

HOUSE BILL NO. 675
INTRODUCED BY SPAETH, HANSON

IN THE HOUSE

FEBRUARY 13, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON AGRICULTURE, LIVESTOCK & IRRIGATION. FIRST READING.
FEBRUARY 18, 1989	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 20, 1989	PRINTING REPORT.
FEBRUARY 21, 1989	SECOND READING, DO PASS AS AMENDED.
FEBRUARY 22, 1989	ENGROSSING REPORT. THIRD READING, PASSED. AYES, 99; NOES, 0. TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 28, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON AGRICULTURE, LIVESTOCK & IRRIGATION. FIRST READING.
MARCH 6, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 7, 1989	SECOND READING, CONCURRED IN.
MARCH 9, 1989	THIRD READING, CONCURRED IN. AYES, 50; NOES, 0. RETURNED TO HOUSE.

MARCH 10, 1989

IN THE HOUSE

RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *House* BILL NO. *675*
 2 INTRODUCED BY *Spaeth*
 3 *M. Erickson*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE
 5 LAW RELATING TO MANAGEMENT OF ALFALFA LEAF-CUTTING BEES;
 6 ESTABLISHING AN UNRESTRICTED AREA CLASSIFICATION AND
 7 PROVIDING A PENALTY; REQUIRING IDENTIFICATION ON CERTAIN BEE
 8 EQUIPMENT OR NESTING MATERIAL; REGULATING CUSTOM
 9 POLLINATORS; AND AMENDING SECTIONS 80-6-1102 THROUGH
 10 80-6-1112, MCA."

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

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

14 "80-6-1102. Definitions. As used in this part, the
 15 following definitions apply:

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

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

22 (3) "Chalkbrood" means a fungal disease that attacks
 23 larvae of the alfalfa leaf-cutting bee.

24 (3)(4) "Committee" means the alfalfa leaf-cutting bee
 25 advisory committee established in 2-15-3005.

1 (5) "Custom pollinator" means a registered bee grower
 2 who for the purpose of pollination moves bees onto property
 3 not owned or leased by him.

4 (4)(6) "Department" means the department of agriculture
 5 established in 2-15-3001.

6 (7) "Emergency situation" means a situation that
 7 requires the untimely movement of bees to a new food source.

8 (5)(8) "Equipment" means grooved--boards, shelters,
 9 trays, incubators, cell removers, tumblers, and other
 10 apparatus except nesting materials used in rearing bees.

11 (6)(9) "Nest destroyer" means any organism that
 12 competes with the bee larvae for nest provisions.

13 (7)(10) "Nesting materials" means equipment, laminates,
 14 drilled boards, and other apparatus used in nesting bees.

15 (8)(11) "Parasite" means an organism living in or on any
 16 stage of the alfalfa leaf-cutting bee obtaining nutriment
 17 from the body of the bee.

18 (9)(12) "Pathogen" means an organism that causes disease
 19 in the alfalfa leaf-cutting bee.

20 (10)(13) "Person" means an individual, association,
 21 partnership, or corporation.

22 (11)(14) "Predator" means any organism which preys on,
 23 devours, or destroys bees.

24 (15) "Unrestricted area" means an area where a person
 25 may use new or used drilled boards, imported used laminates,

1 or any similar material in the rearing of bees.

2 ~~(12)~~(16) "Wild trap" means to intentionally trap bees on
3 property not owned or leased by the trapper."

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

5 "80-6-1103. Department Committee responsibilities --
6 adoption of rules. (1) The department committee is
7 responsible for the administration of this part.

8 (2) The department committee shall by rule adopt
9 minimum standards for the presence of pathogens and
10 parasites.

11 (3) The department committee may adopt rules
12 establishing minimum standards for the presence of predators
13 and nest destroyers in bees to be certified, imported,
14 quarantined, and possessed or controlled in the state of
15 Montana.

16 (4) The department committee may provide information
17 and services relating to the rearing of alfalfa leaf-cutting
18 bees and alfalfa seed production.

19 (5) The department committee may enter into agreements
20 with other governmental agencies or private associations in
21 carrying out the provisions of this part.

22 (6) In performing its duties under this part, the
23 department committee may:

24 (a) enter upon any public or private premises to
25 inspect equipment and sample bees;

1 (b) by rule establish quarantines to regulate the entry
2 of bees, and equipment, and nesting material into areas of
3 Montana specified in the quarantines;

4 (c) quarantine any bees, or equipment, or nesting
5 material found to be infected or contaminated at levels
6 exceeding importation or quarantine standards;

7 (d) order the disinfection, destruction, or removal of
8 any bees, or equipment, or nesting material that does not
9 meet importation or quarantine standards.

10 (7) Upon receiving notification of nesting material or
11 bees that appear to be abandoned, the committee shall
12 contact the owner as soon as possible to correct the
13 problem. If the owner cannot be found, the nesting material
14 or bees must be considered abandoned and the procedures for
15 disposition of abandoned property set out in Title 70,
16 chapter 9, part 3, must be followed.

17 ~~(7)~~(8) (a) Whenever the department committee has
18 reasonable cause to believe a person is in possession of any
19 bees or equipment in violation of this part or rules adopted
20 under it, the department committee may order a quarantine of
21 the suspected bees or equipment and may require any person
22 in possession of such the bees or equipment to hold them
23 under specified conditions until notified otherwise in
24 writing by the department committee.

25 (b) The department committee shall release any

1 quarantine upon finding that the bees and equipment are in
2 compliance with this part."

3 **Section 3.** Section 80-6-1104, MCA, is amended to read:

4 "80-6-1104. Duties Advisory duty of committee. The
5 committee shall advise the department with respect to any
6 contemplated rulemaking. The committee shall meet
7 periodically to review the minimum standards adopted by--the
8 department under this part."

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

10 "80-6-1105. Alfalfa leaf-cutting bees -- certification.

11 (1) A person possessing or controlling alfalfa leaf-cutting
12 bees in the state of Montana may annually certify all or
13 part of his bees as provided in this section.

14 (2) To certify bees, a person must file a completed
15 application form provided by the department, together with
16 the--certification a fee set by department rule. The
17 applicant must provide the following:

18 (a) name and place of residence;

19 (b) the general location and number of bees to be
20 registered certified; and

21 (c) other relevant information as may be required by
22 department committee rule.

23 (3) After receipt of an application for certification,
24 a sample of the total population of bees to be certified
25 shall be selected by the department committee or its agent

1 in a manner prescribed by the department committee. The
2 sample shall be analyzed for pathogens, parasites,
3 predators, nest destroyers, live larvae count, and sex
4 ratio. If certification standards are met, the sample shall
5 be certified.

6 (4) All bees to be certified may be stored in
7 containers which can be officially sealed after sampling to
8 maintain their certification identity.

9 (5) When the department committee has in its possession
10 a completed application form, a--certification an appropriate
11 fee, and a report that the sample meets certification
12 standards, it may issue a certificate for the bees.

13 (6) The department committee shall specify the date by
14 which any applicant must apply for recertification the
15 following year. Applications--for--certification--received
16 after-the-date-specified-shall-be-assessed-a--penalty--equal
17 to-10%-of-the-applicable-certification-fee-but-not-exceeding
18 \$50-."

19 **Section 5.** Section 80-6-1106, MCA, is amended to read:

20 "80-6-1106. Bee laboratory authorized. The department
21 committee or its agent may develop and maintain a laboratory
22 for the purpose of providing analytical services required to
23 carry out the provisions of this part. The laboratory may be
24 authorized by the department committee to provide services
25 to persons possessing any bees or equipment on a

1 fee-for-service basis."

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

3 "80-6-1107. Restrictions on importing bees and
4 equipment. (1) All bees to be imported shall meet
5 importation, quarantine, and certification requirements
6 established under 80-6-1103 and must be registered in
7 accordance with 80-6-1111.

8 (2) Prior to the importation of any bee, the importer
9 must shall file a completed application form as required in
10 80-6-1105(2) and arrange an approximate date and time for
11 official sampling.

