

## LEGISLATIVE BILL 1071

Approved by the Governor April 18, 1994

Introduced by Agriculture Committee: Dierks, 40, Chairperson; Chambers, 11; Hudkins, 21; Schellpeper, 18; Vrtiska, 1

AN ACT relating to the Department of Agriculture; to amend sections 81-2,172 and 81-2,174, Reissue Revised Statutes of Nebraska, 1943, and sections 81-2,165 to 81-2,171, 81-2,173, 81-2,176, 81-2,177.01, and 81-2,179, Revised Statutes Supplement, 1992; to state intent; to change duties of the department and to provide duties for the University of Nebraska; to define and redefine terms; to change provisions relating to inspection, certification, and registration by beekeepers; to change fees for apiary certificates and registration; to eliminate the State Apiarist; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

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

Section 1. It is the intent of the Legislature that the department is not responsible for education regarding good beekeeping practices and education intended to aid in the protection of the apicultural interests in the state from bee diseases, parasites, or pests.

It is further the intent of the Legislature that the University of Nebraska provide such education in accordance with the transfer of appropriations to the university for this purpose.

Sec. 2. That section 81-2,165, Revised Statutes Supplement, 1992, be amended to read as follows:

81-2,165. The department Department of Agriculture, under the direction of the State Apiarist and his or her assistants, shall enforce the Nebraska Apiary Act. The Director of Agriculture shall have authority to director may make or cause to be made all necessary examinations and inspections and to adopt and promulgate such rules, regulations, and orders as may be necessary to enforce such act promptly and effectively carry out the duties of the department under the act.

The It shall be the duty of the department to within its authority and funding appropriated to carry out the purposes of the act may take all measures necessary to prevent the introduction, spread, or dissemination of any and all contagious or infectious diseases, parasites, or pests of honeybees and to bring or cause to be brought actions and proceedings in the name of the people of the State of Nebraska to enforce such act fulfill its duties under the act.

There is hereby created the position of State Apiarist. He or she shall be appointed by the Director of Agriculture. He or she shall be a graduate of a recognized university with a major or its equivalent in entomology or apiculture or in lieu thereof his or her appointment shall be made on the basis of recognized and demonstrated interest in and knowledge of apiculture or entomology covering a minimum of ten years' experience in apicultural interests and bee diseases. It shall be the duty of the State Apiarist to aid in the protection of the apicultural interests in the state from bee diseases, parasites, or pests. The State Apiarist shall be furnished suitable office space in the Department of Agriculture.

Sec. 3. That section 81-2,165.01, Revised Statutes Supplement, 1992, be amended to read as follows:

81-2,165.01. Sections 81-2,165 to 81-2,180 and section 1 of this act shall be known and may be cited as the Nebraska Apiary Act.

Sec. 4. That section 81-2,166, Revised Statutes Supplement, 1992, be amended to read as follows:

81-2,166. For purposes of the Nebraska Apiary Act, unless the context otherwise requires:

(1) Bees shall mean any stage of the common honeybee, Apis mellifera

(2) Disease shall mean American foulbrood, European foulbrood, chalkbrood, sacbrood, paralysis, or any other abnormal condition of egg, larva, pupa, or the adult stages of bees;

(3) Parasite shall mean any harmful organism living in or on bees including, but not limited to, Varroa jacobsoni, Acarapis woodi, and Trepilaelaps clareae;

(4) Pest shall mean any harmful subspecies of the honeybee Apis mellifera, including, but not limited to, Apis mellifera scutellata;

(5) Exotic disease, parasite, or pest shall mean any disease, parasite, or pest not known to be established in this state;

(6) Apiary shall mean any place where one or more colonies of bees or nuclei of bees are located;

(7) Hive shall mean a frame hive, box hive, box, barrel, log gum, skep, or any other receptacle or container, natural or artificial, or any part thereof, which is used or employed as a domicile for bees;

(8) Colony shall mean the aggregate of worker bees, drones, the queen, and developing young bees living together as a family unit in a hive or other dwelling;

(9) Nucleus shall mean a small mass of bees and combs of brood used in forming a new colony;

