Session of 1985

HOUSE BILL No. 2487

By Committee on Agriculture and Small Business

2-22

AN ACT concerning the apiary inspection act; defining terms;
authorizing the use of quarantine; amending K.S.A. 2-412,
2-413, 2-414, 2-415, 2-417 and 2-418 and repealing the existing
sections.

0021 Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 2-412 is hereby amended to read as fol-0023 lows: 2-412. The following terms when used in this act shall be 0024 construed as follows As used in this act: (a) "Apiary" shall be 0025 construed to mean means the place or location where one or 0026 more colonies or nuclei of bees are located.

0027 (b) "Bee" means a honey-producing insect of the genus Apis 0028 including all life stages of the insect.

0029 (c) "Colony" shall be construed to mean means the bees 0030 inhabiting a single hive or other dwelling place.

(d) "Beekeeping equipment" shall be construed to mean
means all hives, supers, frames or other devices used in the
rearing or manipulation of bees, their brood, honey or containers
thereof, which may be or may have been used in any apiary.
(e) "Bee parasite" means any parasite harmful to bees, including but not limited to, Varroa jacobsoni, Tropilaelaps
clareae and Acarapis woodi.

0038 (f) "Disease" shall be construed to mean means American 0039 foul brood and any other infectious, contagious or communicable 0040 disease affecting bees or their brood.

0041 (g) "Beekeeper" shall be construed to mean means any indi-0042 vidual, person, firm, association, or corporation owning, pos-0043 sessing, or controlling one or more colonies of bees for the 0044 production of honey, beeswax, or byproducts thereof either for 0045 personal or commercial use. This act has provided the regulatory authority needed to control honeybee diseases and assure the orderly movement of honeybees into and out of Kansas since it was enacted 73 years ago. Location of the honeybee tracheal mite (Acarapis woodi) in 10 states in 1984 and the expected entry of the Africanized honeybee into the Southern U.S. in 1988 make it necessary to expand the act to cover regulation of these pests. Without these regulatory measures the movement of honeybees into and out of the State for pollination and honey production will cease or be severely restricted.

No additional funding is anticipated for FY 1985 or FY 1986 due to enactment of this legislation. Expanded surveys implemented to search for the presence of these pests in Kansas will be carried out under the USDA-KSBA Cooperative Pest Survey Program currently in force.

Provides definition of the honeybee.

Provides definition of parasite enemies of the honeybee.

Expands this definition to include persons keeping bees for pollination purposes.

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Sec. 4. K.S.A. 2-415 is hereby amended to read as follows 0083 0084 2-415. (a) All bees, or used beekeeping equipment transported 0085 into the state of Kansas shall be accompanied by a permit, which 0086 shall be issued by the secretary. The beekeeper desiring to 0087 transport such bees or beekeeping equipment into the state shal 0088 make application for the permit on a form supplied by the 0089 secretary. The application shall be accompanied by a certificate 0090 of health certifying that all such bees or used beekeeping 0091 equipment have been inspected by an authorized official within 0002 six months 60 days prior to such transportation; and that such 0093 bees and beekeeping equipment were found apparently free 0094 from any disease or bee parasite. The application shall give the 0095 number of colonies of bees to be transported and the lega 0096 description of the location or locations within the state where the 0097 bees are to be kept. Upon receipt of the application for permit, . 0098 certificate of health, and the application fee fixed under thi 0099 section, the secretary shall consider the number of registered 0100 apiaries located in the area or areas into which the applican 0101 wishes to place the applicant's bees and if the secretary deter 0102 mines that the granting of the permit would overburden sucl 0103 area or areas with bees, the secretary shall deny such permi 0104 until such applicant beekeeper secures acceptable substitut 0105 locations for the placement of the bees.

(b) The application fee for a permit shall be fixed by rule and regulations adopted by the board so that the fee is compute on the basis of an amount per colony of bees or an amount pe application, whichever fee is larger, except that such amount on the application fee amounts in effect on the day preceding th effective date of this act shall continue in effect until the boar adopts rules and regulations fixing different application fe amounts under this section.

