

MARCH 13, 1987

SECOND READING, CONCURRED IN.

MARCH 16, 1987

THIRD READING, CONCURRED IN.
AYES, 50; NOES, 0.

RETURNED TO HOUSE.

IN THE HOUSE

MARCH 17, 1987

RECEIVED FROM SENATE.

SENT TO ENROLLING.

1 House BILL NO. 461
2 INTRODUCED BY Carni

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE
5 LAWS PERTAINING TO APIARY ACTIVITIES BY INCREASING
6 REGISTRATION FEES, PROVIDING FOR INSPECTION FEES, AND
7 PROVIDING FOR THE DETECTION, QUARANTINE, AND DESTRUCTION OF
8 DISEASED OR PEST HONEYBEES; AMENDING SECTIONS 80-6-101,
9 80-6-102, 80-6-104, 80-6-105, 80-6-111, 80-6-114, 80-6-201,
10 AND 80-6-202, MCA; AND PROVIDING AN EFFECTIVE DATE."

11
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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

14 "80-6-101. Definitions. Unless the context requires
15 otherwise, in this chapter the following definitions apply:

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

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

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

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

1 connection with the hive.

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

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

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

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

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

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

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

23 (12) "Landowner" means the person who has the actual
24 use and exclusive possession of the land upon which a
25 landowner apiary is to be registered. However, a person

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

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

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

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

12 ~~(15)~~(16) "Pollination apiary" means an apiary operated
13 for pollination of a commercial seed, fruit, or other
14 commercial agricultural product as provided in 80-6-112.

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

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

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

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

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

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

5 (b) the number of colonies of bees, hives, and
6 equipment in the apiary;

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

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

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

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

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

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

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

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

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

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

25 (8) Suitable evidence of registration furnished by the

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

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

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

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

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

7 Section 3. Section 80-6-104, MCA, is amended to read:

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

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

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

9 Section 4. Section 80-6-105, MCA, is amended to read:

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

16	1 to 10 colonies of bees	\$ 5-00	<u>\$10.00</u>
17	11 to 50 colonies	10-00	10-00
18	51 <u>11</u> to 200 colonies	20-00	<u>25.00</u>
19	201 to 300 colonies	30-00	30-00
20	301 <u>201</u> to 500 colonies	40-00	40.00
21	501 to 1,000 colonies	60-00	<u>70.00</u>
22	17001 to 27000 colonies	70-00	70-00
23	27001 <u>1,001</u> to 3,000 colonies	90-00	<u>100.00</u>
24	37001 to 47000 colonies	110-00	110-00
25	47001 <u>3,001</u> to 5,000 colonies	130-00	<u>140.00</u>

1 5,001 colonies and upward ~~150-00~~ 200.00

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

7 Section 5. Section 80-6-111, MCA, is amended to read:

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

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

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

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

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

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

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

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

15 Section 6. Section 80-6-114, MCA, is amended to read:

16 "80-6-114. Hobbyist apiary registrations. (1) The
17 department may grant hobbyist apiary registrations to
18 hobbyist beekeepers under the following conditions:

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

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

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

1 allowed a family unit.

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

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

17 Section 7. Section 80-6-201, MCA, is amended to read:

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

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

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

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

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

1 (d) establish by rule interior and exterior
 2 quarantines to prevent the entry or spread of diseases or
 3 pests which are not known to occur in Montana;

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

6 ~~(e)~~(f) promulgate and enforce rules adopted pursuant
 7 to parts 1 through 3.

8 (2) Any person failing to comply with a rule, order,
 9 or provision of a quarantine pursuant to this section is
 10 subject to penalties provided for in 80-6-303.

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

16 Section 8. Section 80-6-202, MCA, is amended to read:

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

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

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

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

10 NEW SECTION. Section 9. Bee laboratory authorized.
11 The department or a party designated by the department may
12 develop and maintain a laboratory to provide disease and
13 pest analytical services required to carry out the
14 provisions of this part. The laboratory may be authorized by
15 the department to provide services to persons possessing any
16 bees or equipment on a fee basis pursuant to 80-6-201(3).

17 NEW SECTION. Section 10. Codification instruction.
18 Section 9 is intended to be codified as an integral part of
19 Title 80, chapter 6, part 3, and the provisions of Title 80,
20 chapter 6, apply to section 9.

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

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

1 effective May 1, 1987.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

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

DESCRIPTION OF PROPOSED LEGISLATION:

A bill for an act entitled: "An act to generally revise the laws pertaining to apiary activities by increasing registration fees, providing for inspection fees, and providing for the detection quarantine, and destruction of diseased or pest honey bees; amending sections 80-6-101, 80-6-102, 80-6-104, 80-6-105, 80-6-111, 80-6-114, 80-6-201, and 80-6-202, MCA; and providing an effective date."