(10) Bee equipment shall mean hives, supers, frames, veils, gloves, or any other apparatus, tool, machine, vehicle, or any other device used in the handling, moving, or manipulating of bees, honey, wax, or hives, including containers of honey or wax which may be used in any apiary or in transporting bees and their products and apiary supplies;

(11) Beekeeping shall mean the moving, raising, and producing of bees, beeswax, and honey, which is an agricultural pursuit. Any keeper of fifty or more hives of bees who is engaged in the foregoing activities is a farmer and engaged in farming for all statutory purposes;

(12) Abandoned apiary shall mean any apiary not regularly attended in accordance with good beekeeping practices and which constitutes a disease, parasite, or pest hazard to the beekeeping industry; and

(13) Director shall mean the Director of Agriculture or his or her designated representative.

(1) Abandoned apiary shall mean any apiary not regularly attended in accordance with good beekeeping practices and which constitutes a disease, parasite, or pest hazard to the beekeeping industry;

(2) Apiary shall mean any place where one or more colonies of bees or nuclei of bees are located;

(3) Bee equipment shall mean hives, supers, frames, veils, gloves, or any other apparatus, tool, machine, vehicle, or device used in the handling, moving, or manipulating of bees, honey, wax, or hives, including containers of honey or wax which may be used in any apiary or in transporting bees and their products and apiary supplies;

(4) Beekeeping shall mean the moving, raising, and producing of bees, beeswax, and honey which is an agricultural pursuit;

(5) Bees shall mean any stage of the common honeybee, *Apis mellifera* L;

(6) Colony shall mean the aggregate of worker bees, drones, the queen, and developing young bees living together as a family unit in a hive or other dwelling;

(7) Department shall mean the Department of Agriculture;

(8) Director shall mean the Director of Agriculture or his or her designated representative, employee, or authorized agent;

(9) Disease shall mean American foulbrood, European foulbrood, chalkbrood, sacbrood, paralysis, or any other abnormal condition of egg, larva, pupa, or adult stages of bees;

(10) Exotic disease, parasite, or pest shall mean any disease, parasite, or pest not known to be established in this state;

(11) Hive shall mean a frame hive, box hive, box, barrel, log gum, skep, or any other receptacle or container, natural or artificial, or any part thereof, which is used or employed as a domicile for bees;

(12) Nucleus shall mean a small mass of bees and combs of brood used in forming a new colony;

(13) Parasite shall mean any harmful organism living in or on bees, including, but not limited to, *Varroa jacobsoni*, *Acarapis woodi*, and *Tropilaelaps clareae*; and

(14) Pest shall mean any harmful subspecies of the honeybee *Apis mellifera*, including, but not limited to, *Apis mellifera scutellata*.

Words used in the act shall be construed to import either the plural or singular, as the case demands.

Sec. 5. That section 81-2,167, Revised Statutes Supplement, 1992, be amended to read as follows:

81-2,167. In order to accomplish the purposes of inspection and the carrying out of carry out its duties under the Nebraska Apiary Act or any rule, regulation, or order made pursuant to the act, the officers and employees of the Department of Agriculture shall have authority department may at all reasonable times to enter upon any public or private premises for the purpose of ascertaining inspection for the existence of or for treatment or destruction of any contagious or infectious diseases, parasites, or pests of

bees or brood. They shall have free access to all apiaries, structures, bee equipment, or premises where bees, honey, used bee equipment, or comb in apiaries may be. They may open any hive, colony, package, or receptacle of any kind containing or which they have reason to believe contains any bees, comb, bee products, used beekeeping equipment, or anything else which is capable of transmitting diseases, parasites, or pests of bees. ~~They~~ and they may stop pedestrians, motor cars, and vehicles when they are likely to be carrying, contrary to the act or any rule, regulation, or order established pursuant to the act, any bees, comb, used bee equipment, or anything else which is capable of transmitting diseases, parasites, or pests of bees. They shall have authority to inspect or reinspect at any time or place any bees, bee products, or used bee equipment shipped in or into the state and to treat it as provided in section 81-2,171. It shall be unlawful to deny such access to the officers and employees of the department or to offer any resistance to, thwart, or hinder such officers and employees by misrepresentation or by concealing facts or conditions. They shall have the power to inspect any apiary, honey house, building, or portion of building or container in which honey is stored, graded, or processed and to determine whether or not any insanitary conditions exist. If it is found that insanitary conditions exist or are permitted to exist, the owner or person in charge, after being notified by the department of the insanitary conditions, shall be notified in writing to place such apiary, honey house, building, or portion of building or container in a sanitary condition within a reasonable length of time, and any operator or owner of such apiary, honey house, building, or container failing to obey such notice shall be guilty of a misdemeanor and shall be punished as provided in section 81-2,179. Each apiary not located at the owner's or operator's place of residence shall have posted in a conspicuous place the name and address of the owner.