12 ~~{3}--Every--imported--bee--must--be--shipped--to--a--storage~~
13 ~~facility--designated--by--the--department--for--sampling--purposes--~~
14 ~~Prior--to--certification--each--bee--container--and--piece--of~~
15 ~~associated--equipment--must--be--quarantined--at--the--designated~~
16 ~~storage--facility--~~

17 ~~{4}{3}~~ Bees may not be imported except in loose
18 cells or as adults. ~~No-bees~~ Bees may not be imported in a
19 drilled board, soda straw, or other equipment that prevents
20 adequate sampling of the bees.

21 ~~{5}{4}~~ A representative sample of the population of
22 bees imported shall be the basis for certification.

23 ~~{6}--No--person--may--import--used--equipment--or--nesting~~
24 ~~materials--~~

25 ~~{7}{5}~~ No A bee may not be certified unless all other

1 requirements for certification provided in 80-6-1105 are
2 met."

3 **Section 7.** Section 80-6-1108, MCA, is amended to read:

4 "80-6-1108. Restrictions on the rearing, moving,
5 selling, and trapping of bees and the movement of used
6 nesting material. (1) No A person may not rear any bee in a
7 drilled board or a nesting material from which samples of
8 loose larval cells cannot readily be obtained, except in an
9 unrestricted area.

10 (2) No A person may not move any quarantined bee or
11 equipment except by special permit issued by the department
12 committee.

13 (3) No A person may not wild trap or attempt to wild
14 trap bees unless that person has been issued a permit for
15 such activity in accordance with rules adopted by the
16 department committee. The department committee shall by rule
17 establish the permit fee.

18 (4) No A person may not sell ~~or-distribute~~ bees for use
19 in Montana unless the bees are officially certified in
20 accordance with 80-6-1103 and 80-6-1105.

21 {5} Any purchase of used nesting material in the state
22 must be reported to the committee."

23 **Section 8.** Section 80-6-1109, MCA, is amended to read:

24 "80-6-1109. Fees to be set by rule -- self-supporting
25 program -- enterprise fund established. (1) Fees authorized

1 to be charged by this part ~~shall~~ must be set by department
2 committee rule. Such ~~The~~ fees ~~shall~~ must be designed to
3 reimburse the department committee for costs incurred in
4 providing services and carrying out its duties under this
5 part. It is the intent of the legislature that department
6 committee activities under this part be self-supporting.

7 (2) There is an enterprise fund known as the
8 leaf-cutting bee fund for use by the department committee.
9 Fees collected under this part ~~shall~~ must be paid into the
10 leaf-cutting bee fund.

11 (3) The department committee may direct the board of
12 investments to invest money from the fund pursuant to the
13 provisions of the unified investment program. The income
14 from such investments must be credited to the leaf-cutting
15 bee fund."

16 **Section 9.** Section 80-6-1110, MCA, is amended to read:

17 "80-6-1110. Violation -- penalty. A person who imports,
18 possesses, controls, moves, or wild traps or attempts to
19 import, possess, control, move, or wild trap any bee or
20 equipment in violation of this part or who interferes with
21 or attempts to interfere with the efforts of the department
22 committee or its agent to perform its duty under this part
23 is guilty of a misdemeanor and upon conviction shall be
24 fined not less than \$300 or more than \$500 for the first
25 conviction and not less than \$300 or more than \$1,000 for

1 each subsequent conviction."

2 **Section 10.** Section 80-6-1111, MCA, is amended to read:

3 "80-6-1111. Alfalfa leaf-cutting bees -- registration.
4 (1) No A person may not possess or control alfalfa
5 leaf-cutting bees in this state unless the bees are
6 registered annually as provided in this section.

7 (2) To register bees, a person must file a completed
8 application form provided by the department, together with
9 the registration fee set by rule. The applicant must
10 provide the following:

- 11 (a) name and place of residence;
- 12 (b) the general location of bees to be registered; and
- 13 (c) other relevant information as may be required by
14 department committee rule.

15 ~~{3}--One--sample--of--the--bees--to--be--registered--must--be~~
16 ~~sent--to--the--department--by--the--beekeeper--or--his--agent--This~~
17 ~~sample--must--be--analyzed--for--pathogens--and--parasites--at--no~~
18 ~~cost--to--the--beekeeper--Additional--samples--may--be--sent--to--the~~
19 ~~department--for--analysis--on--a--fee--for--service--basis--as~~
20 ~~established--by--rule--~~

21 ~~{4}{3}~~ (3) The department committee shall specify the date
22 by which any applicant must apply for reregistration each
23 year. Applications for reregistration received after the
24 date specified must be assessed a penalty equal to 50% of
25 the applicable registration fee."

Section 11. Section 80-6-1112, MCA, is amended to read:

"80-6-1112. Funding limitation. (1) The department committee shall expend only those funds which are raised by fees under this part. In the event that such funds are insufficient to finance the costs of services under this part, the department committee may reduce services accordingly.

(2) The committee may contract lab services with a qualified person and charge growers at cost on a per-sample basis.

(3) The committee may levy a fee not to exceed 30 cents for each 3,000 holes of nesting material deeper than 3 1/2 inches for the purpose of administering this part and for the sampling and testing of bees. For nesting material less than 3 1/2 inches deep, the fee may not exceed 16 cents per 2,000 holes of nesting material.

(4) Fees must be based on all nesting materials that are in field use on July 15 of each year. Fees are due on November 1 of each year.

(5) The amount of fees paid must be credited against a grower's cost of sampling and certification.

(6) Certification fees for drilled boards or loose cells may not exceed committee cost."

NEW SECTION. Section 12. Unrestricted area classification -- penalty. (1) A registered bee grower may

establish an unrestricted area by obtaining written permission of all bee growers within a 5-mile radius of his alfalfa seed fields. Evidence of the permission must be recorded with the committee.

(2) Unrestricted area classification may be rescinded by unanimous written consent of all registered bee growers within the unrestricted area.

(3) A penalty of up to \$1,000 shall be levied against a person who violates this section.

NEW SECTION. Section 13. Identification. Each bee grower shall print his name, address, and telephone number on each shelter or on at least 10% of the nesting material in each shelter.

NEW SECTION. Section 14. Custom pollinating. (1) A custom pollinator may move bees, equipment, and nesting material into an area other than his own provided he has first received permission from all registered bee growers within a 5-mile radius of the fields he intends to pollinate. Permission in future years for pollinating in the same area need be obtained only from the original registered bee growers. This permission must be based on management practices rather than personal factors. This permission must be reported to the committee before the movement of bees, equipment, and nesting material.

(2) Between June 1 and September 1, a person may move

1 his bees in an emergency situation by reporting the
2 emergency situation to the committee by phone. He shall
3 report written permission within 10 days.

4 (3) Committee-certified bees that are found by the
5 committee to be free from chalkbrood may be moved into any
6 area without permission.

7 NEW SECTION. **Section 15. Extension of authority.** Any
8 existing authority to make rules on the subject of the
9 provisions of [this act] is extended to the provisions of
10 [this act].

-End-

STATE OF MONTANA - FISCAL NOTE

Form FD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB675, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

HB675 would generally revise the law relating to management of alfalfa leaf-cutting bees, including establishing an unrestricted area classification and increasing committee responsibilities.

ASSUMPTIONS:

1. There will continue to be 87 registered beekeepers, for whom the registration fee will decrease from \$50 to \$15 because the registration sample would no longer be required. Revenue decreases by \$3,045 per annum.
2. Certification fees determined on a per pound basis will be deleted, resulting in a revenue decrease each year. An \$8,000 per year revenue projection had been used for each year of the 1991 biennium.
3. Rules will be adopted for certification sampling fees based on mileage, per diem and hourly fee costs, which are projected at \$2,750 per year.
4. The number of lab samples will remain unchanged and the revenue from STIP interest, late fees and sale of lab bees will remain consistent. Other miscellaneous revenue decreases from the authority originally requested for the current law budget.
5. Contract services will be utilized laboratory analysis in the amount of approximately \$6,000 per year. This will be offset by a 1.00 FTE reduction from the recommended executive budget.
6. Current law figures below are as included in the executive budget.