ASSUMPTIONS:

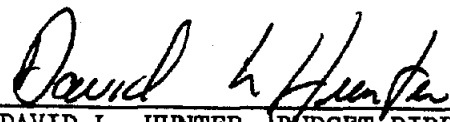
1. Assume no additional expenditures to existing apiary activities will occur.
2. The proposed 58% increase in apiary registration fees is requested by industry and will bring an additional \$13,988 to the general fund.
3. Assume lab service fees for pest analysis is deposited into the general fund.
4. Assume the use of existing equipment for lab analysis.
5. Assume existing personnel can be utilized for estimated number of samples.

FISCAL IMPACT:

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

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

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


 DATE 1/21/87
 DAVID L. HUNTER, BUDGET DIRECTOR
 Office of Budget and Program Planning


 DATE 2/2/87
 DICK CORNE, PRIMARY SPONSOR

Fiscal Note for HB461, as introduced.

HB 461

**RE-REFERRED AND
APPROVED BY COMMITTEE
ON APPROPRIATIONS**

STATEMENT OF INTENT

HOUSE BILL 461

House Agriculture, Livestock & Irrigation Committee

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

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

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

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

In addition, it is the intent of the legislature that

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

HOUSE BILL NO. 461

INTRODUCED BY CORNE'

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

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

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(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.

(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.

(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



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

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

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

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

12 ~~(15)~~(16) "Pollination apiary" means an apiary operated
13 for pollination of a commercial seed, fruit, or other
14 commercial agricultural product as provided in 80-6-112.

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

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22 issue certificates of registration for each class are
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24 (2) Applications shall be made to the department for
25 registration application blanks.

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

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

5 (b) the number of colonies of bees, hives, and
6 equipment in the apiary;

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

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

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

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

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

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

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

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

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

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

25 (8) Suitable evidence of registration furnished by the

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

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

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

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

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

7 Section 3. Section 80-6-104, MCA, is amended to read:

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

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

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

9 Section 4. Section 80-6-105, MCA, is amended to read:

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

16	1 to 10 colonies of bees	\$ 5.00	<u>\$10.00</u>
17	11 to 50 colonies	10.00	
18	51 <u>11</u> to 200 colonies	20.00	<u>25.00</u>
19	201 to 300 colonies	30.00	
20	301 <u>201</u> to 500 colonies		<u>40.00</u>
21	501 to 1,000 colonies	60.00	<u>70.00</u>
22	1,001 to 2,000 colonies	70.00	
23	2,001 <u>1,001</u> to 3,000 colonies	90.00	<u>100.00</u>
24	3,001 to 4,000 colonies	110.00	
25	4,001 <u>3,001</u> to 5,000 colonies	130.00	<u>140.00</u>

1 5,001 colonies and upward ~~150.00~~ 200.00

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

7 Section 5. Section 80-6-111, MCA, is amended to read:

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

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

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

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

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

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

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

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

15 Section 6. Section 80-6-114, MCA, is amended to read:

16 "80-6-114. Hobbyist apiary registrations. (1) The
17 department may grant hobbyist apiary registrations to
18 hobbyist beekeepers under the following conditions:

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

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

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

1 allowed a family unit.

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

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

17 Section 7. Section 80-6-201, MCA, is amended to read:

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

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

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

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

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

1 (d) establish by rule interior and exterior
 2 quarantines to prevent the entry or spread of diseases or
 3 pests which are not known to occur in Montana;

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

6 ~~(e)~~(f) promulgate and enforce rules adopted pursuant
 7 to parts 1 through 3.

8 (2) Any person failing to comply with a rule, order,
 9 or provision of a quarantine pursuant to this section is
 10 subject to penalties provided for in 80-6-303.

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

16 Section 8. Section 80-6-202, MCA, is amended to read:

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

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

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

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

10 NEW SECTION. Section 9. Bee laboratory authorized.
 11 The department or a party designated by the department may
 12 develop and maintain a laboratory to provide disease and
 13 pest analytical services required to carry out the
 14 provisions of this part. The laboratory may be authorized by
 15 the department to provide services to persons possessing any
 16 bees or equipment on a fee basis pursuant to 80-6-201(3).

17 NEW SECTION. Section 10. Codification instruction.
 18 Section 9 is intended to be codified as an integral part of
 19 Title 80, chapter 6, part 3, and the provisions of Title 80,
 20 chapter 6, apply to section 9.

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

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

1 effective May 1, 1987.

