

AMENDMENTS TO LB157

Introduced by Agriculture.

1           1. Strike the original sections and insert the following new  
2 sections:

3           Section 1. Section 81-2,165.01, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5           81-2,165.01 Sections 81-2,165 to 81-2,180 and section 3 of this act  
6 shall be known and may be cited as the Nebraska Apiary Act.

7           Sec. 2. Section 81-2,166, Reissue Revised Statutes of Nebraska, is  
8 amended to read:

9           81-2,166 For purposes of the Nebraska Apiary Act, unless the context  
10 otherwise requires:

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

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

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

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

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

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

1           (7) Commercial beekeeper means any person who owns, maintains, or  
2 manages a beekeeping operation of two hundred or more colonies located  
3 within one or more apiaries established within the state for any part of  
4 a year;

5           (8) (7) Department shall mean the Department of Agriculture;

6           (9) (8) Director shall mean the Director of Agriculture or his or  
7 her designated representative, employee, or authorized agent;

8           (10) (9) Disease shall mean American foulbrood, European foulbrood,  
9 chalkbrood, sacbrood, paralysis, or any other abnormal condition of egg,  
10 larva, pupa, or adult stages of bees;

11           (11) (10) Exotic disease, parasite, or pest shall mean any disease,  
12 parasite, or pest not known to be established in this state;

13           (12) (11) Hive shall mean a frame hive, box hive, box, barrel, log  
14 gum, skep, or any other receptacle or container, natural or artificial,  
15 or any part thereof, which is used or employed as a domicile for bees;

16           (13) (12) Nuclei shall mean a small mass of bees and combs of brood  
17 used in forming a new colony;

18           (14) (13) Parasite shall mean any harmful organism living in or on  
19 bees, including, but not limited to, Varroa jacobsoni, Acarapis woodi,  
20 and Tropilaelaps clareae; and

21           (15) (14) Pest shall mean any harmful subspecies of the honeybee  
22 Apis mellifera, including, but not limited to, Apis mellifera scutellata.

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

25           Sec. 3. (1) The department shall establish a process for commercial  
26 beekeepers to voluntarily register apiary locations within the state and  
27 shall maintain and make a registry of such apiary locations available on  
28 its web site and upon request. For purposes of this section, an apiary  
29 location shall be identified by legal description and shall be presumed  
30 to be the center of the quarter section in which the apiary is located. A  
31 commercial beekeeper may register apiary locations subject to the

1 following restrictions:

2 (a) No person may register more than five apiary locations;

3 (b) An apiary location may only be registered by a person who is a  
4 commercial beekeeper and who establishes and maintains an apiary at such  
5 registered location;

6 (c) If an apiary location is on property not owned by the person  
7 registering the location, a statement signed by the owner of the property  
8 where the registered location is located stating the landowner's  
9 concurrence with the registration of the apiary location shall be  
10 provided with the registration application;

11 (d) No apiary location may be registered within a distance of two  
12 miles of a previously registered location unless such location (i) is  
13 registered by the person who placed the previously registered location on  
14 the registry or (ii) is on property owned by the person registering; and

15 (e) No apiary location shall be registered unless the registration  
16 fee charged by the department pursuant to this section is provided with  
17 the registration application.

18 (2) The department shall impose and collect apiary location  
19 registration fees and annual registration renewal fees sufficient to  
20 recover the department's costs of administering the voluntary  
21 registration process and to publish and provide registry information. All  
22 fees collected under this section shall be remitted to the State Apiary  
23 Cash Fund. Registry of apiary locations shall be accepted beginning on  
24 the effective date of this act and the initial period of registration  
25 shall begin on the date the department accepts an application for  
26 registration through the following March 31. Registrations may be renewed  
27 annually on or before April 1 of the year a registration period  
28 terminates and each annual renewal period shall terminate on March 31 of  
29 the subsequent year.

30 Sec. 4. Original sections 81-2,165.01 and 81-2,166, Reissue Revised  
31 Statutes of Nebraska, are repealed.