

1 HOUSE BILL NO. 443

2 INTRODUCED BY R. FITZGERALD

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING REQUIREMENTS FOR HOBBYIST APIARIES;
5 REQUIRING REGISTRATION OF HOBBYIST APIARY SITES; AMENDING SECTIONS 80-6-102, 80-6-114, AND
6 80-6-201, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

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10 **Section 1.** Section 80-6-102, MCA, is amended to read:

11 **"80-6-102. Registration classes -- reregistration -- fees.** (1) ~~Except as provided in 80-6-114, a~~ A
12 person who owns or possesses an apiary in the state shall, before April 1 each year, reregister the apiary site.
13 A person who owns or possesses any bees, hives, colonies, or beekeeping equipment in this state or who owns
14 or possesses an apiary in this state and who fails or refuses to register or reregister as provided in this part is
15 subject to a civil penalty as set forth in 80-6-303.

16 (2) (a) Before a certificate of registration may be issued for an apiary site, the owner or applicant for a
17 certificate shall pay a reregistration fee to the department.

18 (b) The annual fee for reregistering an apiary site may not be less than \$10 or more than \$50. The
19 department may adjust the fee by rule to maintain adequate funding for this part.

20 (c) If, after reregistration, additional or new apiary sites are authorized for a registered apiary, fees must
21 be paid by the registrant in accordance with subsection (2)(b).

22 (d) A site reregistration not applied for by April 1 of each year is a delinquent reregistration and is subject
23 to a penalty fee of 10% of the regular reregistration fee or \$10, whichever is greater.

24 (3) (a) A registrant who fails to apply for reregistration by April 1 of each year must be notified of the
25 delinquency by the department. Notification must be by certified mail, addressed to the registrant at the
26 registrant's most recent address listed in the department's apiary registration files and is considered sufficient
27 when deposited in a United States post office box or mail box on or before April 21.

28 (b) If a delinquent reregistration is not reregistered by June 1, the registration is forfeited and all rights
29 under the registration are terminated. After June 1, apiary sites that have not been reregistered may be deleted
30 from the registration database.

1 (4) There are four classes of apiary site registration. The conditions under which the department may
2 issue certificates of registration for each class are specified in 80-6-111 through 80-6-114.

3 (5) Registration application blanks must be furnished by the department. The applicant shall provide the
4 following information:

5 (a) a statement of the applicant's name, telephone number, and mailing address;

6 (b) the location of the apiary site, specifically the nearest quarter section, section, township, and range
7 or the GPS coordinates of the site;

8 (c) the name of the current owner, renter, or occupant of the land on which the apiary site is located;

9 (d) when the application is for a new apiary site being registered for the first time, the application must
10 also show that the owner, renter, or occupant of the land has consented in writing to the apiary being located on
11 that land;

12 (e) the class of apiary site registration for which application is being made; and

13 (f) other information that the department may require under rules adopted by it for the protection, safety,
14 and welfare of the public and the beekeeping industry.

15 (6) Upon receipt of the application and payment of the fees prescribed, the department may issue
16 certificates of registration for the apiary sites, setting forth the name of the owner, the specific locations, and the
17 class of apiary sites authorized by the registration.

18 (7) In issuing certificates of registration for apiary sites, if there is a conflict between applicants with
19 respect to location, the department shall give preference to the applicant having the oldest continuously registered
20 apiary site.

21 (8) Suitable evidence of registration must be posted by the apiary registrant in a conspicuous place at
22 or near the apiary site. If an owner has more than one apiary site, suitable evidence of registration must be posted
23 at each apiary site. If the identity of hives cannot be determined, the apiary site may be quarantined by the
24 department and all hives may be removed, destroyed, sold at public auction, or handled in another appropriate
25 manner at the discretion of the department.

26 (9) A reregistration may not be granted pursuant to this section if a civil penalty due under 80-6-303 has
27 not been paid."

