

SENATE BILL NO. 355

INTRODUCED BY OCHSNER, KOLSTAD, LEE, ETCHART, MCCALLUM, ASAY,
ELLISON, HANSON, SHONTZ, THOFT, HOLLIDAY

BY REQUEST OF THE DEPARTMENT OF AGRICULTURE

IN THE SENATE

February 4, 1983	Introduced and referred to Committee on Agriculture, Livestock and Irrigation.
February 18, 1983	Committee recommend bill do pass. Report adopted.
February 19, 1983	Bill printed and placed on members' desks.
February 21, 1983	Second reading, do pass.
February 22, 1983	Correctly engrossed.
February 23, 1983	Third reading, passed. Ayes, 48; Noes, 1. Transmitted to House.

IN THE HOUSE

February 28, 1983	Introduced and referred to Committee on Agriculture, Livestock and Irrigation.
March 7, 1983	Committee recommend bill be concurrent in. Report adopted.
March 8, 1983	Second reading, concurred in.
March 9, 1983	Third reading, concurred in.

IN THE SENATE

March 10, 1983	Returned to Senate. Sent to enrolling. Reported correctly enrolled.
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1 *Senate* BILL NO. *355*
 2 INTRODUCED BY *Robert F. Lee Stewart*
 3 *William Holliday* BY REQUEST OF THE DEPARTMENT OF AGRICULTURE *John Hoff*
 4 *Holliday*

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE
 6 LAWS RELATING TO ALFALFA LEAF-CUTTING BEES; AMENDING
 7 SECTIONS 80-6-1102, 80-6-1103, 80-6-1105, 80-6-1107, AND
 8 80-6-1108, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

11 Section 1. Section 80-6-1102, MCA, is amended to read:
 12 "80-6-1102. Definitions. As used in this part, the
 13 following definitions apply:

14 (1) "Bee" means any stage in the life cycle of a bee
 15 of the species *Megachile rotundata* (F), commonly known as
 16 the alfalfa leaf-cutting bee.

17 (2) "Certification" means the process of analyzing
 18 bees and equipment by the department to determine whether
 19 they meet the required health standards.

20 (3) "Committee" means the alfalfa leaf-cutting bee
 21 advisory committee established in 2-15-3005.

22 ~~(4) "Custom pollinator" means any person who has a~~
 23 ~~contract to pollinate alfalfa seed crops on property that he~~
 24 ~~does not own or control.~~

25 (4) (5) "Department" means the department of

1 agriculture established in 2-15-3001.

2 (5) (6) "Equipment" means grooved boards, shelters,
 3 trays, incubators, cell removers, tumblers, and other
 4 apparatus used in rearing bees.

5 (6) (7) "Nesting materials" means equipment, laminates,
 6 and other apparatus used in nesting bees.

7 (7) (8) "Parasite" means an organism living in or on
 8 any stage of the alfalfa leaf-cutting bee obtaining
 9 nutriment from the body of the bee.

10 (8) (9) "Pathogen" means an organism, parasitic or
 11 otherwise, that causes disease in the alfalfa leaf-cutting
 12 bee.

13 (9) (10) "Person" means an individual, association,
 14 partnership, or corporation.

15 (10) (11) "Wild trap" means to trap bees on property not
 16 owned by the trapper."

17 Section 2. Section 80-6-1103, MCA, is amended to read:

18 "80-6-1103. Department responsibilities -- adoption of
 19 rules. (1) The department is responsible for the
 20 administration of this part.

21 (2) The department shall by rule adopt minimum
 22 standards for the presence of pathogens and parasites in
 23 bees to be certified, imported, and possessed or controlled
 24 in the state of Montana.

25 (3) The department may enter into agreements with

1 other governmental agencies or private associations in
2 carrying out the provisions of this part.

3 (4) In performing its duties under this part, the
4 department may:

5 (a) enter upon any public or private premises to
6 inspect and sample bees or equipment that may be diseased or
7 contaminated by parasites;

8 (b) quarantine any bees or equipment found to be
9 infected or contaminated with pathogens at a level exceeding
10 certification standards;

11 (c) order the disinfection or destruction of any bees
12 or equipment that is infected or contaminated with parasites
13 or pathogens and that does not meet certification standards.