-End-

1 STATEMENT OF INTENT

2 HOUSE BILL 461

3 House Agriculture, Livestock & Irrigation Committee
45 A statement of intent is required for this bill because
6 it provides the department of agriculture authority to adopt
7 rules for administration of this act.8 It is the intent of the legislature that the department
9 establish rules for the detection of pest honeybees by using
10 the most efficient, scientifically acceptable method of
11 identifying pests.12 It is further the intent of the legislature that the
13 department establish by rule a fee structure for laboratory
14 services. The department should set fees to correspond with
15 the costs of providing services. These costs include both
16 direct and indirect costs, plus expenses associated with
17 operation of the laboratory authorized under section 9.18 In setting fees, the department may take into
19 consideration the economic difficulties of the apiary
20 industry and may reduce fees as may be necessary to promote
21 increased use of services. The department may provide
22 services at less than cost if alternative funding is
23 available or if the economic conditions of the industry
24 require the reduction of charges.

25 In addition, it is the intent of the legislature that

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

HOUSE BILL NO. 461

INTRODUCED BY CORNE'

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

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.

(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.

(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

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

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

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

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

12 (15)(16) "Pollination apiary" means an apiary operated
13 for pollination of a commercial seed, fruit, or other
14 commercial agricultural product as provided in 80-6-112.

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

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

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

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

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

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

5 (b) the number of colonies of bees, hives, and
6 equipment in the apiary;

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

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

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

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

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

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

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

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

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

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

25 (8) Suitable evidence of registration furnished by the

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

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

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

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

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

7 Section 3. Section 80-6-104, MCA, is amended to read:

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

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

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

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

16	1 to 10 colonies of bees	\$ 5.00	<u>\$10.00</u>
17	11 to 50 colonies	10.00	10.00
18	51 to 200 colonies	20.00	<u>25.00</u>
19	201 to 300 colonies	30.00	30.00
20	301 to 500 colonies	40.00	
21	501 to 1,000 colonies	60.00	<u>70.00</u>
22	1,001 to 2,000 colonies	70.00	70.00
23	2,001 to 3,000 colonies	90.00	100.00
24	3,001 to 4,000 colonies	110.00	110.00
25	4,001 to 5,000 colonies	130.00	140.00

1 5,001 colonies and upward ~~150-00~~ 200.00

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

7 Section 5. Section 80-6-111, MCA, is amended to read:

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

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

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

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

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

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

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

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

15 Section 6. Section 80-6-114, MCA, is amended to read:

16 "80-6-114. Hobbyist apiary registrations. (1) The
17 department may grant hobbyist apiary registrations to
18 hobbyist beekeepers under the following conditions:

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

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

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

1 allowed a family unit.

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

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

17 Section 7. Section 80-6-201, MCA, is amended to read:

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

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

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

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

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

1 (d) establish by rule interior and exterior
 2 quarantines to prevent the entry or spread of diseases or
 3 pests which are not known to occur in Montana;

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

6 ~~(e)~~(f) promulgate and enforce rules adopted pursuant
 7 to parts 1 through 3.

8 (2) Any person failing to comply with a rule, order,
 9 or provision of a quarantine pursuant to this section is
 10 subject to penalties provided for in 80-6-303.

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

16 Section 8. Section 80-6-202, MCA, is amended to read:

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

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

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

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

10 NEW SECTION. Section 9. Bee laboratory authorized.
 11 The department or a party designated by the department may
 12 develop and maintain a laboratory to provide disease and
 13 pest analytical services required to carry out the
 14 provisions of this part. The laboratory may be authorized by
 15 the department to provide services to persons possessing any
 16 bees or equipment on a fee basis pursuant to 80-6-201(3).

17 NEW SECTION. Section 10. Codification instruction.
 18 Section 9 is intended to be codified as an integral part of
 19 Title 80, chapter 6, part 3, and the provisions of Title 80,
 20 chapter 6, apply to section 9.

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

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

1 effective May 1, 1987.

-End-

1 HOUSE BILL NO. 461
2 INTRODUCED BY CORNE'

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE
5 LAWS PERTAINING TO APIARY ACTIVITIES BY INCREASING
6 REGISTRATION FEES, PROVIDING FOR INSPECTION FEES, AND
7 PROVIDING FOR THE DETECTION, QUARANTINE, AND DESTRUCTION OF
8 DISEASED OR PEST HONEYBEES; AMENDING SECTIONS 80-6-101,
9 80-6-102, 80-6-104, 80-6-105, 80-6-111, 80-6-114, 80-6-201,
10 AND 80-6-202, MCA; AND PROVIDING AN EFFECTIVE DATE."

11
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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

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

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

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

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

THERE ARE NO CHANGES ON HB 461 AND
WILL NOT BE REPRINTED. PLEASE REFER
TO SECOND READING (EITHER VERSION)
OR THIRD READING FOR COMPLETE TEXT.



REFERENCE BILL
HB-461