FISCAL IMPACT:Expenditures:


Dept. of Agriculture	Current Law	FY90 Proposed Law	Difference	Current Law	FY91 Proposed Law	Difference
Personal Services	\$26,628	\$ 500	(\$26,128)	\$26,692	\$ 500	(\$26,192)
Operating Expenses	4,088	10,575	6,487	4,173	10,575	6,402
Total	\$30,716	\$11,075	(\$19,641)	\$30,865	\$11,075	(\$19,790)

Funding:

State Special Revenue	\$30,716	\$11,075	(\$19,641)	\$30,865	\$11,075	(\$19,790)
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Revenue:

Certification Fees	\$ 8,000	\$ -0-	(\$ 8,000)	\$ 8,000	\$ -0-	(\$ 8,000)
Registration Fees	4,350	1,305	(3,045)	4,350	1,305	(3,045)
Certification Sampling Fees	-0-	2,750	2,750	-0-	2,750	2,750
Lab Fees	5,000	5,000	-0-	5,000	5,000	-0-
Miscellaneous	13,366	2,020	(11,346)	13,515	2,020	(11,495)
Total	\$30,716	\$11,075	(\$19,641)	\$30,865	\$11,075	(\$19,790)


 RAY SHACKLEFORD, BUDGET DIRECTOR
 OFFICE OF BUDGET AND PROGRAM PLANNING

DATE 2/20/89


 GARY L. SPAETH, PRIMARY SPONSOR

DATE 2/21/89

Fiscal Note for HB675, as introduced**HB 675**

APPROVED BY COMMITTEE
ON AGRICULTURE LIVESTOCK
& IRRIGATION

HOUSE BILL NO. 675

INTRODUCED BY SPAETH, HANSON

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE LAW RELATING TO MANAGEMENT OF ALFALFA LEAF-CUTTING BEES; ESTABLISHING AN UNRESTRICTED AREA CLASSIFICATION AND PROVIDING A PENALTY; REQUIRING IDENTIFICATION ON CERTAIN BEE EQUIPMENT OR NESTING MATERIAL; REGULATING CUSTOM POLLINATORS; CLARIFYING THE STATUS OF THE ALFALFA LEAF-CUTTING BEE COMMITTEE; PROVIDING FOR STAGGERED COMMITTEE MEMBER TERMS; AND AMENDING SECTIONS 2-15-3005 AND 80-6-1102 THROUGH 80-6-1112, MCA."

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

SECTION 1. SECTION 2-15-3005, MCA, IS AMENDED TO READ:

"2-15-3005. Alfalfa leaf-cutting bee advisory committee -- membership -- compensation. (1) There is an alfalfa leaf-cutting bee advisory committee consisting of five members appointed by the governor. The committee is attached to the department for administrative purposes only as prescribed in 2-15-121.

(2) The committee consists of:

(a) three members from the Montana alfalfa seed association;

(b) one member from the department; and

(c) one member from the cooperative extension service at Montana state university.

(3) A list of nominees for appointment to the committee may be submitted to the governor by the Montana alfalfa seed association, the department, and the cooperative extension service for the respective appointments from each entity.

(4) Appointments to the committee are for 3 years. Appointments from the Montana alfalfa seed association are for staggered 3-year terms. Members may be reappointed at the discretion of the governor.

(5) Unless he is a full-time salaried officer or employee of this state or of a political subdivision of this state, each member is entitled to be paid from the enterprise fund established in 80-6-1109 compensation of \$25 for each day in which he is engaged in the transaction of the official business of the committee, together with expenses as provided for in 2-18-501 through 2-18-503."

Section 2. 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

1 bees and equipment by the department committee to determine
2 whether they meet required standards.

3 (3) "Chalkbrood" means a fungal disease that attacks
4 larvae of the alfalfa leaf-cutting bee.

5 (3)(4) "Committee" means the alfalfa leaf-cutting bee
6 advisory committee established in 2-15-3005.

7 (5) "Custom pollinator" means a registered bee grower
8 who for the purpose of pollination moves bees onto property
9 not owned or leased by him.

10 (4)(6) "Department" means the department of
11 agriculture established in 2-15-3001.

12 (7) "Emergency situation" means a situation that
13 requires the untimely movement of bees to a new food source.
14 A SITUATION MAY INCLUDE DROUGHT, FLOOD, HAIL DAMAGE, AND
15 OTHER SIMILAR SITUATIONS AS DEFINED BY COMMITTEE RULE.

16 (5)(8) "Equipment" means grooved--boards, shelters,
17 trays, incubators, cell removers, tumblers, and other
18 apparatus except nesting materials used in rearing bees.

19 (6)(9) "Nest destroyer" means any organism that
20 competes with the bee larvae for nest provisions.

21 (7)(10) "Nesting materials" means equipment, laminates,
22 drilled boards, and other apparatus used in nesting bees.

23 (8)(11) "Parasite" means an organism living in or on
24 any stage of the alfalfa leaf-cutting bee obtaining
25 nutriment from the body of the bee.

1 (9)(12) "Pathogen" means an organism that causes
2 disease in the alfalfa leaf-cutting bee.

3 (10)(13) "Person" means an individual, association,
4 partnership, or corporation.

5 (11)(14) "Predator" means any organism OR INSECT which
6 preys on, devours, or destroys bees OR NESTS.

7 (15) "Unrestricted area" means an area where a person
8 may use new or used drilled boards, imported used laminates,
9 or any similar material in the rearing of bees.

10 (12)(16) "Wild trap" means to intentionally trap bees
11 on property not owned or leased by the trapper."

12 **Section 3.** Section 80-6-1103, MCA, is amended to read:

13 **"80-6-1103. Department Committee responsibilities --**
14 **adoption of rules. (1) The department committee is**
15 **responsible for the administration of this part.**

16 **(2) The department committee shall by rule adopt**
17 **minimum standards for the presence of pathogens and**
18 **parasites.**

19 **(3) The department committee may adopt rules**
20 **establishing minimum standards for the presence of predators**
21 **and nest destroyers in bees to be certified, imported,**
22 **quarantined, and possessed or controlled in the state of**
23 **Montana.**

24 **(4) The department committee may provide information**
25 **and services relating to the rearing of alfalfa leaf-cutting**

1 bees and alfalfa seed production.

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

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

7 (a) enter upon any public or private premises to
8 inspect equipment and sample bees;

9 (b) by rule establish quarantines to regulate the
10 entry of bees, and equipment, and nesting material into
11 areas of Montana specified in the quarantines;

12 (c) quarantine any bees, or equipment, or nesting
13 material found to be infected or contaminated at levels
14 exceeding importation or quarantine standards;

15 (d) order the disinfection, destruction, or removal of
16 any bees, or equipment, or nesting material that does not
17 meet importation or quarantine standards.

18 (7) Upon receiving notification of nesting material or
19 bees that appear to be abandoned, the committee shall
20 contact the owner as soon as possible to correct the
21 problem. If the owner cannot be found, the nesting material
22 or bees must be considered abandoned and the procedures for
23 disposition of abandoned property set out in Title 70,
24 chapter 9, part 3, must be followed.

25 {7}(8) (a) Whenever the department committee has

1 reasonable cause to believe a person is in possession of any
2 bees or equipment in violation of this part or rules adopted
3 under it, the department committee may order a quarantine of
4 the suspected bees or equipment and may require any person
5 in possession of ~~such the~~ bees or equipment to hold them
6 under specified conditions until notified otherwise in
7 writing by the department committee.

8 (b) The department committee shall release any
9 quarantine upon finding that the bees and equipment are in
10 compliance with this part."

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12 "80-6-1104. Bee Advisory duty of committee. The
13 committee shall advise the department with respect to any
14 contemplated rulemaking. The committee shall meet
15 periodically to review the minimum standards adopted ~~by the~~
16 department under this part."

17 **Section 5.** Section 80-6-1105, MCA, is amended to read:

18 "80-6-1105. Alfalfa leaf-cutting bees --
19 certification. (1) A person possessing or controlling
20 alfalfa leaf-cutting bees in the state of Montana may
21 annually certify all or part of his bees as provided in this
22 section.