14 (5) (a) Whenever the department has reasonable cause
15 to believe a person is in possession of any diseased or
16 parasitic bee or equipment or otherwise possesses any bee or
17 equipment in violation of this part or rules adopted under
18 it, the department may order a quarantine for not more than
19 30 days of the suspected bees or equipment and may require
20 any person in possession of such bees or equipment to hold
21 them under specified conditions until notified otherwise in
22 writing by the department.

23 (b) The department shall release any quarantine or
24 order to hold bees upon the failure to detect disease in any
25 official sample of bees, as provided by department rules, or

1 on equipment and upon a finding that the bees and equipment
2 are disease-free and are possessed in compliance with this
3 part."

4 Section 3. Section 80-6-1105, MCA, is amended to read:

5 "80-6-1105. Alfalfa leaf-cutting bees -- inspection --
6 certification -- fees. (1) No person may import, possess, or
7 control alfalfa leaf-cutting bees in the state of Montana
8 unless the bees are certified annually, as provided in this
9 section.

10 (2) To certify bees, a person must file a completed
11 application form provided by the department together with
12 the certification fee prescribed by the department. The
13 applicant must provide at least the following:

14 (a) name and place of residence;

15 (b) the general location and number of bees to be
16 registered; and

17 (c) other relevant information as may be required by
18 department rule.

19 (3) After receipt of an application for certification,
20 a sample of the total population of bees to be certified
21 shall be selected by the department or its agent in a manner
22 prescribed by the department. The sample shall be inspected
23 for pathogens and parasites. If no pathogens or parasites in
24 excess of certification standards are found, the sample
25 shall be reported ---disease-free certified as to the

1 appropriate class.

2 (4) When the department has in its possession a
3 completed application form, a certification fee, and a
4 report that the sample ~~is disease-free~~ meets certification
5 standards, it may issue a certificate for the bees.

6 (5) The department shall specify the date by which any
7 applicant must apply for recertification the following year.
8 Applications for ~~recertification~~ certification received
9 after the date specified shall be assessed a penalty equal
10 to 10% of the applicable certification fee but not exceeding
11 \$50."

12 Section 4. Section 80-6-1107, MCA, is amended to read:

13 "80-6-1107. Restrictions on importing bees and
14 equipment. (1) No bee may be imported into the state of
15 Montana except under the provisions of this section.

16 (2) Prior to the importation of any bee, the importer
17 must file a completed application form as required in
18 subsection (2) of 80-6-1105 and arrange an approximate date
19 and time for inspection.

20 (3) Every imported bee must be shipped ~~directly to the~~
21 ~~certification laboratory to be examined for infestation by~~
22 ~~parasites or pathogens to a storage facility designated by~~
23 ~~department rule for sampling purposes.~~ Prior to
24 certification, each bee, ~~and associated transport equipment~~
25 ~~shall be quarantined at the laboratory container, and piece~~

1 of associated equipment must be quarantined at the
2 designated storage facility.

3 (4) No bee may be imported except in loose cells or as
4 adults. No bee may be imported in a drilled board, soda
5 straw, or other equipment that prevents adequate inspection
6 of the bee.

7 (5) A representative sample of the population of bees
8 imported shall be inspected as the basis for certification.

9 (6) No person may import used equipment or nesting
10 materials.

11 (7) No bee may be certified unless all other
12 requirements for certification provided in 80-6-1105 are
13 met."

14 Section 5. Section 80-6-1108, MCA, is amended to read:

15 "80-6-1108. Restrictions on the rearing, moving, and
16 trapping of bees. (1) No person may rear any bee in a
17 drilled board or a nesting material from which samples of
18 loose larval cells cannot readily be obtained.

19 (2) No person may move any quarantined bee or
20 equipment except by special permit issued by the department.

21 (3) No person may wild trap or attempt to wild trap
22 bees unless that person has been issued a permit for such
23 activity in accordance with rules adopted by the
24 department."

25 NEW SECTION. Section 6. Effective date. This act is

1 effective on passage and approval.

