

LEGISLATIVE BILL 548

Approved by the Governor April 6, 1979

Introduced by Agriculture and Environment Committee,
Schmit, 23, Chmn.; R. Maresh, 32; Kahle, 37;
DeCamp, 40; Nichol, 48

AN ACT to amend sections 81-2,171 and 81-2,173, Reissue Revised Statutes of Nebraska, 1943, relating to bee husbandry; to exempt certain persons from an entry permit; to change the period for inspection of an apiary; to provide for registration of bee colonies; to repeal the original sections, and also section 81-2,177, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 81-2,171, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-2,171. It shall be unlawful for any person, firm, corporation, or transportation company to bring into this state any bees on comb, used hives, or other used apiary appliances from any other states or countries except under special permits; Provided, that common carriers may transport bees and apiary appliances through this state if the shipment originated outside of this state and is destined for some point outside of it. It shall be unlawful for any person to bring or cause to be brought into this state any colonies of bees, combless packages, queen bees, or nuclei unless there is plainly and legibly marked thereon or affixed thereto, or on or to the car or other vehicle carrying the combless package or nuclei, in a conspicuous place, a statement or a tag or other device showing the names and addresses of the consignors or shippers, the consignees or persons to whom shipped, and the name of the locality of origin, together with a certificate of inspection of the proper official of the state, territory, district, or country from which it was brought or shipped, showing that such bees were found or believed to be free from any infectious or contagious bee diseases. Colonies of bees must also be accompanied by a written permit from the State Apiarist as provided for further in this section. Whenever bees are shipped into Nebraska covered by a valid certificate issued by other state or government inspectors, such certificate shall be held prima facie evidence of the facts therein stated, but the Department of Agriculture shall be authorized to inspect or reinspect such colonies

of bees, and if necessary because an infectious or contagious bee disease is found, subject it to proper treatment or return it to the consignor at his or her expense.

When the State Apiarist or his or her assistants shall find foul brood repeatedly in colonies of bees shipped from another state under official certificates of inspection, the State Apiarist thereafter shall refuse to recognize the certificate of such state until such time as he the State Apiarist shall receive satisfactory information that its inspection service has again become trustworthy.

Any beekeeper, dealer, firm, or organization who desires to move colonies of bees into Nebraska shall apply to the State Apiarist for a written entry permit at least sixty days prior to the date he such person proposes to enter the state except that the Director of Agriculture may waive the sixty day requirement upon request when an entry permit is sought for ten colonies or less by a hobbyist beekeeper who intends to establish Nebraska as his or her new state of residence. A statement must accompany each application for a permit stating any conviction that the applicant has for violation of any bee law of any state of the United States. The written permit must accompany all such shipments when they enter the state. Entry into the state without a permit shall be unlawful. Each shipment of bees or each shipment of used bee equipment brought into this state without compliance with this section shall constitute a separate offense.

Each day during which each shipment of bees or each shipment of used bee equipment remains in this state without compliance with this section shall constitute a separate offense. Colonies of bees and used bee equipment brought into the state in violation of this section may be declared a nuisance and be removed from the state within five days after notification by the Department of Agriculture or the department shall be empowered to destroy the colonies, nuclei, or used bee equipment by burning without any remuneration to the owner. Notification shall be given in writing to the owner or person in charge of such bees or equipment. Written notice may be served by handing a copy thereof to the owner or person in charge of the apiary, or by leaving a copy thereof with an adult person residing upon the premises or by registered or certified mail addressed to the owner or person in charge of such apiary at his or her last-known or reputed address. At the time of application for the entry permit the following conditions must be met:

(1) A statement of facts from the state apiary inspector of the state of origin must be furnished giving the past three years' disease history of the apiary or apiaries from which such colonies of bees are to originate. (a) A permit may be denied even though an inspection within the last sixty days shows the bees to be free of disease, when, in the opinion of the department, the disease history during the immediately preceding three years is so high as to warrant concern that the colonies of bees might be carrying a hidden disease. (b) A permit may be denied to anyone having a past record of conviction of willful violation of the bee law in any state of the United States. This shall also pertain to colonies of bees leased by the owner or firm to other persons.