23 (2) To certify bees, a person must file a completed
24 application form provided by the department, together with
25 ~~the~~ certification a fee set by department rule. The

1 applicant must provide the following:

2 (a) name and place of residence;

3 (b) the general location and number of bees to be
4 registered certified; and

5 (c) other relevant information as may be required by
6 department committee rule.

7 (3) After receipt of an application for certification,
8 a sample of the total population of bees to be certified
9 shall be selected by the department committee or its agent
10 in a manner prescribed by the department committee. The
11 sample shall be analyzed for pathogens, parasites,
12 predators, nest destroyers, AND live larvae count, ~~and sex~~
13 ratio. If certification standards are met, the sample shall
14 be certified.

15 (4) All bees to be certified may be stored in
16 containers which can be officially sealed after sampling to
17 maintain their certification identity.

18 (5) When the department committee has in its
19 possession a completed application form, ~~a certification an~~
20 appropriate fee, and a report that the sample meets
21 certification standards, it may issue a certificate for the
22 bees.

23 (6) The department committee shall BY RULE specify the
24 date by which any applicant must apply for recertification
25 the following year. ~~Applications for certification received~~

1 ~~after the date specified shall be assessed a penalty equal~~
2 ~~to 10% of the applicable certification fee but not exceeding~~
3 ~~\$50."~~

4 **Section 6.** Section 80-6-1106, MCA, is amended to read:

5 "80-6-1106. Bee laboratory authorized. The department
6 committee or its agent may develop and maintain a laboratory
7 for the purpose of providing analytical services required to
8 carry out the provisions of this part. The laboratory may be
9 authorized by the department committee to provide services
10 to persons possessing any bees or equipment on a
11 fee-for-service basis."

12 **Section 7.** Section 80-6-1107, MCA, is amended to read:

13 "80-6-1107. Restrictions on importing bees and
14 equipment. (1) All bees to be imported shall meet
15 importation, quarantine, and certification requirements
16 established under 80-6-1103 and must be registered in
17 accordance with 80-6-1111.

18 (2) Prior to the importation of any bee, the importer
19 must shall file a completed application form as required in
20 80-6-1105(2) and arrange an approximate date and time for
21 official sampling.

22 ~~(3) Every imported bee must be shipped to a storage~~
23 ~~facility designated by the department for sampling purposes.~~
24 ~~Prior to certification, each bee, container, and piece of~~
25 ~~associated equipment must be quarantined at the designated~~

1 storage-facility.

2 {4}(3) No-bees Bees may not be imported except in
3 loose cells or as adults. No-bees Bees may not be imported
4 in a drilled board, soda straw, or other equipment that
5 prevents adequate sampling of the bees.

6 {5}(4) A representative sample of the population of
7 bees imported shall be the basis for certification.

8 {6}--No-person-may-import--used--equipment--or--nesting
9 materials:

10 {7}(5) No A bee may not be certified unless all other
11 requirements for certification provided in 80-6-1105 are
12 met."

13 **Section 8.** Section 80-6-1108, MCA, is amended to read:

14 "80-6-1108. Restrictions on the rearing, moving,
15 selling, and trapping of bees and the movement of used
16 nesting material. (1) No A person may not rear any bee in a
17 drilled board or a nesting material from which samples of
18 loose larval cells cannot readily be obtained, except in an
19 unrestricted area.

20 (2) No A person may not move any quarantined bee or
21 equipment except by special permit issued by the department
22 committee.

23 (3) No A person may not wild trap or attempt to wild
24 trap bees unless that person has been issued a permit for
25 such activity in accordance with rules adopted by the

1 department committee. The department committee shall by rule
2 establish the permit fee.

3 (4) No A person may not sell or-distribute bees for
4 use in Montana unless the bees are officially certified in
5 accordance with 80-6-1103 and 80-6-1105.

6 (5) Any purchase of used nesting material in the state
7 must be reported to the committee."

8 **Section 9.** Section 80-6-1109, MCA, is amended to read:

9 "80-6-1109. Fees to be set by rule -- self-supporting
10 program -- enterprise fund established. (1) Fees authorized
11 to be charged by this part shall must be set by department
12 committee rule. Such The fees shall must be designed to
13 reimburse the department committee for costs incurred in
14 providing services and carrying out its duties under this
15 part. It is the intent of the legislature that department
16 committee activities under this part be self-supporting.

17 (2) There is an enterprise fund known as the
18 leaf-cutting bee fund for use by the department committee.
19 Fees collected under this part shall must be paid into the
20 leaf-cutting bee fund.

21 (3) The department committee may direct the board of
22 investments to invest money from the fund pursuant to the
23 provisions of the unified investment program. The income
24 from such investments must be credited to the leaf-cutting
25 bee fund."

Section 10. Section 80-6-1110, MCA, is amended to read:

"80-6-1110. Violation -- penalty. A person who imports, possesses, controls, moves, or wild traps or attempts to import, possess, control, move, or wild trap any bee or equipment in violation of this part or who interferes with or attempts to interfere with the efforts of the department committee or its agent to perform its duty under this part is guilty of a misdemeanor and upon conviction shall be fined not less than \$300 or more than \$500 for the first conviction and not less than \$300 or more than \$1,000 for each subsequent conviction."

Section 11. Section 80-6-1111, MCA, is amended to read:

"80-6-1111. Alfalfa leaf-cutting bees -- registration.

(1) ~~No~~ A person may not possess or control alfalfa leaf-cutting bees in this state unless the bees are registered annually as provided in this section.

(2) To register bees, a person must file a completed application form provided by the department, together with the registration fee set by rule. The applicant must provide the following:

- (a) name and place of residence;
- (b) the general location of bees to be registered; and
- (c) other relevant information as may be required by

department committee rule.

~~{3}--One sample of the bees to be registered must be sent to the department by the beekeeper or his agent. This sample must be analyzed for pathogens and parasites at no cost to the beekeeper. Additional samples may be sent to the department for analysis on a fee-for-service basis as established by rule.~~

~~{4}~~(3) The department committee shall BY RULE specify the date by which any applicant must apply for reregistration each year. Applications for reregistration received after the date specified must be assessed a penalty equal to 50% of the applicable registration fee."

Section 12. Section 80-6-1112, MCA, is amended to read:

"80-6-1112. Funding limitation. (1) The department committee shall expend only those funds which are raised by fees under this part. In the event that ~~such~~ funds are insufficient to finance the costs of services under this part, the department committee may reduce services accordingly.

(2) The committee may contract lab services with a qualified person and charge growers at cost on a per-sample basis.

(3) The committee may levy a fee SET BY COMMITTEE RULE not to exceed 30 cents for each 3,000 holes of nesting

1 material deeper than 3 1/2 inches for the purpose of
 2 administering this part and for the sampling and testing of
 3 bees. For nesting material less than 3 1/2 inches deep OR
 4 LESS, the fee may not exceed 16 cents per 2,000 holes of
 5 nesting material.

6 (4) Fees must be based on all nesting materials that
 7 are in field use on July 15 of each year. Fees are due on
 8 November 1 of each year.

9 (5) The amount of fees paid must be credited against a
 10 grower's cost of sampling and certification.

11 (6) Certification fees for drilled boards or loose
 12 cells may not exceed committee cost."

13 NEW SECTION. Section 13. Unrestricted area
 14 classification -- penalty. (1) A registered bee grower may
 15 establish an unrestricted area by obtaining written
 16 permission of all bee growers within a 5-mile radius of his
 17 alfalfa seed fields. Evidence of the permission must be
 18 recorded with the committee.

19 (2) Unrestricted area classification may be rescinded
 20 by unanimous written consent of all registered bee growers
 21 within the unrestricted area.

22 (3) A penalty of up to \$1,000 shall be levied against
 23 a person who violates this section.

24 NEW SECTION. Section 14. Identification. Each bee
 25 grower shall print his name, address, and telephone number

1 on each shelter or on at least 10% of the nesting material
 2 in each shelter.