-End-

Approved by Committee
on Agriculture Livestock
& Irrigation

Senate BILL NO. *355*

INTRODUCED BY *Debra Holstad*

BY REQUEST OF THE DEPARTMENT OF AGRICULTURE *Don Schaff*

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE LAWS RELATING TO ALFALFA LEAF-CUTTING BEES; AMENDING SECTIONS 80-6-1102, 80-6-1103, 80-6-1105, 80-6-1107, AND 80-6-1108, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 80-6-1102, MCA, is amended to read:

"80-6-1102. Definitions. As used in this part, the following definitions apply:

(1) "Bee" means any stage in the life cycle of a bee of the species *Megachile rotundata* (F), commonly known as the alfalfa leaf-cutting bee.

(2) "Certification" means the process of analyzing bees and equipment by the department to determine whether they meet the required health standards.

(3) "Committee" means the alfalfa leaf-cutting bee advisory committee established in 2-15-3005.

~~(4) "Custom pollinator" means any person who has a contract to pollinate alfalfa seed crops on property that he does not own or control.~~

(4)(5) "Department" means the department of

agriculture established in 2-15-3001.

(5)(6) "Equipment" means grooved boards, shelters, trays, incubators, cell removers, tumblers, and other apparatus used in rearing bees.

(6)(7) "Nesting materials" means equipment, laminates, and other apparatus used in nesting bees.

(7)(8) "Parasite" means an organism living in or on any stage of the alfalfa leaf-cutting bee obtaining nutriment from the body of the bee.

(8)(9) "Pathogen" means an organism, parasitic or otherwise, that causes disease in the alfalfa leaf-cutting bee.

(9)(10) "Person" means an individual, association, partnership, or corporation.

(10)(11) "Wild trap" means to trap bees on property not owned by the trapper."

Section 2. Section 80-6-1103, MCA, is amended to read:

"80-6-1103. Department responsibilities -- adoption of rules. (1) The department is responsible for the administration of this part.

(2) The department shall by rule adopt minimum standards for the presence of pathogens and parasites in bees to be certified, imported, and possessed or controlled in the state of Montana.

(3) The department may enter into agreements with

1 other governmental agencies or private associations in
2 carrying out the provisions of this part.

3 (4) In performing its duties under this part, the
4 department may:

5 (a) enter upon any public or private premises to
6 inspect and sample bees or equipment that may be diseased or
7 contaminated by parasites;

8 (b) quarantine any bees or equipment found to be
9 infected or contaminated with pathogens at a level exceeding
10 certification standards;

11 (c) order the disinfection or destruction of any bees
12 or equipment that is infected or contaminated with parasites
13 or pathogens and that does not meet certification standards.

14 (5) (a) Whenever the department has reasonable cause
15 to believe a person is in possession of any diseased or
16 parasitic bee or equipment or otherwise possesses any bee or
17 equipment in violation of this part or rules adopted under
18 it, the department may order a quarantine for not more than
19 30 days of the suspected bees or equipment and may require
20 any person in possession of such bees or equipment to hold
21 them under specified conditions until notified otherwise in
22 writing by the department.

23 (b) The department shall release any quarantine or
24 order to hold bees ~~upon the failure to detect disease in any~~
25 ~~official sample of bees as provided by department rule, or~~

1 ~~on equipment and~~ upon a finding that the bees and equipment
2 ~~are disease-free and~~ are possessed in compliance with this
3 part."

4 Section 3. Section 80-6-1105, MCA, is amended to read:

5 "80-6-1105. Alfalfa leaf-cutting bees -- inspection --
6 certification -- fees. (1) No person may import, possess, or
7 control alfalfa leaf-cutting bees in the state of Montana
8 unless the bees are certified annually, as provided in this
9 section.

10 (2) To certify bees, a person must file a completed
11 application form provided by the department together with
12 the certification fee prescribed by the department. The
13 applicant must provide at least the following:

14 (a) name and place of residence;

15 (b) the general location and number of bees to be
16 registered; and

17 (c) other relevant information as may be required by
18 department rule.

19 (3) After receipt of an application for certification,
20 a sample of the total population of bees to be certified
21 shall be selected by the department or its agent in a manner
22 prescribed by the department. The sample shall be inspected
23 for pathogens and parasites. If no pathogens or parasites in
24 excess of certification standards are found, the sample
25 shall be reported ~~disease-free~~ certified as to the

appropriate class.