Sec. 6. That section 81-2,168, Revised Statutes Supplement, 1992, be amended to read as follows:

81-2,168. If upon inspection of any bee colonies in the state the existence of diseases, parasites, or pests are found, the Department of Agriculture or its duly authorized agent shall notify in writing the owner or person in charge of the bees, after being notified by the department of stating the nature of the disease, parasite, or pest shall use and the best method of treating such disease, parasite, or pest, which treatment shall be administered by the owner or person in charge as specified in rules and regulations adopted and promulgated by the department. When establishing the best method of treating such disease, parasite, or pest, the department shall consider (1) the specific disease, parasite, or pest found, (2) the severity of the infestation, (3) the time of year such disease, parasite, or pest was found, (4) the effectiveness of current control methods, and (5) any other factors deemed necessary by the department to effectively control the disease, parasite, or pest. The written notice may be served by handing a copy thereof to the owner or person in charge of the apiary, by leaving a copy thereof with an adult person residing upon the premises, or by either registered or certified mail addressed to the owner or person in charge of such apiary at his or her last-known or reputed address.

Within the appropriation provided, the University of Nebraska shall provide information for beekeepers regarding the best method of preventing or treating such disease, parasite, or pest. When establishing the best method of prevention or treatment, the University of Nebraska shall consider (1) the specific disease, parasite, or pest found, (2) the severity of the infestation, (3) the time of year such disease, parasite, or pest was found, (4) the effectiveness of current control methods, and (5) any other factors deemed necessary by the University of Nebraska to effectively control the disease, parasite, or pest.

Sec. 7. That section 81-2,169, Revised Statutes Supplement, 1992, be amended to read as follows:

81-2,169. Infected shipments, apiaries wherein in which the existing disease, parasite, or pest cannot be successfully treated, and apiaries which are affected by a disease, parasite, or pest amenable to treatment, but which have not been treated as specified by the Department of Agriculture, as provided in section 81-2,168, and apiaries having bees in hives without movable frames or any colonies of bees or shipments of used bee equipment which entered this state illegally are declared to be a public nuisance and menace to the community, and the officers and employees of the Department of Agriculture department may destroy by burning or otherwise, without any remuneration to the owner, any box hives or infected bees, hives, or used bee equipment found therein.

Sec. 8. That section 81-2,170, Revised Statutes Supplement, 1992, be amended to read as follows:

81-2,170. (1) It shall be unlawful for any person knowingly to keep in his or her possession, without proper treatment, any colony of bees affected with any bee diseases, parasites, or pests or to expose any diseased or parasitized colony or infected hive or bee equipment so that flying bees may have access to them. Any person who knows that bees owned or controlled by him or her are affected with contagious or infectious diseases, parasites, or pests shall at once report such fact to the Department of Agriculture, department stating all facts known to him or her with reference to the contagion or infection. When it has been determined that contagious or infectious diseases, parasites, or pests have been found in an apiary, such apiary shall may be quarantined by the department until released by the department. Whenever American foulbrood is found in the apiary, no colony, honey, or bee equipment of any kind shall be removed from the apiary unless under special written permit issued by the State Apiarist or bee inspector department. A notice shall be posted in each yard so quarantined, and written notice shall be sent to the owner or person in charge. Should any state be willing to accept bees or used bee equipment from a quarantined yard of bees in Nebraska, the State Apiarist of Nebraska department may, after all known contagious or infectious diseases, parasites, or pests have been destroyed, issue a special permit allowing bees and used bee equipment to be moved out of the state. The State Apiarist of Nebraska department may refuse to issue an entry permit for any colonies of bees or used bee equipment of the person involved during the next three years.