3 NEW SECTION. Section 15. Custom pollinating. (1) A
 4 custom pollinator may move bees, equipment, and nesting
 5 material into an area other than his own provided he has
 6 first received permission from all registered bee growers
 7 within a 5-mile radius of the fields he intends to
 8 pollinate. Permission-in-future-years-for-pollinating-in-the
 9 same-area-must-be-obtained-only-from-the-original-registered
 10 bee-growers. This permission must be based on management
 11 practices rather than personal factors. This permission must
 12 be reported to the committee BY JUNE 1 AND before the
 13 movement of bees, equipment, and nesting material. ONCE
 14 PERMISSION IS GRANTED, THE CUSTOM POLLINATOR QUALIFIES AS A
 15 REGISTERED BEE GROWER WITHIN THAT AREA FOR AS LONG AS HE
 16 POLLINATES IN THAT AREA. IF PERMISSION IS DENIED, THE
 17 REQUESTOR MAY PETITION THE COMMITTEE TO DETERMINE IF THE
 18 DENIAL WAS BASED ON MANAGEMENT PRACTICES. THIS
 19 DETERMINATION MUST BE MADE BY THE COMMITTEE IN ACCORDANCE
 20 WITH TITLE 2, CHAPTER 4, PART 6.

21 (2) Between June 1 and September 1, a person may move
 22 his bees in an emergency situation by reporting the
 23 emergency situation to the committee by phone. He shall
 24 report GIVE PROOF OF written permission within 10 days.

25 (3) Committee-certified bees that are found by the

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1 committee to be free from chalkbrood may be moved into any
2 area without permission. NOTICE MUST BE GIVEN TO THE
3 DEPARTMENT PRIOR TO MOVEMENT.

4 NEW SECTION. **Section 16.** Extension of authority. Any
5 existing authority to make rules on the subject of the
6 provisions of [this act] is extended to the provisions of
7 [this act].

-End-

HOUSE BILL NO. 675

INTRODUCED BY SPAETH, HANSON

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE LAW RELATING TO MANAGEMENT OF ALFALFA LEAF-CUTTING BEES; ESTABLISHING AN UNRESTRICTED AREA CLASSIFICATION AND PROVIDING A PENALTY; REQUIRING IDENTIFICATION ON CERTAIN BEE EQUIPMENT OR NESTING MATERIAL; REGULATING CUSTOM POLLINATORS; CLARIFYING THE STATUS OF THE ALFALFA LEAF-CUTTING BEE COMMITTEE; PROVIDING FOR STAGGERED COMMITTEE MEMBER TERMS; AND AMENDING SECTIONS 2-15-3005 AND 80-6-1102 THROUGH 80-6-1112, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

SECTION 1. SECTION 2-15-3005, MCA, IS AMENDED TO READ:

"2-15-3005. Alfalfa leaf-cutting bee advisory committee -- membership -- compensation. (1) There is an alfalfa leaf-cutting bee advisory committee consisting of five members appointed by the governor. The committee is attached to the department for administrative purposes only as prescribed in 2-15-121.

(2) The committee consists of:

(a) three members from the Montana alfalfa seed association;

(b) one member from the department; and

(c) one member from the cooperative extension service at Montana state university.

(3) A list of nominees for appointment to the committee may be submitted to the governor by the Montana alfalfa seed association, the department, and the cooperative extension service for the respective appointments from each entity.

(4) Appointments to the committee are for 3 years. Appointments from the Montana alfalfa seed association are for staggered 3-year terms. Members may be reappointed at the discretion of the governor.

(5) Unless he is a full-time salaried officer or employee of this state or of a political subdivision of this state, each member is entitled to be paid from the enterprise fund established in 80-6-1109 compensation of \$25 for each day in which he is engaged in the transaction of the official business of the committee, together with expenses as provided for in 2-18-501 through 2-18-503."

Section 2. 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.

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

4 (3) "Chalkbrood" means a fungal disease that attacks
5 larvae of the alfalfa leaf-cutting bee.

6 ~~(4)~~(4) "Committee" means the alfalfa leaf-cutting bee
7 advisory committee established in 2-15-3005.

8 (5) "Custom pollinator" means a registered bee grower
9 who for the purpose of pollination moves bees onto property
10 not owned or leased by him.

11 ~~(4)~~(6) "Department" means the department of
12 agriculture established in 2-15-3001.

13 (7) "Emergency situation" means a situation that
14 requires the untimely movement of bees to a new food source.
15 A SITUATION MAY INCLUDE DROUGHT, FLOOD, HAIL DAMAGE, AND
16 OTHER SIMILAR SITUATIONS AS DEFINED BY COMMITTEE RULE.

17 ~~(5)~~(8) "Equipment" means grooved--boards, shelters,
18 trays, incubators, cell removers, tumblers, and other
19 apparatus except nesting materials used in rearing bees.

20 ~~(6)~~(9) "Nest destroyer" means any organism that
21 competes with the bee larvae for nest provisions.

22 ~~(7)~~(10) "Nesting materials" means equipment, laminates,
23 drilled boards, and other apparatus used in nesting bees.

24 ~~(8)~~(11) "Parasite" means an organism living in or on
25 any stage of the alfalfa leaf-cutting bee obtaining

1 nutriment from the body of the bee.

2 ~~(9)~~(12) "Pathogen" means an organism that causes
3 disease in the alfalfa leaf-cutting bee.

4 ~~(10)~~(13) "Person" means an individual, association,
5 partnership, or corporation.

6 ~~(11)~~(14) "Predator" means any organism OR INSECT which
7 preys on, devours, or destroys bees OR NESTS.

8 (15) "Unrestricted area" means an area where a person
9 may use new or used drilled boards, imported used laminates,
10 or any similar material in the rearing of bees.

11 ~~(12)~~(16) "Wild trap" means to intentionally trap bees
12 on property not owned or leased by the trapper."

13 **Section 3.** Section 80-6-1103, MCA, is amended to read:

14 "**80-6-1103. Department Committee responsibilities --**
15 **adoption of rules.** (1) The department committee is
16 responsible for the administration of this part.

17 (2) The department committee shall by rule adopt
18 minimum standards for the presence of pathogens and
19 parasites.

20 (3) The department committee may adopt rules
21 establishing minimum standards for the presence of predators
22 and nest destroyers in bees to be certified, imported,
23 quarantined, and possessed or controlled in the state of
24 Montana.

25 (4) The department committee may provide information

1 and services relating to the rearing of alfalfa leaf-cutting
2 bees and alfalfa seed production.

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

6 (6) In performing its duties under this part, the
7 department committee may:

8 (a) enter upon any public or private premises to
9 inspect equipment and sample bees;

10 (b) by rule establish quarantines to regulate the
11 entry of bees, and equipment, and nesting material into
12 areas of Montana specified in the quarantines;

13 (c) quarantine any bees, or equipment, or nesting
14 material found to be infected or contaminated at levels
15 exceeding importation or quarantine standards;

16 (d) order the disinfection, destruction, or removal of
17 any bees, or equipment, or nesting material that does not
18 meet importation or quarantine standards.

19 (7) Upon receiving notification of nesting material or
20 bees that appear to be abandoned, the committee shall
21 contact the owner as soon as possible to correct the
22 problem. If the owner cannot be found, the nesting material
23 or bees must be considered abandoned and the procedures for
24 disposition of abandoned property set out in Title 70,
25 chapter 9, part 3, must be followed.

1 {7}(B) (a) Whenever the department committee has
2 reasonable cause to believe a person is in possession of any
3 bees or equipment in violation of this part or rules adopted
4 under it, the department committee may order a quarantine of
5 the suspected bees or equipment and may require any person
6 in possession of such the bees or equipment to hold them
7 under specified conditions until notified otherwise in
8 writing by the department committee.

9 (b) The department committee shall release any
10 quarantine upon finding that the bees and equipment are in
11 compliance with this part."

12 **Section 4.** Section 80-6-1104, MCA, is amended to read:

13 "80-6-1104. Duties Advisory duty of committee. The
14 committee shall advise the department with respect to any
15 contemplated rulemaking. The committee shall meet
16 periodically to review the minimum standards adopted by the
17 department under this part."

