

FEB 1 1990

Place On Calendar

HOUSE FILE 2250

BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO HSB 632)

Substituted for S.F. 2241 3/7

Passed House, Date 3/7/90 (p. 930) Passed Senate, Date 3/19/90 (p. 1182)

Vote: Ayes 66 Nays 30 Vote: Ayes 44 Nays 0

Approved March 29, 1990

A BILL FOR

1 An Act relating to the importation of bees and bee-related items,
2 increasing certain fees, and providing penalties.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HOUSE FILE 2250

H-5092

1 Amend House File 2250 as follows:
2 1. Page 4, by inserting after line 3, the
3 following:
4 "Sec. ____ . NEW SECTION. 160.17 RESIDENT COLONY
5 FEE.
6 Each colony located in Iowa shall annually be
7 assessed a fifty cent fee, unless the colony has been
8 assessed an entry fee under section 160.16 for that
9 year. The fee shall be collected by the state
10 apiarist and shall be used to administer this
11 chapter."

By PETERSEN of Muscatine

H-5092 FILED FEBRUARY 6, 1990

House 2/8 (p. 344)

HF 2250

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1 Section 1. NEW SECTION. 160.1A DEFINITIONS.

2 As used in this chapter, unless the context otherwise
3 requires:

4 1. "Apiary" means a place where one or more bee colonies
5 are maintained.

6 2. "Appliance" means any equipment, structure, or
7 container used to house bees.

8 3. "Bee" means a honeybee belonging to the genus apis.

9 4. "Colony" means a queen bee and more than one worker bee
10 located on beeswax combs and enclosed in a container.

11 Sec. 2. Section 160.2, Code 1989, is amended to read as
12 follows:

13 160.2 DUTIES.

14 The apiarist shall give lectures and demonstrations in the
15 state on the production of honey, the care of the apiary, the
16 marketing of honey, and upon other kindred subjects relative
17 to the care of bees and the profitable production of honey;
18 shall examine the bees, combs, and beekeeping appliances in
19 any locality which the apiarist may suspect of being affected
20 African in origin or infected with a parasite or foulbrood or
21 any other contagious or infectious disease common to bees; and
22 shall inspect regulate bees before-removal-from-the, combs,
23 and used appliances moving across state borders.

24 Sec. 3. Section 160.5, unnumbered paragraph 3, Code 1989,
25 is amended by striking the paragraph and inserting in lieu
26 thereof the following:

27 A person who desires to move a colony or a used appliance
28 with combs into this state shall apply to the state apiarist
29 for a written entry permit at least sixty days prior to the
30 proposed entry date. A statement must accompany each
31 application for an entry permit describing each offense
32 related to beekeeping for which the person has been subject to
33 a penalty by a state, federal, or foreign government. The
34 written entry permit must accompany all such shipments when
35 they enter the state. Entry into this state without a permit

1 is unlawful and is punishable pursuant to section 160.14.

2 At least ten days before entry a person who has applied for
3 an entry permit must meet both of the following conditions:

4 1. A valid certificate of inspection or certificate of
5 health dated within the last sixty days must have been
6 submitted by the state apiarist or inspector of the state of
7 origin indicating the absence of any contagious diseases,
8 parasites, or Africanized bees in the colony to be shipped.

9 2. A completed apiary registration form with locations of
10 apiaries in Iowa indicated along with any fees required for
11 nonresidents must have been submitted. Descriptions of
12 locations shall include all of the following:

13 a. The name of the landowner.

14 b. Number of colonies to be kept at that location.

15 c. The county, township, section number and quarter
16 section, or street address if located within the city limits.

17 Sec. 4. Section 160.14, subsections 1 and 2, Code 1989,
18 are amended to read as follows:

19 1. A person who knowingly sells, barter, gives away, or
20 moves or allows to be moved, a diseased or parasite infested
21 colony ~~or colonies of bees~~, appliance, or combs without the
22 consent of the state apiarist, or exposes infected honey or
23 infected appliances to the bees, or who willfully fails or
24 neglects to give proper treatment to a diseased or parasite
25 infested ~~colonies~~ colony, or who interferes with the state
26 apiarist or the apiarist's assistants in the performance of
27 ~~their~~ official duties or who refuses to permit the examination
28 of bees or their destruction as provided in this chapter or
29 violates another provision of this chapter, except as provided
30 in subsection 2, is guilty of a simple misdemeanor.

