

HOUSE BILL NO. 181  
INTRODUCED BY BARNETT

IN THE HOUSE

JANUARY 14, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON AGRICULTURE, LIVESTOCK, & IRRIGATION.  FIRST READING.
JANUARY 30, 1993	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
FEBRUARY 1, 1993	PRINTING REPORT.
FEBRUARY 2, 1993	SECOND READING, DO PASS.
FEBRUARY 3, 1993	ENGROSSING REPORT.
FEBRUARY 4, 1993	THIRD READING, PASSED. AYES, 98; NOES, 2.  TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 8, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON AGRICULTURE, LIVESTOCK, & IRRIGATION.  FIRST READING.
MARCH 8, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 9, 1993	ON MOTION, REREFERRED TO COMMITTEE ON TAXATION.
APRIL 3, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
APRIL 8, 1993	SECOND READING, CONCURRED IN.
APRIL 12, 1993	THIRD READING, CONCURRED IN. AYES, 39; NOES, 9.  RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 14, 1993

SECOND READING, AMENDMENTS  
CONCURRED IN.

APRIL 15, 1993

THIRD READING, AMENDMENTS  
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 House BILL NO. 181  
 2 INTRODUCED BY Barnett  
 3  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE  
 5 DEFINITIONS, REGISTRATION FEES, AND PENALTIES APPLICABLE TO  
 6 THE PRACTICE OF APICULTURE; AMENDING SECTIONS 80-6-101,  
 7 80-6-105, AND 80-6-303, MCA; AND PROVIDING AN EFFECTIVE  
 8 DATE."  
 9

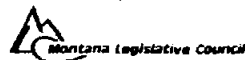
10 STATEMENT OF INTENT

11 A statement of intent is required for this bill because  
 12 additional rulemaking authority is extended to the  
 13 department of agriculture's present authority to regulate  
 14 apiculture in the following sections:

15 (1) The definition of "bee diseases" in 80-6-101(2) is  
 16 intended to allow the department to establish by rule what  
 17 specific diseases of bees are subject to regulation.

18 (2) Section 80-6-303(2) is intended to grant the  
 19 department the authority to establish a penalty matrix that  
 20 sets out the kinds of administrative penalties that are  
 21 applicable to violations of Montana apiculture law and to  
 22 delineate the degrees of penalty that may be assessed for  
 23 initial and subsequent administrative violations.  
 24

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



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

2 "80-6-101. Definitions. Unless the context requires  
 3 otherwise, in this chapter the following definitions apply:

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

7 (2) "Bee diseases" means American---or---European  
 8 founbroody, sacbroody, bee-paralysis, bee-parasites, or--other  
 9 a disease or abnormal condition of egg, larval, pupal, or  
 10 adult stages of bees. Specific bee diseases that are subject  
 11 to regulation under parts 1 through 3 of this chapter must  
 12 be designated by department rule.

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

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

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

19 (6) "Equipment" means hives, supers, frames, veils,  
 20 gloves, or any apparatus, tools, machines, or other devices  
 21 used in the handling and manipulation of bees, honey, wax,  
 22 and hives and includes containers of honey and wax used in  
 23 an apiary or in transporting bees and their products and  
 24 apiary supplies.

25 (7) "Family unit" means two or more persons living

1 together or residing in the same dwelling, house, or other  
2 place of residence.

3 (8) "General apiary" means an apiary other than a  
4 pollination apiary, landowner apiary, or hobbyist apiary.

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

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

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

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

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

20 (14) "Persons" means individuals, associations,  
21 partnerships, or corporations.

22 (15) "Pest" means the African honeybee (*Apis mellifera*  
23 *scutellata*) and those honeybees Africanized by interbreeding  
24 with the African honeybee, as identified by rule of the  
25 department.

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

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

6 **Section 2.** Section 80-6-105, MCA, is amended to read:

7 **"80-6-105. Registration fees.** (1) Each year before a  
8 certificate of registration may be issued for an apiary, the  
9 owner or applicant for the certificate shall pay the  
10 department a registration fee in accordance with the  
11 following schedule of fees for the total number of colonies  
12 owned or possessed:

13	1 to	10 colonies of bees .....	<del>10-00</del> <u>20</u>
14	11 to	200 colonies .....	<del>25-00</del> <u>50</u>
15	201 to	500 colonies .....	<del>40-00</del> <u>80</u>
16	501 to	1,000 colonies .....	<del>70-00</del> <u>140</u>
17	1,001 to	3,000 colonies .....	<del>100-00</del> <u>200</u>
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19	5,001 colonies and upward	.....	<del>200-00</del> <u>400</u>

20 (2) If, after registration, additional or new colonies  
21 are authorized for a registered apiary, fees shall must be  
22 paid by the registrant in accordance with the schedule in  
23 subsection (1) for the total number of colonies for that  
24 year."