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29 **Section 2.** Section 80-6-114, MCA, is amended to read:

30 **"80-6-114. Hobbyist apiary site -- voluntary registrations.** ~~(1) A hobbyist apiary site is exempt from~~

1 ~~the registration provisions of this part, but a hobbyist beekeeper may voluntarily register with the department~~
 2 ~~under this section. A hobbyist beekeeper voluntarily registering a site shall pay any required registration fee but~~
 3 ~~is not required to reregister pursuant to 80-6-102.~~

4 ~~(2)(1)~~ The department may grant hobbyist apiary site registrations to hobbyist beekeepers under the
 5 following conditions:

6 (a) The applicant may not own a total of more than five hives, and all of the hives must be placed on the
 7 hobbyist apiary site.

8 (b) The applicant must own the bees and the hives and must personally manage and operate the bees
 9 and the hives.

10 (c) Only one hobbyist apiary site registration is allowed for an applicant and only two hobbyist apiary site
 11 registrations are allowed for a family unit.

12 ~~(3)(2)~~ A certificate of registration of a hobbyist apiary site may not be leased, assigned, or transferred.
 13 A person, other than the hobbyist apiary site registrant, may not exercise any rights or privileges, directly or
 14 indirectly, authorized by the certificate of registration."
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16 **Section 3.** Section 80-6-201, MCA, is amended to read:

17 **"80-6-201. Apiaries -- powers and duties of department.** (1) To prevent the spread of pests and
 18 contagious and infectious disease among bees and apiaries, the department may:

19 (a) enter private land containing an apiary site and fly over or enter any farm, railroad right-of-way, or
 20 other grounds or premises containing an apiary site to determine the health or ownership of the bees. The
 21 department shall provide at least 24 hours' notice to a private landowner before entering private land.

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

24 (c) order disinfection of any bees, hives, brood comb, or any other equipment that is infected or
 25 contaminated with disease or pests and burn the infected or contaminated bees, hives, brood comb, or any other
 26 equipment if, in its judgment, disinfection will not remove the infection or contamination. Before burning any
 27 property, the department shall give the person to whom the apiary site is registered ~~or the owner of an~~
 28 ~~unregistered hobbyist apiary site~~ a written notice at least 5 days before the date the property will be burned. The
 29 notice must be given by certified mail or personal service. Before burning any equipment, the department shall
 30 notify the owner of the land on which the apiary site is located.

1 (d) quarantine any apiary site where pests, foulbrood, or any other contagious or infectious diseases are
2 present with the following conditions:

3 (i) During the quarantine, the department shall prevent the removal from the apiary site of any bees or
4 equipment except under a special permit issued by the department permitting the removal under conditions
5 prescribed by the department.

6 (ii) A person may not sell or offer for sale any apiary site, bees, or equipment under quarantine unless
7 a permit authorizing the sale or removal is issued by the department.

8 (iii) Written notice of quarantine must be posted by the department, owner, or person in charge at the
9 quarantined apiary site at a conspicuous place, and a copy must be personally served or sent by certified mail
10 to the owner of the apiary site at the owner's last-known address or to the person in charge. The quarantine
11 continues in effect until it is ordered removed and a copy of the removal order is served in the same manner.

12 (iv) The owner or person in charge of the quarantined apiary site may enter the premises for standard
13 care and maintenance of the bees.

14 (e) establish by rule interior and exterior quarantines to prevent the entry or spread of diseases or pests
15 that are not known to occur in Montana;

16 (f) inspect apiaries, hives, equipment, or premises for the presence of disease or pests;

17 (g) inspect any apiary site at the request of and at the expense of any interested party;

18 (h) promulgate and enforce rules adopted pursuant to parts 1 through 3 of this chapter.

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

21 (3) The department may provide disease and pest inspection, sampling, and laboratory analysis services
22 for a fee. The department shall adopt rules setting the fee commensurate with costs and establishing procedures
23 for sampling and analysis.

24 (4) The department may enter into agreements with the United States department of agriculture, other
25 federal agencies, other states, municipal authorities, and individual Montana beekeepers in carrying out the
26 provisions of this part."

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28 **NEW SECTION. Section 4. Effective date.** [This act] is effective July 1, 2019.

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