(4) When the department has in its possession a completed application form, a certification fee, and a report that the sample ~~is disease-free~~ meets certification standards, it may issue a certificate for the bees.

(5) The department shall specify the date by which any applicant must apply for recertification the following year. Applications for ~~recertification~~ certification received after the date specified shall be assessed a penalty equal to 10% of the applicable certification fee but not exceeding \$50."

Section 4. Section 80-6-1107, MCA, is amended to read:

"80-6-1107. Restrictions on importing bees and equipment. (1) No bee may be imported into the state of Montana except under the provisions of this section.

(2) Prior to the importation of any bee, the importer must file a completed application form as required in subsection (2) of 80-6-1105 and arrange an approximate date and time for inspection.

(3) Every imported bee must be shipped ~~directly to the certification laboratory to be examined for infestation by parasites or pathogens to a storage facility designated by department rule for sampling purposes.~~ Prior to certification, each bee, ~~and associated transport equipment shall be quarantined at the laboratory container, and piece~~

~~of associated equipment must be quarantined at the designated storage facility.~~

(4) No bee may be imported except in loose cells or as adults. No bee may be imported in a drilled board, soda straw, or other equipment that prevents adequate inspection of the bee.

(5) A representative sample of the population of bees imported shall be inspected as the basis for certification.

(6) No person may import used equipment or nesting materials.

(7) No bee may be certified unless all other requirements for certification provided in 80-6-1105 are met."

Section 5. Section 80-6-1108, MCA, is amended to read:

"80-6-1108. Restrictions on the rearing, moving, and trapping of bees. (1) No person may rear any bee in a drilled board or a nesting material from which samples of loose larval cells cannot readily be obtained.

(2) No person may move any quarantined bee or equipment except by special permit issued by the department.

(3) No person may wild trap or attempt to wild trap bees unless that person has been issued a permit for such activity in accordance with rules adopted by the department."

NEW SECTION. Section 6. Effective date. This act is

1 effective on passage and approval.

-End-

SENATE BILL NO. 355

INTRODUCED BY

BY REQUEST OF THE DEPARTMENT OF AGRICULTURE

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE LAWS RELATING TO ALFALFA LEAF-CUTTING BEES; AMENDING SECTIONS 80-6-1102, 80-6-1103, 80-6-1105, 80-6-1107, AND 80-6-1108, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 80-6-1102, MCA, is amended to read:

"80-6-1102. Definitions. As used in this part, the following definitions apply:

(1) "Bee" means any stage in the life cycle of a bee of the species *Megachile rotundata* (F), commonly known as the alfalfa leaf-cutting bee.

(2) "Certification" means the process of analyzing bees and equipment by the department to determine whether they meet the required health standards.

(3) "Committee" means the alfalfa leaf-cutting bee advisory committee established in 2-15-3005.

~~(4) "Custom pollinator" means any person who has a contract to pollinate alfalfa seed crops on property that he does not own or control.~~

(4) "Department" means the department of

agriculture established in 2-15-3001.

(5) "Equipment" means grooved boards, shelters, trays, incubators, cell removers, tumblers, and other apparatus used in rearing bees.

(6) "Nesting materials" means equipment, laminates, and other apparatus used in nesting bees.

(7) "Parasite" means an organism living in or on any stage of the alfalfa leaf-cutting bee obtaining nutriment from the body of the bee.

(8) "Pathogen" means an organism, parasitic or otherwise, that causes disease in the alfalfa leaf-cutting bee.

(9) "Person" means an individual, association, partnership, or corporation.

(10) "Wild trap" means to trap bees on property not owned by the trapper."

Section 2. Section 80-6-1103, MCA, is amended to read:

"80-6-1103. Department responsibilities -- adoption of rules. (1) The department is responsible for the administration of this part.

(2) The department shall by rule adopt minimum standards for the presence of pathogens and parasites in bees to be certified, imported, and possessed or controlled in the state of Montana.

(3) The department may enter into agreements with

1 other governmental agencies or private associations in
2 carrying out the provisions of this part.