25 **Section 3.** Section 80-6-303, MCA, is amended to read:

1 effective July 1, 1993.

-End-

1       "80-6-303. Penalty. (1) A person violating or aiding in  
2 the violation of parts 1 through 3 or rules adopted under  
3 parts 1 through 3 is guilty of subject to one or both of the  
4 following penalties:

5       (a) an administrative civil penalty of not more than  
6 \$1,000 for each offense. Assessment of a penalty under this  
7 subsection (a) may be made in conjunction with any other  
8 warning, order, or administrative action that is issued by  
9 the department under this part.

10       (b) a-misdemeanor-and-shall-be-fined if the offense is a  
11 misdemeanor, a fine of not less than \$25 or more than \$500  
12 or imprisoned imprisonment in the county jail not exceeding  
13 1 year, or both fined-and-imprisoned.

14       (2) The department shall establish by rule a penalty  
15 matrix that schedules the types of penalties, the amounts of  
16 penalties for initial and subsequent offenses, and any other  
17 matters necessary for the administration of civil penalties  
18 under subsection (1)(a). The issuance of a civil penalty is  
19 subject to the contested case procedures of Title 2, chapter  
20 4, part 6.

21       (3) This part may not be construed as requiring the  
22 department or its representatives to report violations of  
23 this part when it is believed that the public interest will  
24 be best served by a suitable notice of warning."

25       NEW SECTION. Section 4. Effective date. [This act] is

## STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0181, as introduced.

**DESCRIPTION OF PROPOSED LEGISLATION:** An act revising the definitions, registration fees, and penalties applicable to the practice of apiculture; amending certain sections and providing an effective date.

**ASSUMPTIONS:**

1. Apiary registration fees will double. The registration fee revenue projections are based on FY92 actuals.
2. Approximately 9% of total program general fund expenditures occur in the apiary program (based on historical employee time and expense data). FY94 and FY95 expenditures are based on executive budget data.
3. The increase in revenue from apiary registration fees will not result in increased program expenditures or increased services.

**FISCAL IMPACT:**

	FY94			FY95		
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
<b>Expenditures</b>						
Personal Services	\$39,955	\$39,955	-0-	\$40,065	\$40,065	-0-
Operating	<u>8,528</u>	<u>8,528</u>	-0-	<u>7,247</u>	<u>7,247</u>	-0-
	\$48,483	\$48,483		\$47,312	\$47,312	
<b>Funding</b>						
General Fund	\$48,483	\$48,483	-0-	\$47,312	\$47,312	-0-
<b>Revenues:</b>						
Apiary Registration Fees	\$ 9,740	\$19,480	\$ 9,740	\$ 9,740	\$19,480	\$ 9,740
Apiary Inspections	<u>2,000</u>	<u>2,000</u>	-0-	<u>2,000</u>	<u>2,000</u>	-0-
	11,740	\$21,480	\$ 9,740	\$11,740	\$21,480	\$ 9,740
<b>Disposition of Revenue:</b>						
General Fund	\$11,740	\$21,480	\$ 9,740	\$11,740	\$21,480	\$ 9,740
<b>Net Impact:</b>						
General Fund (01)			\$ 9,740			\$ 9,740

*David Lewis* 1-19-93  
 DAVID LEWIS, BUDGET DIRECTOR DATE  
 Office of Budget and Program Planning

*Joe Barnett* 1/19/93  
 JOE BARNETT, PRIMARY SPONSOR DATE

Fiscal Note for HB0181, as introduced

HB 181

APPROVED BY COMMITTEE  
ON AGRICULTURE LIVESTOCK  
AND IRRIGATION

House BILL NO. 181

INTRODUCED BY Warratt

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE  
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to regulation under parts 1 through 3 of this chapter must  
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12 total of no more than five hives.

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25       NEW SECTION. Section 4. Effective date. [This act] is

1       effective July 1, 1993.

-End-

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3  
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1       effective July 1, 1993.