18 **Section 5.** Section 80-6-1105, MCA, is amended to read:

19 "80-6-1105. Alfalfa leaf-cutting bees --
20 certification. (1) A person possessing or controlling
21 alfalfa leaf-cutting bees in the state of Montana may
22 annually certify all or part of his bees as provided in this
23 section.

24 (2) To certify bees, a person must file a completed
25 application form provided by the department, together with

1 the---certification a fee set by department rule. The
2 applicant must provide the following:

3 (a) name and place of residence;

4 (b) the general location and number of bees to be
5 registered certified; and

6 (c) other relevant information as may be required by
7 department committee rule.

8 (3) After receipt of an application for certification,
9 a sample of the total population of bees to be certified
10 shall be selected by the department committee or its agent
11 in a manner prescribed by the department committee. The
12 sample shall be analyzed for pathogens, parasites,
13 predators, nest destroyers, AND live larvae count;--and--sex
14 ratio. If certification standards are met, the sample shall
15 be certified.

16 (4) All bees to be certified may be stored in
17 containers which can be officially sealed after sampling to
18 maintain their certification identity.

19 (5) When the department committee has in its
20 possession a completed application form, a--certification an
21 appropriate fee, and a report that the sample meets
22 certification standards, it may issue a certificate for the
23 bees.

24 (6) The department committee shall BY RULE specify the
25 date by which any applicant must apply for recertification

1 the following year. ~~Applications for certification received~~
2 ~~after the date specified shall be assessed a penalty equal~~
3 ~~to 10% of the applicable certification fee but not exceeding~~
4 ~~\$50.~~

5 **Section 6.** Section 80-6-1106, MCA, is amended to read:

6 "80-6-1106. Bee laboratory authorized. The department
7 committee or its agent may develop and maintain a laboratory
8 for the purpose of providing analytical services required to
9 carry out the provisions of this part. The laboratory may be
10 authorized by the department committee to provide services
11 to persons possessing any bees or equipment on a
12 fee-for-service basis."

13 **Section 7.** Section 80-6-1107, MCA, is amended to read:

14 "80-6-1107. Restrictions on importing bees and
15 equipment. (1) All bees to be imported shall meet
16 importation, quarantine, and certification requirements
17 established under 80-6-1103 and must be registered in
18 accordance with 80-6-1111.

19 (2) Prior to the importation of any bee, the importer
20 must shall file a completed application form as required in
21 80-6-1105(2) and arrange an approximate date and time for
22 official sampling.

23 {3}--Every--imported--bee--must--be--shipped--to--a--storage
24 facility--designated--by--the--department--for--sampling--purposes--
25 Prior-to-certification, each bee, container,--and--piece--of

~~associated--equipment--must-be-quarantined-at-the-designated storage-facility-~~

~~(4)(3)~~ No-bees Bees may not be imported except in loose cells or as adults. No-bees Bees may not be imported in a drilled board, soda straw, or other equipment that prevents adequate sampling of the bees.

~~(5)(4)~~ A representative sample of the population of bees imported shall be the basis for certification.

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

~~(7)(5)~~ No A bee may not be certified unless all other requirements for certification provided in 80-6-1105 are met."

Section 8. Section 80-6-1108, MCA, is amended to read:

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

(2) No A person may not move any quarantined bee or equipment except by special permit issued by the department committee.

(3) No A person may not 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 committee. The department committee shall by rule establish the permit fee.

(4) No A person may not sell or-distribute bees for use in Montana unless the bees are officially certified in accordance with 80-6-1103 and 80-6-1105.

(5) Any purchase of used nesting material in the state must be reported to the committee."

Section 9. Section 80-6-1109, MCA, is amended to read:

"80-6-1109. Fees to be set by rule -- self-supporting program -- enterprise fund established. (1) Fees authorized to be charged by this part ~~shall~~ must be set by department committee rule. ~~Such The fees shall~~ must be designed to reimburse the department committee for costs incurred in providing services and carrying out its duties under this part. It is the intent of the legislature that department committee activities under this part be self-supporting.

(2) There is an enterprise fund known as the leaf-cutting bee fund for use by the department committee. Fees collected under this part ~~shall~~ must be paid into the leaf-cutting bee fund.

(3) The department committee may direct the board of investments to invest money from the fund pursuant to the provisions of the unified investment program. The income from such investments must be credited to the leaf-cutting

bee fund."

Section 10. Section 80-6-1110, MCA, is amended to read:

"80-6-1110. Violation -- penalty. A person who imports, possesses, controls, moves, or wild traps or attempts to import, possess, control, move, or wild trap any bee or equipment in violation of this part or who interferes with or attempts to interfere with the efforts of the department committee or its agent to perform its duty under this part is guilty of a misdemeanor and upon conviction shall be fined not less than \$300 or more than \$500 for the first conviction and not less than \$300 or more than \$1,000 for each subsequent conviction."

Section 11. Section 80-6-1111, MCA, is amended to read:

"80-6-1111. Alfalfa leaf-cutting bees -- registration.

(1) No A person may not possess or control alfalfa leaf-cutting bees in this state unless the bees are registered annually as provided in this section.

(2) To register bees, a person must file a completed application form provided by the department, together with the registration fee set by rule. The applicant must provide the following:

(a) name and place of residence;

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

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

~~(3) One sample of the bees to be registered must be sent to the department by the beekeeper or his agent. This sample must be analyzed for pathogens and parasites at no cost to the beekeeper. Additional samples may be sent to the department for analysis on a fee-for-service basis as established by rule.~~

~~(4)(3) The department committee shall BY RULE specify the date by which any applicant must apply for reregistration each year. Applications for reregistration received after the date specified must be assessed a penalty equal to 50% of the applicable registration fee.~~

Section 12. Section 80-6-1112, MCA, is amended to read:

"80-6-1112. Funding limitation. (1) The department committee shall expend only those funds which are raised by fees under this part. In the event that such funds are insufficient to finance the costs of services under this part, the department committee may reduce services accordingly.

(2) The committee may contract lab services with a qualified person and charge growers at cost on a per-sample basis.

(3) The committee may levy a fee SET BY COMMITTEE RULE

1 not to exceed 30 cents for each 3,000 holes of nesting
 2 material deeper than 3 1/2 inches for the purpose of
 3 administering this part and for the sampling and testing of
 4 bees. For nesting material less than 3 1/2 inches deep OR
 5 LESS, the fee may not exceed 16 cents per 2,000 holes of
 6 nesting material.

7 (4) Fees must be based on all nesting materials that
 8 are in field use on July 15 of each year. Fees are due on
 9 November 1 of each year.

10 (5) The amount of fees paid must be credited against a
 11 grower's cost of sampling and certification.

12 (6) Certification fees for drilled boards or loose
 13 cells may not exceed committee cost."

14 NEW SECTION. Section 13. Unrestricted area
 15 classification -- penalty. (1) A registered bee grower may
 16 establish an unrestricted area by obtaining written
 17 permission of all bee growers within a 5-mile radius of his
 18 alfalfa seed fields. Evidence of the permission must be
 19 recorded with the committee.

20 (2) Unrestricted area classification may be rescinded
 21 by unanimous written consent of all registered bee growers
 22 within the unrestricted area.

23 (3) A penalty of up to \$1,000 shall be levied against
 24 a person who violates this section.

25 NEW SECTION. Section 14. Identification. Each bee

1 grower shall print his name, address, and telephone number
 2 on each shelter or on at least 10% of the nesting material
 3 in each shelter.

4 NEW SECTION. Section 15. Custom pollinating. (1) A
 5 custom pollinator may move bees, equipment, and nesting
 6 material into an area other than his own provided he has
 7 first received permission from all registered bee growers
 8 within a 5-mile radius of the fields he intends to
 9 pollinate. Permission-in-future-years-for-pollinating-in-the
 10 same-area-need-be-obtained-only-from-the-original-registered
 11 bee-growers: This permission must be based on management
 12 practices rather than personal factors. This permission must
 13 be reported to the committee BY JUNE 1 AND before the
 14 movement of bees, equipment, and nesting material. ONCE
 15 PERMISSION IS GRANTED, THE CUSTOM POLLINATOR QUALIFIES AS A
 16 REGISTERED BEE GROWER WITHIN THAT AREA FOR AS LONG AS HE
 17 POLLINATES IN THAT AREA. IF PERMISSION IS DENIED, THE
 18 REQUESTOR MAY PETITION THE COMMITTEE TO DETERMINE IF THE
 19 DENIAL WAS BASED ON MANAGEMENT PRACTICES. THIS
 20 DETERMINATION MUST BE MADE BY THE COMMITTEE IN ACCORDANCE
 21 WITH TITLE 2, CHAPTER 4, PART 6.