3 (4) In performing its duties under this part, the
4 department may:

5 (a) enter upon any public or private premises to
6 inspect and sample bees or equipment that may be diseased or
7 contaminated by parasites;

8 (b) quarantine any bees or equipment found to be
9 infected or contaminated with pathogens at a level exceeding
10 certification standards;

11 (c) order the disinfection or destruction of any bees
12 or equipment that is infected or contaminated with parasites
13 or pathogens and that does not meet certification standards.

14 (5) (a) Whenever the department has reasonable cause
15 to believe a person is in possession of any diseased or
16 parasitic bee or equipment or otherwise possesses any bee or
17 equipment in violation of this part or rules adopted under
18 it, the department may order a quarantine for not more than
19 30 days of the suspected bees or equipment and may require
20 any person in possession of such bees or equipment to hold
21 them under specified conditions until notified otherwise in
22 writing by the department.

23 (b) The department shall release any quarantine or
24 order to hold bees upon the failure to detect disease in any
25 official sample of bees, as provided by department rules, or

1 on equipment and upon a finding that the bees and equipment
2 are disease-free and are possessed in compliance with this
3 part."

4 Section 3. Section 80-6-1105, MCA, is amended to read:

5 "80-6-1105. Alfalfa leaf-cutting bees -- inspection --
6 certification -- fees. (1) No person may import, possess, or
7 control alfalfa leaf-cutting bees in the state of Montana
8 unless the bees are certified annually, as provided in this
9 section.

10 (2) To certify bees, a person must file a completed
11 application form provided by the department together with
12 the certification fee prescribed by the department. The
13 applicant must provide at least the following:

14 (a) name and place of residence;

15 (b) the general location and number of bees to be
16 registered; and

17 (c) other relevant information as may be required by
18 department rule.

19 (3) After receipt of an application for certification,
20 a sample of the total population of bees to be certified
21 shall be selected by the department or its agent in a manner
22 prescribed by the department. The sample shall be inspected
23 for pathogens and parasites. If no pathogens or parasites in
24 excess of certification standards are found, the sample
25 shall be reported---disease-free certified as to the

1 appropriate class.

2 (4) When the department has in its possession a
3 completed application form, a certification fee, and a
4 report that the sample ~~is disease-free~~ meets certification
5 standards, it may issue a certificate for the bees.

6 (5) The department shall specify the date by which any
7 applicant must apply for recertification the following year.
8 Applications for ~~recertification~~ certification received
9 after the date specified shall be assessed a penalty equal
10 to 10% of the applicable certification fee but not exceeding
11 \$50."

12 Section 4. Section 80-6-1107, MCA, is amended to read:

13 "80-6-1107. Restrictions on importing bees and
14 equipment. (1) No bee may be imported into the state of
15 Montana except under the provisions of this section.

16 (2) Prior to the importation of any bee, the importer
17 must file a completed application form as required in
18 subsection (2) of 80-6-1105 and arrange an approximate date
19 and time for inspection.

20 (3) Every imported bee must be shipped ~~directly to the~~
21 ~~certification laboratory to be examined for infestation by~~
22 ~~parasites or pathogens to a storage facility designated by~~
23 ~~department rule for sampling purposes.~~ Prior to
24 certification, each bee, ~~and associated transport equipment~~
25 ~~shall be quarantined at the laboratory container, and piece~~

1 of associated equipment must be quarantined at the
2 designated storage facility.

3 (4) No bee may be imported except in loose cells or as
4 adults. No bee may be imported in a drilled board, soda
5 straw, or other equipment that prevents adequate inspection
6 of the bee.

7 (5) A representative sample of the population of bees
8 imported shall be inspected as the basis for certification.

9 (6) No person may import used equipment or nesting
10 materials.

11 (7) No bee may be certified unless all other
12 requirements for certification provided in 80-6-1105 are
13 met."

14 Section 5. Section 80-6-1108, MCA, is amended to read:

15 "80-6-1108. Restrictions on the rearing, moving, and
16 trapping of bees. (1) No person may rear any bee in a
17 drilled board or a nesting material from which samples of
18 loose larval cells cannot readily be obtained.