(2) If an exotic disease, parasite, or pest is found to have been introduced into this state, the director shall have the authority to quarantine any portion of this state until he or she can determine whether the disease, pest, or parasite has spread and may take action to eradicate or prevent the spread of the exotic disease, parasite, or pest as provided in the Nebraska Apiary Act. Beekeepers affected shall be notified in writing of the quarantine and shall also be notified in writing when the quarantine is released.

Sec. 9. That section 81-2,171, Revised Statutes Supplement, 1992, be amended to read as follows:

81-2,171. (1) It shall be unlawful for any beekeeper, transportation company, or other person to bring into this state any bees on comb, used hives, or other used bee equipment from any other states or countries except under special permits. Common carriers may transport bees and bee equipment 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 colony, combless package, queen bee, or nucleus, 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 apiary regulatory official of the state, territory, district, or country showing that such bees were inspected and found or believed to be free from any infectious or contagious diseases, parasites, or pests. Colonies of bees shall also be accompanied by a written permit from the State Apiarist department 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 department may inspect or reinspect such colonies of bees and, if necessary because infectious or contagious diseases, parasites, or pests are found, subject it to proper treatment or return it to the consignor at his or her expense.

(2) When the State Apiarist or his or her assistants find department finds contagious or infectious diseases, parasites, or pests in colonies of bees shipped from another state under official certificates of inspection, the State Apiarist department thereafter may refuse to recognize the certificate of such state until such time as the State Apiarist department receives satisfactory information that its inspection service has again become reliable.

(3) Any beekeeper or other person who desires to move colonies of bees into Nebraska shall apply to the State Apiarist department for a written entry permit at least sixty days prior to the date of entering the state, except that the Director of Agriculture director may waive the sixty-day requirement upon request when an entry permit is sought for ten colonies or less by a beekeeper who intends to establish Nebraska as his or her new state of residence. A statement shall 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 shall 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.

(4) 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 may 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, 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 shall be met:

(a) A statement of facts from the state apiary regulatory official of the state of origin shall be furnished giving the past three years' disease history of the apiary or apiaries from which such colonies of bees are to originate. (i) A permit may be denied even though an inspection within the last nine months shows the bees to be free of diseases, parasites, or pests when, in the opinion of the department, the disease, parasite, or pest history during the immediately preceding three years is so high as to warrant concern that the colonies of bees might be carrying hidden diseases, parasites, or pests. (ii) 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.

(b) A list of beeyard locations where the colonies of bees can be inspected after they are brought into the state shall 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 department 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 shall furnish the State Apiarist department with a copy of a valid certificate of inspection signed by the state apiary regulatory official of the state of origin. This inspection certificate shall be based on an inspection by the state apiary regulatory official within nine months prior to shipment, and the percentage of inspection actually made shall be acceptable to the State Apiarist department. No inspection certificate shall be accepted from another state when American foulbrood was found during the inspection unless all diseased colonies were destroyed. When the percentage of colonies infected with American foulbrood is three percent or less of the colonies in the apiary, certification shall be accepted as soon as the diseased colonies are destroyed. When the percentage of colonies infected with American foulbrood is greater than three percent of the colonies in the apiary, the diseased colonies shall be destroyed and at least thirty days shall elapse before another inspection for the purpose of certification is made. If no infectious or contagious diseases, parasites, or pests are found on this inspection, a certificate to that effect on the remaining colonies shall be accepted.

(5) Any beekeeper or other person 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.

(6) Open feeding of syrup or honey to bees which allows bees from more than one colony to have access to such syrup or honey shall be unlawful.

(7) Any apiary not regularly attended in accordance with good beekeeping practice and which constitutes a disease, parasite, or pest hazard to the beekeeping industry may be considered an abandoned apiary and shall be subject to seizure may be seized by the State Apiarist department. Any diseased bee 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, except that before burning any such equipment or causing the same to be sold, the State Apiarist or his or her deputy department shall give the owner or person in charge thereof a written

notice at least ten days prior to the date on which the 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.