31 2. A person who knowingly moves or causes to be moved into
32 this state a colony, ~~of bees without a valid certificate of~~
33 ~~inspection from the state of origin or a permit to enter~~
34 ~~issued by the state apiarist pursuant to~~ used appliance, or
35 combs in violation of section 160.5, is guilty of a serious

1 misdemeanor.

2 Sec. 5. Section 160.14, Code 1989, is amended by adding
3 the following new subsection:

4 NEW SUBSECTION. 4. Each day a colony, a used appliance,
5 or combs moved into this state in violation of section 160.5
6 remains in this state constitutes a separate offense. A
7 colony, used appliance, or combs brought into this state in
8 violation of section 160.5 may be declared a nuisance. The
9 department shall provide written notice to the person owning
10 the land where the colony, used appliance, or combs are
11 located, and, if known, to the person owning the colony, used
12 appliance, or combs. The notice shall state that the owner of
13 the colony, used appliance, or combs must remove the colony,
14 used appliance, or combs from this state within five days of
15 the notification. After the five days have lapsed the
16 department may seize the colony, used appliance, or combs.
17 The department may secure a warrant if the owner of the land
18 objects to the seizure. The department shall maintain the
19 seized property until a court, upon petition by the
20 department, determines the disposition of the property. The
21 court shall render a decision concerning the disposition of
22 the property by the court within ten days of the filing of the
23 petition. Upon conviction of a violation of section 160.5, a
24 person shall forfeit all interest in property moved in
25 violation of that section and the department may immediately
26 destroy the property.

27 Sec. 6. Section 160.16, Code 1989, is amended to read as
28 follows:

29 160.16 IMPORTING BEES A COLONY FROM ANOTHER STATE -- FEE.

30 Each colony ~~of-bees~~ moved into Iowa from another state by
31 ~~nonresidents~~ a nonresident of Iowa shall be assessed a ~~fifty~~
32 ~~cents~~ one dollar entry fee. The fee, together with the
33 certificate of inspection ~~from-the-state-of-origin~~ or
34 certificate of health as provided in section 160.5, shall be
35 collected by the state apiarist who shall forward ~~such-fees~~

1 the fee to the auditor of the county where the bees-are colony
2 is to be located. Only nonresidents of Iowa shall be subject
3 to such the entry fee.

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EXPLANATION

5 This bill amends chapter 160 relating to apiary law. The
6 bill requires that a person moving a colony of bees, used
7 beekeeping appliance, or combs into the state must obtain a
8 written entry permit and a certificate of inspection or a
9 certificate of health. A person moving the colony must
10 register with and provide information relating to the colony
11 to the department of agriculture and land stewardship. The
12 bill provides that each day the colony, used appliance, or
13 combs moved into the state without an entry permit remains in
14 the state constitutes a separate offense. The bill also
15 provides for seizure and destruction of a colony, used
16 appliance, or combs moved into the state without a permit.
17 Finally, the bill increases the fee assessed a nonresident
18 person for moving a colony into this state from fifty cents to
19 one dollar.

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HOUSE FILE 2250
FISCAL NOTE

A fiscal note for House File 2250 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 2250 amends Chapter 160, Code of Iowa by requiring those moving a colony of bees, used beekeeping appliances, or combs into the state to obtain a written entry permit and certificate of inspection or health. A person moving the colony must register and provide information to the Department of Agriculture and Land Stewardship.

This bill also increases the fee assessed a nonresident person for moving a colony into Iowa from fifty cents to one dollar.