0115 Sec. 5. K.S.A. 2-417 is hereby amended to read as follow: 0116 2-417. It shall be deemed a violation of this act for any beekeepe 0117 or other person: (1) To permanently keep bees *permanently* i 0118 boxes, barrels; or other containers which are not equipped wit 0119 movable frames; (2) to transport bees or used beekeepir ---Provides that honeybees entering Kansas be certified free of bee parasites by the origin state.

---- Sixty day certificate life is dictated by life cycle of known bee parasites.

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0120 equipment into the state without first obtaining a permit from the 0121 secretary; Θr (3) to impede, obstruct, or hinder the secretary in 0122 the lawful discharge of the secretary's duties under the provi-0123 sions of this act; or (4) to transport knowingly any pest bees into 0124 this state or keep pest bees in this state.

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0125 Sec. 6. K.S.A. 2-418 is hereby amended to read as follows: 0126 2-418. The secretary shall have free access at any reasonable 0127 time to all apiaries, buildings or places where bees; or beekeep-0128 ing equipment are stored or kept; and shall have authority to 0129 open and examine all beekeeping equipment wherein such in 0130 which bees or honey are stored or kept.

New Sec. 7. (a) The secretary is authorized to guarantine this 0131 0132 state or any portion thereof when the secretary determines that 0133 such action is necessary to prevent or retard the spread of a 0134 disease, bee parasite or pest bee and to quarantine any other 0135 state or portion thereof whenever the secretary determines that a 0136 disease, bee parasite or pest bee exists therein and that such 0137 action is necessary to prevent or retard its spread into this state. 0138 Before determining that a quarantine is necessary, the secretary, 0139 after due notice to interested parties, shall hold a public hearing 0140 at which any interested party may appear and be heard either in 0141 person or by attorney. The secretary may impose a temporary 0142 quarantine for a period not to exceed 90 days during which time 0143 a public hearing, as provided herein, shall be held if it appears 0144 that a quarantine for more than the ninety-day period will be 0145 necessary to prevent or retard the spread of the disease, bee 0146 parasite or pest bee. The secretary may limit the application of 0147 the guarantine to the infested portion of the guarantined area 0148 and appropriate environs, to be known as the regulated area, and, 0149 without further hearing, may extend the regulated area to in-0150 clude additional portions of the quarantined area.

0151 (b) Following the establishment of the quarantine, no person 0152 shall move the disease, bee parasite or pest bee against which 0153 the quarantine is established or move any regulated article 0154 described in the quarantine, within, from, into or through this 0155 state contrary to the quarantine imposed by the secretary. The 0156 quarantine may restrict the movement of the disease, bee paraMakes the keeping of the Africanized honeybee illegal.

`Editorial change to provide wording standard in most inspection laws.

.Provides for quarantine action needed to regulate the intrastate movement of honeybee diseases, bee parasites and the Africanized honeybee if found in the state. Such action is needed to prevent other states from enacting statewide quarantines or embargoes against the movement of Kansas bees. This quarantine authority is identical to that found in the Kansas Plant Pest Act, the Federal Bee Act and the plant pest and apiary laws of most states.

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0157 site or pest bee and any regulated articles from the quarantined 0158 or regulated area in this state into or through other parts of this 0159 state or other states and from the quarantined or regulated area in 0160 other states into or through this state and shall impose such 0161 inspection, disinfection, certification or permit and other re-0162 quirements as the secretary deems necessary to effectuate the 0163 purposes of this section.

0164 (c) This section shall be part of and supplemental to the 0165 apiary inspection act.

0166 Sec. 8. K.S.A. 2-412, 2-413, 2-414, 2-415, 2-417 and 2-418 are 0167 hereby repealed.

0168 Sec. 9. This act shall take effect and be in force from and 0169 after its publication in the statute book.

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