22 (2) Between June 1 and September 1, a person may move
 23 his bees in an emergency situation by reporting the
 24 emergency situation to the committee by phone. He shall
 25 report GIVE PROOF OF written permission within 10 days.

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1 (3) Committee-certified bees that are found by the
2 committee to be free from chalkbrood may be moved into any
3 area without permission. NOTICE MUST BE GIVEN TO THE
4 DEPARTMENT PRIOR TO MOVEMENT.

5 NEW SECTION. Section 16. Extension of authority. Any
6 existing authority to make rules on the subject of the
7 provisions of [this act] is extended to the provisions of
8 [this act].

9 NEW SECTION. SECTION 17. EFFECTIVE DATE. [THIS ACT]
10 IS EFFECTIVE ON PASSAGE AND APPROVAL.

-End-

HOUSE BILL NO. 675

INTRODUCED BY SPAETH, HANSON

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE LAW RELATING TO MANAGEMENT OF ALFALFA LEAF-CUTTING BEES; ESTABLISHING AN UNRESTRICTED AREA CLASSIFICATION AND PROVIDING A PENALTY; REQUIRING IDENTIFICATION ON CERTAIN BEE EQUIPMENT OR NESTING MATERIAL; REGULATING CUSTOM POLLINATORS; CLARIFYING THE STATUS OF THE ALFALFA LEAF-CUTTING BEE COMMITTEE; PROVIDING FOR STAGGERED COMMITTEE MEMBER TERMS; AND AMENDING SECTIONS 2-15-3005 AND 80-6-1102 THROUGH 80-6-1112, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

SECTION 1. SECTION 2-15-3005, MCA, IS AMENDED TO READ:

"2-15-3005. Alfalfa leaf-cutting bee advisory committee -- membership -- compensation. (1) There is an alfalfa leaf-cutting bee advisory committee consisting of five members appointed by the governor. The committee is attached to the department for administrative purposes only as prescribed in 2-15-121.

(2) The committee consists of:

(a) three members from the Montana alfalfa seed association;

(b) one member from the department; and

(c) one member from the cooperative extension service at Montana state university.

(3) A list of nominees for appointment to the committee may be submitted to the governor by the Montana alfalfa seed association, the department, and the cooperative extension service for the respective appointments from each entity.

(4) Appointments to the committee are for 3 years. Appointments from the Montana alfalfa seed association are for staggered 3-year terms. Members may be reappointed at the discretion of the governor.

(5) Unless he is a full-time salaried officer or employee of this state or of a political subdivision of this state, each member is entitled to be paid from the enterprise fund established in 80-6-1109 compensation of \$25 for each day in which he is engaged in the transaction of the official business of the committee, together with expenses as provided for in 2-18-501 through 2-18-503."

Section 2. 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 committee to determine whether they meet required standards.

(3) "Chalkbrood" means a fungal disease that attacks larvae of the alfalfa leaf-cutting bee.

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

(5) "Custom pollinator" means a registered bee grower who for the purpose of pollination moves bees onto property not owned or leased by him.

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

(7) "Emergency situation" means a situation that requires the untimely movement of bees to a new food source. A SITUATION MAY INCLUDE DROUGHT, FLOOD, HAIL DAMAGE, AND OTHER SIMILAR SITUATIONS AS DEFINED BY COMMITTEE RULE.

(8) "Equipment" means grooved--boards, shelters, trays, incubators, cell removers, tumblers, and other apparatus except nesting materials used in rearing bees.

(9) "Nest destroyer" means any organism that competes with the bee larvae for nest provisions.

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

(11) "Parasite" means an organism living in or on any stage of the alfalfa leaf-cutting bee obtaining

nutriment from the body of the bee.

(12) "Pathogen" means an organism that causes disease in the alfalfa leaf-cutting bee.

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

(14) "Predator" means any organism OR INSECT which preys on, devours, or destroys bees OR NESTS.

(15) "Unrestricted area" means an area where a person may use new or used drilled boards, imported used laminates, or any similar material in the rearing of bees.

(16) "Wild trap" means to intentionally trap bees on property not owned or leased by the trapper."

Section 3. Section 80-6-1103, MCA, is amended to read:

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

(2) The department committee shall by rule adopt minimum standards for the presence of pathogens and parasites.

(3) The department committee may adopt rules establishing minimum standards for the presence of predators and nest destroyers in bees to be certified, imported, quarantined, and possessed or controlled in the state of Montana.

(4) The department committee may provide information

1 and services relating to the rearing of alfalfa leaf-cutting
2 bees and alfalfa seed production.

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

6 (6) In performing its duties under this part, the
7 department committee may:

8 (a) enter upon any public or private premises to
9 inspect equipment and sample bees;

10 (b) by rule establish quarantines to regulate the
11 entry of bees, and equipment, and nesting material into
12 areas of Montana specified in the quarantines;

13 (c) quarantine any bees, or equipment, or nesting
14 material found to be infected or contaminated at levels
15 exceeding importation or quarantine standards;

16 (d) order the disinfection, destruction, or removal of
17 any bees, or equipment, or nesting material that does not
18 meet importation or quarantine standards.

19 (7) Upon receiving notification of nesting material or
20 bees that appear to be abandoned, the committee shall
21 contact the owner as soon as possible to correct the
22 problem. If the owner cannot be found, the nesting material
23 or bees must be considered abandoned and the procedures for
24 disposition of abandoned property set out in Title 70,
25 chapter 9, part 3, must be followed.

1 ~~†7†~~(8) (a) Whenever the department committee has
2 reasonable cause to believe a person is in possession of any
3 bees or equipment in violation of this part or rules adopted
4 under it, the department committee may order a quarantine of
5 the suspected bees or equipment and may require any person
6 in possession of such the bees or equipment to hold them
7 under specified conditions until notified otherwise in
8 writing by the department committee.

9 (b) The department committee shall release any
10 quarantine upon finding that the bees and equipment are in
11 compliance with this part."

12 **Section 4.** Section 80-6-1104, MCA, is amended to read:

13 **"80-6-1104. Duties Advisory duty of committee.** The
14 committee shall advise the department with respect to any
15 contemplated rulemaking. The committee shall meet
16 periodically to review the minimum standards adopted ~~by the~~
17 department under this part."

18 **Section 5.** Section 80-6-1105, MCA, is amended to read:

19 **"80-6-1105. Alfalfa leaf-cutting bees --**
20 **certification.** (1) A person possessing or controlling
21 alfalfa leaf-cutting bees in the state of Montana may
22 annually certify all or part of his bees as provided in this
23 section.

24 (2) To certify bees, a person must file a completed
25 application form provided by the department, together with

the---certification a fee set by department rule. The applicant must provide the following:

(a) name and place of residence;

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

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

(3) After receipt of an application for certification, a sample of the total population of bees to be certified shall be selected by the department committee or its agent in a manner prescribed by the department committee. The sample shall be analyzed for pathogens, parasites, predators, nest destroyers, AND live larvae count,--and--sex ratio. If certification standards are met, the sample shall be certified.

(4) All bees to be certified may be stored in containers which can be officially sealed after sampling to maintain their certification identity.

(5) When the department committee has in its possession a completed application form, a--certification an appropriate fee, and a report that the sample meets certification standards, it may issue a certificate for the bees.

(6) The department committee shall BY RULE specify the date by which any applicant must apply for recertification

the following year. Applications--for--certification--received after--the--date--specified--shall--be--assessed--a--penalty--equal to--10%--of--the--applicable--certification--fee--but--not--exceeding \$50."