Assumptions:

1. The number of bee colonies moved into the state in FY 89 will remain constant.

Fiscal Effect:

For FY 1989, approximately \$1,287.50 was collected by the Apiary Bureau for 2,575 colonies moved into the state. Doubling the fee charged would double this revenue to \$2,575. This revenue is not deposited into the General Fund but is allocated back to the counties in which they were collected.

Source: Department of Agriculture and Land Stewardship (LSB 7500hv, AAW)

FILED FEBRUARY 6, 1990

BY DENNIS PROUTY, FISCAL DIRECTOR

HSB 632

Agriculture

Now

HOUSE FILE 2250

BY (PROPOSED DEPARTMENT OF
AGRICULTURE AND LAND
STEWARDSHIP BILL)

Passed House, Date _____ Passed Senate, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to the importation of bees and bee-related items,
2 increasing certain fees, and providing penalties.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. 160.1A DEFINITIONS.

2 As used in this chapter, unless the context otherwise
3 requires:

4 1. "Apiary" means a place where one or more bee colonies
5 are maintained.

6 2. "Appliance" means any equipment, structure, or
7 container used to house bees.

8 3. "Bee" means a honeybee belonging to the genus apis.

9 4. "Colony" means a queen bee and more than one worker bee
10 located on beeswax combs and enclosed in a container.

11 Sec. 2. Section 160.2, Code 1989, is amended to read as
12 follows:

13 160.2 DUTIES.

14 The apiarist shall give lectures and demonstrations in the
15 state on the production of honey, the care of the apiary, the
16 marketing of honey, and upon other kindred subjects relative
17 to the care of bees and the profitable production of honey;
18 shall examine the bees, combs, and beekeeping appliances in
19 any locality which the apiarist may suspect of being affected
20 African in origin or infected with a parasite or foulbrood or
21 any other contagious or infectious disease common to bees; and
22 shall inspect regulate bees before-removal-from-the, combs,
23 and used appliances moving across state borders.

24 Sec. 3. Section 160.5, unnumbered paragraph 3, Code 1989,
25 is amended by striking the paragraph and inserting in lieu
26 thereof the following:

27 A person shall not move a colony, combs, or a used
28 appliance into this state for more than ten days unless the
29 person obtains an entry permit issued by the state apiarist.
30 A shipment of a colony, used appliance, or combs into this
31 state must be accompanied by the permit. The person must
32 submit an application to the department at least sixty days
33 prior to movement. However, the department may waive the
34 requirement if the person is moving ten or fewer colonies or
35 used appliances related to the maintenance of ten or fewer

1 colonies, and the person intends to establish residence within
2 this state. The application must contain information required
3 by the department. The application shall contain all of the
4 following:

5 1. A statement describing each offense related to
6 beekeeping for which the person has been subject to a penalty
7 by a state, federal, or foreign government.

8 2. A valid certificate of inspection or certificate of
9 health from the state of origin at least ten days but not more
10 than sixty days before the colony, used appliance, or combs
11 are moved into this state. The certificate must state that
12 the colony, used appliance, or combs are apparently free of
13 contagious diseases, parasites, and Africanized bees as
14 designated by the state apiarist.

15 3. Registration with the state apiarist at least ten days
16 before a colony is moved into this state. The registration
17 shall include information required by the department and all
18 of the following information:

19 a. The name of the owner of the land where the colony is
20 to be maintained.

21 b. The county, township, section number, and quarter
22 section of land where the colony is to be maintained.
23 However, if the land is within the limits of a city, the
24 information shall include only the name of the city and the
25 street address.

26 c. The number of colonies to be maintained on the land.

27 Sec. 4. Section 160.14, subsections 1 and 2, Code 1989,
28 are amended to read as follows:

29 1. A person who knowingly sells, barter, gives away, or
30 moves or allows to be moved, a diseased or parasite infested
31 colony ~~or colonies of bees~~, appliance, or combs without the
32 consent of the state apiarist, or exposes infected honey or
33 infected appliances to the bees, or who willfully fails or
34 neglects to give proper treatment to a diseased or parasite
35 infested colonies colony, or who interferes with the state

1 apiarist or the apiarist's assistants in the performance of
2 their official duties or who refuses to permit the examination
3 of bees or their destruction as provided in this chapter or
4 violates another provision of this chapter, except as provided
5 in subsection 2, is guilty of a simple misdemeanor.

