY THE
22 CERTIFICATE OF REGISTRATION.

23 NEW SECTION. Section 5. Landowner apiary
24 registrations. (1) The department may grant landowner apiary
25 registrations under the following conditions:

1 (a) The applicant must be a landowner, as defined in
2 80-6-101 and must own the land upon which the apiary will be
3 located.

4 (b) The applicant must own the bees and the hives that
5 will be placed on the apiary.

6 (c) The bees and the hives must be personally managed
7 and operated by the applicant.

8 ~~(2) A registered landowner apiary which is sold,~~
9 ~~leased, rented, or transferred to another person must be~~
10 ~~reregistered by the lessee, renter, or transferee. NO~~
11 CERTIFICATE OF REGISTRATION OF A LANDOWNER APIARY MAY BE
12 LEASED, ASSIGNED, OR TRANSFERRED AND NO PERSON OTHER THAN
13 THE LANDOWNER APIARY REGISTRANT MAY EXERCISE ANY RIGHTS OR
14 PRIVILEGES, DIRECTLY OR INDIRECTLY, AUTHORIZED BY THE
15 CERTIFICATE OF REGISTRATION.

16 NEW SECTION. Section 6. Hobbyist apiary
17 registrations. (1) The department may grant hobbyist apiary
18 registrations to hobbyist beekeepers under the following
19 conditions:

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

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

25 (c) Only one hobbyist registration is allowed an

1 applicant and only two hobbyist apiary registrations are
2 allowed a family unit.

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

13 ~~(2) A registered hobbyist apiary which is sold,~~
14 ~~leased, rented, or transferred to another person must be~~
15 ~~reregistered by the lessee, renter, or transferee. NO~~
16 CERTIFICATE OF REGISTRATION OF A HOBBYIST APIARY MAY BE
17 LEASED, ASSIGNED, OR TRANSFERRED AND NO PERSON OTHER THAN
18 THE HOBBYIST APIARY REGISTRANT MAY EXERCISE ANY RIGHTS OR
19 PRIVILEGES, DIRECTLY OR INDIRECTLY, AUTHORIZED BY THE
20 CERTIFICATE OF REGISTRATION.

21 NEW SECTION. Section 7. Restrictions on apiary
22 locations. Pollination apiaries, landowner apiaries, and
23 hobbyist apiaries may be located less than 3 miles from
24 pollination apiaries, landowner apiaries, hobbyist apiaries,
25 and general apiaries registered to other persons. General

1 apiaries may be located within 3 miles of one another only
2 under the provisions of [section 3].

3 Section 8. Section 80-6-103, MCA, is amended to read:
4 "80-6-103. Changing locations -- enlarging or selling
5 apiaries. (1) An owner of an established registered apiary
6 may not change the location of the apiary without first
7 receiving from the department authorization to establish the
8 new apiary. In making the application, he shall specify the
9 location of the apiary with the same particularity as in the
10 application for original registration. If the new apiary is
11 not used within 60 days after a new certificate of
12 registration is issued, the certificate of registration
13 lapses and all rights under the registration terminate.
14 Registrations for new apiaries may not be issued for greater
15 areas than the applicant can show are reasonably necessary
16 for his needs consistent with good beekeeping practice.

17 (2) A registered apiary may be sold or transferred to
18 a purchaser subject to this chapter, if all bees and
19 equipment on the apiary are sold to the purchaser.

20 (3) No person may increase the number of hives on an
21 apiary to exceed the number of hives authorized by his
22 certificate of registration for that apiary, except that a
23 person may increase the number of hives on a general apiary
24 beyond the number authorized by the certificate of
25 registration in order to protect his bees during adverse

1 weather or crop conditions or to protect his bees and hives
2 from bears or other predators. A person may also enlarge a
3 general apiary during the spring buildup and in the fall
4 after the end of the honey season in order to gather his
5 bees for shipment out of the state or to winter his bees on
6 that apiary.

7 †3†(4) A person enlarging an apiary so as to exceed
8 the number of hives authorized ~~under a certificate of~~
9 registration herein allowed is guilty of a misdemeanor and
10 is subject to the penalties set forth in 80-6-303.*

11 Section 9. Codification instruction. Sections 3
12 through 7 are intended to be codified as an integral part of
13 Title 80, chapter 6, part 1, and the provisions of Title 80,
14 chapter 6, apply to sections 3 through 7.

-End-