(2) A list of beeyard locations where the colonies of bees can be inspected after they are brought into the state must be furnished. Such locations shall show county, range, township, section, and quarter section. After the permit is issued, colonies covered by the permit shall be placed on the locations noted on the permit and notice of such placement shall be forwarded by the beekeeper to the State Apiarist within three days after placement. If colonies of bees are placed in unlisted locations, each unlisted location shall constitute a separate violation of law. Ten days in advance of the shipment of the bees, the shipper must furnish the State Apiarist with a copy of a valid certificate of inspection signed by the State Entomologist, apiary inspector, or other responsible official of the state of origin. This inspection certificate shall be based on an inspection within sixty days prior to shipment, and the percentage of inspection actually made must be acceptable to the State Apiarist. No inspection certificate will be accepted from another state where American foul brood was found during the inspection, even though the diseased colonies were destroyed. Where American foul brood was found in the apiary, the diseased colonies shall have been destroyed and at least thirty days must elapse before another inspection for the purpose of certification is made. If no disease is found on this inspection, a certificate to that effect on the remaining colonies will be accepted.

Any beekeeper, dealer, firm, or organization who has been denied a permit to enter the state may appeal in writing within ten days for a hearing before the Director of Agriculture.

Any apiary not regularly attended in accordance with good beekeeping practice and which constitutes a disease hazard to the beekeeping industry may be

considered an abandoned apiary and shall be subject to seizure by the State Apiarist. Any diseased equipment may be burned and the remainder may be sold at public auction, with proceeds after the cost of the sale are deducted to be returned to the former owner or his or her estate; Provided, that before burning any such equipment, or causing the same to be sold, the State Apiarist, or his or her deputy, shall give the owner or person in charge thereof a written notice at least ten days prior to the date on which said property will be burned or sold. Such notice shall be given by registered or certified mail or personally served upon the owner or person in charge of such property.

Any Nebraska beekeeper who keeps bees in a state adjoining Nebraska may upon securing a permit from the State Apiarist of Nebraska haul supers of honey from his or her bees in the adjoining state to his or her honey house in Nebraska for extracting purposes. The State Apiarist shall issue such permit only when he or she has received sufficient evidence from the State Apiarist or bee inspector in the adjoining state that no disease problem exists in such bees kept in that state. Such permit shall be carried in the truck with all loads of supers of honey hauled into this state for extracting.

Sec. 2. That section 81-2,173, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-2,173. Persons desiring to sell or ship bees or queen bees commercially in Nebraska shall make application in writing before March 1 of each year to the Department of Agriculture for the inspection of their apiaries stating the number of colonies to be inspected and the kind of products to be disposed of, and any person failing to comply with this section shall be liable to charges for the expenses of a special trip by the officers or employees of the Department of Agriculture. It shall be the duty of the department as far as possible to cause to be inspected by its duly authorized agents, at least once each year, chiefly between April 1 and ~~September 1~~ October 31, all apiaries known to it in the State of Nebraska, for the purpose of detecting any infectious or contagious bee diseases. If upon the inspection of any apiary as above provided, it shall appear that such apiary is apparently free from infectious or contagious diseases of bees, the department shall, at the request of the owner, and upon the payment of a certificate fee as provided in section 81-2,174, give or send to the owner of the apiary, or the person in charge of it, a certificate executed by the department, stating the date of inspection and that it is apparently

free from dangerously infectious or contagious bee diseases, and such certificate shall continue in force, unless revoked for cause as provided in section 81-2,176, until the annual inspection next following the date of inspection. It shall be unlawful for any person to sell or offer for sale or to remove or ship from any apiary or other premises, any bees, queen bees, used hives, or used beekeeping equipment until the same has been inspected and a certificate covering them has been granted by the department.

Sec. 3. Every person owning, leasing, or possessing colonies of bees shall, on or before the first day of July in each calendar year, register each such bee colony with the State Apiarist. A person moving colonies of bees into this state after the first day of July in any calendar year shall register such colonies with the State Apiarist within ten days after entering this state.

Each person registering a bee colony shall, at that time, provide the State Apiarist with the exact locations of the colony, describing the county, quarter section, township, and range wherein the colony is located.

Sec. 4. That original sections 81-2,171 and 81-2,173, Reissue Revised Statutes of Nebraska, 1943, and also section 81-2,177, Reissue Revised Statutes of Nebraska, 1943, are repealed.

Sec. 5. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.