6 2. A person who knowingly moves or causes to be moved into
7 this state a colony, ~~of-bees-without-a-valid-certificate-of~~
8 ~~inspection-from-the-state-of-origin-or-a-permit-to-enter~~
9 ~~issued-by-the-state-apiarist-pursuant-to~~ used appliance, or
10 combs in violation of section 160.5, is guilty of a serious
11 misdemeanor.

12 Sec. 5. Section 160.14, Code 1989, is amended by adding
13 the following new subsection:

14 NEW SUBSECTION. 4. Each day a colony, a used appliance,
15 or combs moved into this state in violation of section 160.5
16 remains in this state constitutes a separate offense. The
17 department may seize the colony, used appliance, or combs.
18 The department shall provide written notice to the person
19 owning the land where the colony, used appliance, or combs is
20 located, and, if known, to the person owning the colony, used
21 appliance, or combs. The department may secure a warrant if
22 the owner of the land objects to the seizure. The department
23 shall maintain the seized property until a court determines
24 the disposition of the property. Upon conviction of a
25 violation of section 160.5, a person shall forfeit all
26 interest in property moved in violation of that section and
27 the department may immediately seize and destroy the property.

28 Sec. 6. Section 160.16, Code 1989, is amended to read as
29 follows:

30 160.16 IMPORTING BEES A COLONY FROM ANOTHER STATE -- FEE.
31 Each colony ~~of-bees~~ moved into Iowa from another state by
32 ~~nonresidents~~ a nonresident of Iowa shall be assessed a fifty
33 cents one dollar entry fee. The fee, together with the
34 ~~certificate of inspection from-the-state-of-origin or~~
35 certificate of health as provided in section 160.5, shall be

1 collected by the state apiarist who shall forward such-fees
2 the fee to the auditor of the county where the bees-are colony
3 is to be located. Only nonresidents of Iowa shall be subject
4 to such the entry fee.

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EXPLANATION

6 This bill amends chapter 160 relating to apiary law. The
7 bill requires that a person moving a colony of bees, used
8 beekeeping appliance, or combs into the state must obtain a
9 written entry permit and a certificate of inspection or a
10 certificate of health. If a colony is to remain in the state
11 for more than ten days, a person moving the colony must
12 register with and provide information relating to the colony
13 to the department of agriculture and land stewardship. The
14 bill provides that each day the colony, used appliance, or
15 combs moved into the state without an entry permit remains in
16 the state constitutes a separate offense. The bill also
17 provides for seizure and destruction of a colony, used
18 appliance, or combs moved into the state without a permit.
19 Finally, the bill increases the fee assessed a nonresident
20 person for moving a colony into this state from fifty cents to
21 one dollar.

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BACKGROUND STATEMENT

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SUBMITTED BY THE AGENCY

24 A vital and healthy honey and beekeeping industry is
25 important to Iowa. Honeybees provide pollination services for
26 many crops, home gardens, and plants used as food for wildlife
27 with no remuneration to the beekeeper in Iowa. Profit from
28 the sale of honey that the bees produce provides an incentive
29 for a person to keep bees. Many environmental factors can be
30 detrimental to the health of honeybee colonies, including
31 bacterial and viral diseases, pesticide damage, severe winters
32 and drought conditions, and importation of exotic bee
33 parasites and African honeybees.

34 At the present time bees are brought into Iowa, some with
35 serious diseases and parasites, with no prior notification or

1 even inspection by regulatory officials. Under the present
2 apiary law some of these importations may be legal. The
3 proposed changes outline in clear language the procedures for
4 importing bees into the state. These changes will allow the
5 department to know if bees are being imported, where the bees
6 will be located in Iowa, and the kind of inspection performed.
7 Because entry fees must be paid before a permit is issued, the
8 department will have more success in collecting fees owed by
9 nonresidents with the revisions.