(8) Any Nebraska beekeeper who keeps bees in a state adjoining Nebraska may upon securing a permit from the State Apiarist of Nebraska department 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 department shall issue such permit only when, at the director's discretion, the department he or she has received sufficient evidence from the state apiarist or bee inspector in the adjoining state that no disease, parasite, or pest 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. 10. That section 81-2,172, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-2,172. In case any bees or used beekeeping equipment are shipped into this state from another state, country, or province without a valid permit and a certificate plainly affixed as provided in section 81-2,171, the fact must be promptly reported to the Department of Agriculture department by the person carrying the same, together with the names of the consignor and consignee and the nature of the shipment. Any person receiving bees or used beekeeping equipment brought into this state from outside the state without a valid permit and a certificate approved by the department affixed as provided in said such section, shall at once notify the department of the fact, and shall not allow such bees or used beekeeping equipment to leave his or her possession until it has been inspected or released by the department.

Sec. 11. That section 81-2,173, Revised Statutes Supplement, 1992, be amended to read as follows:

81-2,173. Persons desiring to sell or ship bees or queen bees within or out of Nebraska shall make application in writing before July 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 sold or shipped, 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 October 31, all apiaries known to it in the State of Nebraska, for the purpose of detecting any diseases, parasites, or pests. If upon the inspection of any apiary it shall appear that such apiary is apparently free from infectious or contagious bee diseases, parasites, or pests, 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 the apiary is apparently free from infectious or contagious diseases, parasites, or pests, and such certificate (1) The department shall issue certificates stating that an apiary is apparently free from infectious or contagious diseases, parasites, or pests after inspecting the apiary when such apiary is apparently free from such diseases, parasites, and pests and upon payment of the certificate fee provided for in section 81-2,174. Such certificate shall also state the date of inspection and shall continue in force, for one year unless revoked for cause, as provided in section 81-2,176, until the annual inspection next following the date of inspection.

(2) Any person who sells or offers for sale twenty-five or more colonies of bees within Nebraska shall obtain such a certificate. 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 more than twenty-five colonies of 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.

(3) Any person desiring to sell less than twenty-five colonies of bees or to ship bees out of Nebraska may request an inspection for his or her apiary in order to obtain a certificate.

(4) Application for a certificate shall be made in writing before July 1 of each year to the department and shall state the number of colonies to be inspected and the kind of products to be sold or shipped. Any application received after July 1 of each year shall make the applicant liable for the expense of a special trip by the inspector in addition to the certificate fee provided for in section 81-2,174.

Sec. 12. That section 81-2,174, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-2,174. Upon issuing a certificate to a beekeeper after an inspection as provided in sections 81-2,172 and 81-2,173, the Department of Agriculture department shall collect therefor a certificate fee as set forth in rules and regulations adopted and promulgated pursuant to the Nebraska Apiary Act not to exceed the following amounts: Two hundred dollars for the inspection of two hundred fifty colonies or less; two hundred fifty dollars for the inspection of two hundred fifty-one through five hundred colonies; three hundred fifty dollars for the inspection of five hundred one through one thousand colonies; and four hundred fifty dollars for the inspection of more than one thousand colonies. which fee shall consist of a fixed amount of five dollars plus a per colony certified charge. The charge shall be set by the director, but shall not exceed twenty cents per colony. The certification fee shall be paid prior to the issuance of health certificates by the Department of Agriculture department. Beekeepers failing to notify the department of their intent to sell or ship bees prior to July 1 shall also be liable to charges for the expenses of a special trip by the officers or employees of the Department of Agriculture department as provided in section 81-2,173. All fees shall be deposited in the state treasury and by remitted to the State Treasurer credited for credit to the State Apiary Cash Fund, which is hereby created. Any money in the State Apiary Cash Fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269 72-1276.