19 (2) No person may move any quarantined bee or
20 equipment except by special permit issued by the department.

21 (3) No person may wild trap or attempt to wild trap
22 bees unless that person has been issued a permit for such
23 activity in accordance with rules adopted by the
24 department."

25 NEW SECTION. Section 6. Effective date. This act is

1 effective on passage and approval.

-End-

SENATE BILL NO. 355

INTRODUCED BY OCHSNER, KOLSTAD, LEE, ETCHART, MCCALLUM,

ASAY, ELLISON, HANSON, SHONTZ, THOFT, HOLLIDAY

BY REQUEST OF THE DEPARTMENT OF AGRICULTURE

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(1) "Bee" means any stage in the life cycle of a bee of the species *Megachile rotundata* (F), commonly known as the alfalfa leaf-cutting bee.

(2) "Certification" means the process of analyzing bees and equipment by the department to determine whether they meet the required health standards.

(3) "Committee" means the alfalfa leaf-cutting bee advisory committee established in 2-15-3005.

~~(4) "Custom pollinator" means any person who has a contract to pollinate alfalfa seed crops on property that he does not own or control.~~

~~(4)(5)~~ "Department" means the department of agriculture established in 2-15-3001.

~~(5)(6)~~ "Equipment" means grooved boards, shelters, trays, incubators, cell removers, tumblers, and other apparatus used in rearing bees.

~~(6)(7)~~ "Nesting materials" means equipment, laminates, and other apparatus used in nesting bees.

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1 (3) The department may enter into agreements with
2 other governmental agencies or private associations in
3 carrying out the provisions of this part.

4 (4) In performing its duties under this part, the
5 department may:

6 (a) enter upon any public or private premises to
7 inspect and sample bees or equipment that may be diseased or
8 contaminated by parasites;

9 (b) quarantine any bees or equipment found to be
10 infected or contaminated with pathogens at a level exceeding
11 certification standards;

12 (c) order the disinfection or destruction of any bees
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17 parasitic bee or equipment or otherwise possesses any bee or
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21 any person in possession of such bees or equipment to hold
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25 order to hold bees upon the failure to detect disease in any

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3 are disease-free and are possessed in compliance with this
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6 "80-6-1105. Alfalfa leaf-cutting bees -- inspection --
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8 control alfalfa leaf-cutting bees in the state of Montana
9 unless the bees are certified annually, as provided in this
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11 (2) To certify bees, a person must file a completed
12 application form provided by the department together with
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14 applicant must provide at least the following:

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24 for pathogens and parasites. If no pathogens or parasites in
25 excess of certification standards are found, the sample

1 shall be reported---disease-free certified as to the
2 appropriate class.

3 (4) When the department has in its possession a
4 completed application form, a certification fee, and a
5 report that the sample ~~is disease-free~~ meets certification
6 standards, it may issue a certificate for the bees.

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8 applicant must apply for recertification the following year.
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11 to 10% of the applicable certification fee but not exceeding
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15 equipment. (1) No bee may be imported into the state of
16 Montana except under the provisions of this section.

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22 ~~certification laboratory to be examined for infestation by~~
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25 certification, each bee, ~~and associated transport equipment~~

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6 straw, or other equipment that prevents adequate inspection
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8 (5) A representative sample of the population of bees
9 imported shall be inspected as the basis for certification.

10 (6) No person may import used equipment or nesting
11 materials.

12 (7) No bee may be certified unless all other
13 requirements for certification provided in 80-6-1105 are
14 met."

15 Section 5. Section 80-6-1108, MCA, is amended to read:

16 "80-6-1108. Restrictions on the rearing, moving, and
17 trapping of bees. (1) No person may rear any bee in a
18 drilled board or a nesting material from which samples of
19 loose larval cells cannot readily be obtained.

20 (2) No person may move any quarantined bee or
21 equipment except by special permit issued by the department.

22 (3) No person may wild trap or attempt to wild trap
23 bees unless that person has been issued a permit for such
24 activity in accordance with rules adopted by the
25 department."

- 1 ~~NEW SECTION.~~ Section 6. Effective date. This act is
- 2 effective on passage and approval.

-End-