Section 6. Section 80-6-1106, MCA, is amended to read:

"80-6-1106. Bee laboratory authorized. The department committee or its agent may develop and maintain a laboratory for the purpose of providing analytical services required to carry out the provisions of this part. The laboratory may be authorized by the department committee to provide services to persons possessing any bees or equipment on a fee-for-service basis."

Section 7. Section 80-6-1107, MCA, is amended to read:

"80-6-1107. Restrictions on importing bees and equipment. (1) All bees to be imported shall meet importation, quarantine, and certification requirements established under 80-6-1103 and must be registered in accordance with 80-6-1111.

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

(3)--Every--imported--bee--must--be--shipped--to--a--storage facility--designated--by--the--department--for--sampling--purposes-- Prior--to--certification,--each--bee,--container,--and--piece--of

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

3 {4}(3) No-bees Bees may not be imported except in
4 loose cells or as adults. No-bees Bees may not be imported
5 in a drilled board, soda straw, or other equipment that
6 prevents adequate sampling of the bees.

7 {5}(4) A representative sample of the population of
8 bees imported shall be the basis for certification.

9 {6}--No-person-may-import--used--equipment--or--nesting
10 materials.

11 {7}(5) No A bee may not be certified unless all other
12 requirements for certification provided in 80-6-1105 are
13 met."

14 **Section 8.** Section 80-6-1108, MCA, is amended to read:

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

21 (2) No A person may not move any quarantined bee or
22 equipment except by special permit issued by the department
23 committee.

24 (3) No A person may not wild trap or attempt to wild
25 trap bees unless that person has been issued a permit for

1 such activity in accordance with rules adopted by the
2 department committee. The department committee shall by rule
3 establish the permit fee.

4 (4) No A person may not sell or-distribute bees for
5 use in Montana unless the bees are officially certified in
6 accordance with 80-6-1103 and 80-6-1105.

7 (5) Any purchase of used nesting material in the state
8 must be reported to the committee."

9 **Section 9.** Section 80-6-1109, MCA, is amended to read:

10 "80-6-1109. Fees to be set by rule -- self-supporting
11 program -- enterprise fund established. (1) Fees authorized
12 to be charged by this part shall must be set by department
13 committee rule. Such The fees shall must be designed to
14 reimburse the department committee for costs incurred in
15 providing services and carrying out its duties under this
16 part. It is the intent of the legislature that department
17 committee activities under this part be self-supporting.

18 (2) There is an enterprise fund known as the
19 leaf-cutting bee fund for use by the department committee.
20 Fees collected under this part shall must be paid into the
21 leaf-cutting bee fund.

22 (3) The department committee may direct the board of
23 investments to invest money from the fund pursuant to the
24 provisions of the unified investment program. The income
25 from such investments must be credited to the leaf-cutting

1 bee fund."

2 **Section 10.** Section 80-6-1110, MCA, is amended to
3 read:

4 "80-6-1110. Violation -- penalty. A person who
5 imports, possesses, controls, moves, or wild traps or
6 attempts to import, possess, control, move, or wild trap any
7 bee or equipment in violation of this part or who interferes
8 with or attempts to interfere with the efforts of the
9 department committee or its agent to perform its duty under
10 this part is guilty of a misdemeanor and upon conviction
11 shall be fined not less than \$300 or more than \$500 for the
12 first conviction and not less than \$300 or more than \$1,000
13 for each subsequent conviction."

14 **Section 11.** Section 80-6-1111, MCA, is amended to
15 read:

16 "80-6-1111. Alfalfa leaf-cutting bees -- registration.
17 (1) No A person may not possess or control alfalfa
18 leaf-cutting bees in this state unless the bees are
19 registered annually as provided in this section.

20 (2) To register bees, a person must file a completed
21 application form provided by the department, together with
22 the registration fee set by rule. The applicant must
23 provide the following:

- 24 (a) name and place of residence;
25 (b) the general location of bees to be registered; and

1 (c) other relevant information as may be required by
2 department committee rule.

3 ~~{3}--One sample of the bees to be registered must be~~
4 ~~sent to the department by the beekeeper or his agent. This~~
5 ~~sample must be analyzed for pathogens and parasites at no~~
6 ~~cost to the beekeeper. Additional samples may be sent to the~~
7 ~~department for analysis on a fee-for-service basis as~~
8 ~~established by rule.~~

9 ~~{4}{3}~~ The department committee shall BY RULE specify
10 the date by which any applicant must apply for
11 reregistration each year. Applications for reregistration
12 received after the date specified must be assessed a penalty
13 equal to 50% of the applicable registration fee."

14 **Section 12.** Section 80-6-1112, MCA, is amended to
15 read:

16 "80-6-1112. Funding limitation. (1) The department
17 committee shall expend only those funds which are raised by
18 fees under this part. In the event that such funds are
19 insufficient to finance the costs of services under this
20 part, the department committee may reduce services
21 accordingly.

22 (2) The committee may contract lab services with a
23 qualified person and charge growers at cost on a per sample
24 basis.

25 (3) The committee may levy a fee SET BY COMMITTEE RULE

not to exceed 30 cents for each 3,000 holes of nesting material deeper than 3 1/2 inches for the purpose of administering this part and for the sampling and testing of bees. For nesting material ~~less than~~ 3 1/2 inches deep OR LESS, the fee may not exceed 16 cents per 2,000 holes of nesting material.

(4) Fees must be based on all nesting materials that are in field use on July 15 of each year. Fees are due on November 1 of each year.

(5) The amount of fees paid must be credited against a grower's cost of sampling and certification.

(6) Certification fees for drilled boards or loose cells may not exceed committee cost."

NEW SECTION. Section 13. Unrestricted area classification -- penalty. (1) A registered bee grower may establish an unrestricted area by obtaining written permission of all bee growers within a 5-mile radius of his alfalfa seed fields. Evidence of the permission must be recorded with the committee.

(2) Unrestricted area classification may be rescinded by unanimous written consent of all registered bee growers within the unrestricted area.

(3) A penalty of up to \$1,000 shall be levied against a person who violates this section.

NEW SECTION. Section 14. Identification. Each bee

grower shall print his name, address, and telephone number on each shelter or on at least 10% of the nesting material in each shelter.

NEW SECTION. Section 15. Custom pollinating. (1) A custom pollinator may move bees, equipment, and nesting material into an area other than his own provided he has first received permission from all registered bee growers within a 5-mile radius of the fields he intends to pollinate. ~~Permission-in-future-years-for-pollinating-in-the same-area-need-be-obtained-only-from-the-original-registered bee-growers.~~ This permission must be based on management practices rather than personal factors. This permission must be reported to the committee BY JUNE 1 AND before the movement of bees, equipment, and nesting material. ONCE PERMISSION IS GRANTED, THE CUSTOM POLLINATOR QUALIFIES AS A REGISTERED BEE GROWER WITHIN THAT AREA FOR AS LONG AS HE POLLINATES IN THAT AREA. IF PERMISSION IS DENIED, THE REQUESTOR MAY PETITION THE COMMITTEE TO DETERMINE IF THE DENIAL WAS BASED ON MANAGEMENT PRACTICES. THIS DETERMINATION MUST BE MADE BY THE COMMITTEE IN ACCORDANCE WITH TITLE 2, CHAPTER 4, PART 6.

(2) Between June 1 and September 1, a person may move his bees in an emergency situation by reporting the emergency situation to the committee by phone. He shall report GIVE PROOF OF written permission within 10 days.

1 (3) Committee-certified bees that are found by the
2 committee to be free from chalkbrood may be moved into any
3 area without permission. NOTICE MUST BE GIVEN TO THE
4 DEPARTMENT PRIOR TO MOVEMENT.

5 NEW SECTION. **Section 16.** Extension of authority. Any
6 existing authority to make rules on the subject of the
7 provisions of [this act] is extended to the provisions of
8 [this act].

9 NEW SECTION. SECTION 17. EFFECTIVE DATE. [THIS ACT]
10 IS EFFECTIVE ON PASSAGE AND APPROVAL.

-End-