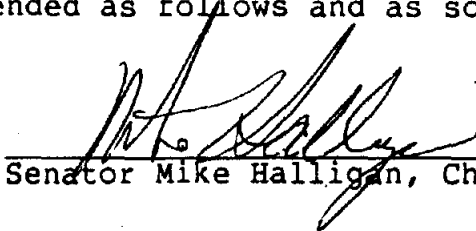
-End-

SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
April 2, 1993

MR. PRESIDENT:

We, your committee on Taxation having had under consideration House Bill No. 181 (third reading copy -- blue), respectfully report that House Bill No. 181 be amended as follows and as so amended be concurred in.

Signed: 

Senator Mike Halligan, Chair

That such amendments read:

1. Page 5, line 9.

Following: "."

Insert: "The proceeds of an administrative civil penalty must be deposited in the general fund."

-END-

M Amd. Coord.  
M Sec. of Senate

Eck  
Senator Carrying Bill

SENATE

HB 181

741557SC.Sma

## HOUSE BILL NO. 181

INTRODUCED BY BARNETT

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE DEFINITIONS, REGISTRATION FEES, AND PENALTIES APPLICABLE TO THE PRACTICE OF APICULTURE; AMENDING SECTIONS 80-6-101, 80-6-105, AND 80-6-303, MCA; AND PROVIDING AN EFFECTIVE DATE."

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1 together or residing in the same dwelling, house, or other  
2 place of residence.

3 (8) "General apiary" means an apiary other than a  
4 pollination apiary, landowner apiary, or hobbyist apiary.

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

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

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

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

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

20 (14) "Persons" means individuals, associations,  
21 partnerships, or corporations.

22 (15) "Pest" means the African honeybee (*Apis mellifera*  
23 *scutellata*) and those honeybees Africanized by interbreeding  
24 with the African honeybee, as identified by rule of the  
25 department.

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

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

6 **Section 2.** Section 80-6-105, MCA, is amended to read:

7 **"80-6-105. Registration fees.** (1) Each year before a  
8 certificate of registration may be issued for an apiary, the  
9 owner or applicant for the certificate shall pay the  
10 department a registration fee in accordance with the  
11 following schedule of fees for the total number of colonies  
12 owned or possessed:

13	1 to 10 colonies of bees .....	<del>10-00</del> <u>20</u>
14	11 to 200 colonies .....	<del>25-00</del> <u>50</u>
15	201 to 500 colonies .....	<del>40-00</del> <u>80</u>
16	501 to 1,000 colonies .....	<del>70-00</del> <u>140</u>
17	1,001 to 3,000 colonies .....	<del>100-00</del> <u>200</u>
18	3,001 to 5,000 colonies .....	<del>140-00</del> <u>280</u>
19	5,001 colonies and upward .....	<del>200-00</del> <u>400</u>

20 (2) If, after registration, additional or new colonies  
21 are authorized for a registered apiary, fees ~~shall~~ must be  
22 paid by the registrant in accordance with the schedule in  
23 subsection (1) for the total number of colonies for that  
24 year."

25 **Section 3.** Section 80-6-303, MCA, is amended to read:

1        "80-6-303. Penalty. (1) A person violating or aiding in  
 2        the violation of parts 1 through 3 or rules adopted under  
 3        parts 1 through 3 is guilty-of subject to one or both of the  
 4        following penalties:

5        (a) an administrative civil penalty of not more than  
 6        \$1,000 for each offense. Assessment of a penalty under this  
 7        subsection (a) may be made in conjunction with any other  
 8        warning, order, or administrative action that is issued by  
 9        the department under this part. THE PROCEEDS OF AN  
 10       ADMINISTRATIVE CIVIL PENALTY MUST BE DEPOSITED IN THE  
 11       GENERAL FUND.

12       (b) a-misdemeanor-and-shall-be-fined if the offense is  
 13       a misdemeanor, a fine of not less than \$25 or more than \$500  
 14       or imprisoned imprisonment in the county jail not exceeding  
 15       1 year, or both fined-and-imprisoned.

16       (2) The department shall establish by rule a penalty  
 17       matrix that schedules the types of penalties, the amounts of  
 18       penalties for initial and subsequent offenses, and any other  
 19       matters necessary for the administration of civil penalties  
 20       under subsection (1)(a). The issuance of a civil penalty is  
 21       subject to the contested case procedures of Title 2, chapter  
 22       4, part 6.

23       (3) This part may not be construed as requiring the  
 24       department or its representatives to report violations of  
 25       this part when it is believed that the public interest will

1       be best served by a suitable notice of warning."

2       NEW SECTION. Section 4. Effective date. [This act] is  
 3       effective July 1, 1993.

-End-