

ONE HUNDRED SIXTH LEGISLATURE - FIRST SESSION - 2019
COMMITTEE STATEMENT
LB157

Hearing Date: Tuesday February 26, 2019
Committee On: Agriculture
Introducer: Brewer
One Liner: Provide for voluntary registration, duties for the Department of Agriculture, and a cause of action under the Nebraska Apiary Act

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:
Aye: 7 Senators Blood, Brandt, Halloran, Hansen, B., Lathrop, Moser, Slama
Nay:
Absent: 1 Senator Chambers
Present Not Voting:

Oral Testimony:

Proponents:	Representing:
Senator Tom Brewer	Introducer
Edward McDonald	McDonald Apiary
Susan McDonald	McDonald Apiary
Jeffrey Powell	Self

Opponents:	Representing:
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Neutral:	Representing:
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Summary of purpose and/or changes:

LB 157 would amend the Nebraska Apiary Act to provide for the voluntary registration of apiary locations with the Department of Agriculture. The Department is authorized to charge a reasonable fee to offset administrative costs for establishing such registry. The bill would further prohibit commercial beekeepers from locating hives within three miles of a registered apiary. A person who has registered an apiary would have a cause of action to seek damages and equitable relief against persons locating apiaries within three miles of a registered apiary. Such violation would also be subject to administrative remedies of the Department under Section 81-2,179 of the Nebraska Apiary Act.

Explanation of amendments:

The Committee amendment (AM1484) would revise the bill to provide just the establishment of a voluntary registry maintained by the Department, omitting provisions of the original bill making it a violation of the Act to place apiaries within a distance of a registered apiary and associated enforcement provisions. Under the amendment, registration would be limited only to commercial beekeepers as defined and inserts a series of limitations on apiary registration. These limitations include: 1) no commercial beekeeper may register more than five locations, 2) if the registered location is on property not owned by the beekeeper, the applicant for registration must provide a written statement of agreement of the landowner, 3) an apiary location may not be registered that is within two miles of a previously registered location, and 4) the site must be utilized as an apiary by the person requesting registration.

Registrations would be first accepted on the effective date of the bill. The registration period would expire on March 31 of the year subsequent to initial registration and could be renewed annually with each annual renewal period beginning April 1 and expiring March 31 of the following year. The Department is authorized to establish initial and renewal registration fees to cover the costs of establishing and maintaining the registry. The amendment specifies any such fees are deposited in the Apiary Cash Fund.

Steve Halloran, Chairperson