Sec. 13. That section 81-2,176, Revised Statutes Supplement, 1992, be amended to read as follows:

81-2,176. If it is found that any certificate issued or approved by the Department of Agriculture department (1) is being used in connection with bees, queen bees, or used bee equipment (a) which have not been inspected, (b) which are infected with any infectious or contagious disease, parasite, or pest, or (c) which are being sold or delivered without the prescribed treatment being observed or other precautionary measures prescribed by the department taken by the owner or (2) is being used by persons other than the one to whom it was issued without the permission of the department, the department may revoke or withdraw such certificate. The use of such certificate issued by the department after it has been revoked and before such revocation has been withdrawn by the department shall be unlawful and shall subject the holder thereof to the penalty prescribed for a violation of the Nebraska Apiary Act. Revocation or withdrawal of approval shall be through written notice to the holder of the certificate.

Sec. 14. That section 81-2,177.01, Revised Statutes Supplement, 1992, be amended to read as follows:

81-2,177.01. Every person owning, leasing, or possessing colonies of bees shall, on or before the first day of July in each calendar year, register such bee colonies with the State Apiarist department. Every person owning, leasing, or possessing more than four colonies of bees on or before the first day of July in each calendar year shall pay to the Department of Agriculture department an annual registration fee as set forth in rules and regulations adopted and promulgated pursuant to the Nebraska Apiary Act not to exceed twenty cents per colony registered, except that a minimum fee of five dollars shall be required. The fee shall consist of a fixed amount of seven dollars and fifty cents plus a per colony charge. The colony charge shall be set by the director but shall not exceed twenty cents per colony. The registration fee shall be due July 1 of each year. 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 department and pay the registration fee for such year within ten days after entering this state. If a beekeeper fails to report and submit such fees by July 31 of each year, he or she shall pay, in addition to such fees, a penalty of twenty-five percent of the fees due if such delinquent fees are paid on or before August 31 and a penalty of fifty percent of the fees due if such delinquent fees are paid after August 31. All fees shall be deposited in the state treasury by remitted to the State Treasurer and credited for credit to the State Apiary Cash Fund.

Each person registering a bee colony shall at that time provide the State Apiarist department with the exact locations of the colony, describing the county, quarter section, township, and range wherein in which the colony is located. It shall be unlawful to own, lease, or possess colonies of bees in Nebraska which have not been registered or for which the registration fee has not been paid pursuant to this section.

Sec. 15. That section 81-2,179, Revised Statutes Supplement, 1992, be amended to read as follows:

81-2,179. (1) If the director has reason to believe that any person has violated any of the provisions of the Nebraska Apiary Act or any rules and

regulations adopted and promulgated under the act, an order may be entered requiring such person to appear before the director and show cause why an order should not be entered requiring such person to cease and desist from the violations charged. Such order shall set forth the alleged violations, fix the time and place of the hearing, and provide for notice to be given at least twenty days before the date of such hearing. After such hearing, if the director finds such person to be in violation, the director shall enter an order requiring such person to cease and desist from the specific acts, practices, or omissions. Such order shall be a final order. Any person aggrieved may appeal the order. The appeal shall be in accordance with the Administrative Procedure Act.

(2) The director may apply for a restraining order, a temporary or permanent injunction, or a mandatory injunction against any person violating or threatening to violate the Nebraska Apiary Act, the rules and regulations, or a final order of the director. The district court of the county where the violation is occurring or is about to occur shall have jurisdiction to grant such relief upon good cause shown. Relief may be granted notwithstanding the existence of any other remedy at law and shall be granted without bond.

(3) It shall be the duty of the Attorney General or the county attorney of the county in which any violation occurs or is about to occur when notified by the ~~Department of Agriculture~~ department of a violation or a threatened violation to institute appropriate proceedings either criminal, injunctive, or both without delay.

(4) Any person violating any of the provisions of the Nebraska Apiary Act shall be guilty of a Class III misdemeanor.

Sec. 16. This act shall become operative on June 30, 1994.

Sec. 17. That original sections 81-2,172 and 81-2,174, Reissue Revised Statutes of Nebraska, 1943, and sections 81-2,165 to 81-2,171, 81-2,173, 81-2,176, 81-2,177.01, and 81-2,179, Revised Statutes Supplement, 1992, are repealed.

Sec. 18. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.