10 The ability to seize bees is a great value in enforcement
11 of the entry permit requirement, especially for nonresidents.
12 At present, nonresidents may ignore the department, posing a
13 danger to the beekeeping industry. In one case, a nonresident
14 introduced a serious exotic pest into the state.

15 The cost of administration, including preparing and
16 recording permits, travel expenses, and salaries for
17 inspectors, has increased greatly since the fifty cent per
18 colony fee was established. The fee increase would help
19 offset the cost increases that the department has experienced.
20 This fee is only charged to nonresidents.

21 Overall, these changes will promote a healthier honey and
22 beekeeping industry through protection against diseases,
23 parasites, and African honeybees.

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HOUSE FILE 2250

AN ACT

RELATING TO THE IMPORTATION OF BEES AND BEE-RELATED ITEMS,
INCREASING CERTAIN FEES, AND PROVIDING PENALTIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. NEW SECTION. 160.1A DEFINITIONS.

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Sec. 3. Section 160.5, unnumbered paragraph 3, Code 1989, is amended by striking the paragraph and inserting in lieu thereof the following:

A person who desires to move a colony or a used appliance with combs into this state shall apply to the state apiarist for a written entry permit at least sixty days prior to the proposed entry date. A statement must accompany each application for an entry permit describing each offense related to beekeeping for which the person has been subject to a penalty by a state, federal, or foreign government. The written entry permit must accompany all such shipments when they enter the state. Entry into this state without a permit is unlawful and is punishable pursuant to section 160.14.

At least ten days before entry a person who has applied for an entry permit must meet both of the following conditions:

1. A valid certificate of inspection or certificate of health dated within the last sixty days must have been submitted by the state apiarist or inspector of the state of origin indicating the absence of any contagious diseases, parasites, or Africanized bees in the colony to be shipped.
2. A completed apiary registration form with locations of apiaries in Iowa indicated along with any fees required for nonresidents must have been submitted. Descriptions of locations shall include all of the following:
 - a. The name of the landowner.
 - b. Number of colonies to be kept at that location.
 - c. The county, township, section number and quarter section, or street address if located within the city limits.

Sec. 4. Section 160.14, subsections 1 and 2, Code 1989, are amended to read as follows:

1. A person who knowingly sells, barter, gives away, or moves or allows to be moved, a diseased or parasite infested colony ~~or colonies of bees,~~ appliance, or combs without the consent of the state apiarist, or exposes infected honey or infected appliances to the bees, or who willfully fails or neglects to give proper treatment to a diseased or parasite infested ~~colonies~~ colony, or who interferes with the state apiarist or the apiarist's assistants in the performance of their official duties or who refuses to permit the examination

of bees or their destruction as provided in this chapter or violates another provision of this chapter, except as provided in subsection 2, is guilty of a simple misdemeanor.

2. A person who knowingly moves or causes to be moved into this state a colony, ~~of-bees-without-a-valid-certificate-of-inspection-from-the-state-of-origin-or-a-permit-to-enter-issued-by-the-state-apiarist-pursuant-to~~ used appliance, or combs in violation of section 160.5, is guilty of a serious misdemeanor.

Sec. 5. Section 160.14, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 4. Each day a colony, a used appliance, or combs moved into this state in violation of section 160.5 remains in this state constitutes a separate offense. A colony, used appliance, or combs brought into this state in violation of section 160.5 may be declared a nuisance. The department shall provide written notice to the person owning the land where the colony, used appliance, or combs are located, and, if known, to the person owning the colony, used appliance, or combs. The notice shall state that the owner of the colony, used appliance, or combs must remove the colony, used appliance, or combs from this state within five days of the notification. After the five days have lapsed the department may seize the colony, used appliance, or combs. The department may secure a warrant if the owner of the land objects to the seizure. The department shall maintain the seized property until a court, upon petition by the department, determines the disposition of the property. The court shall render a decision concerning the disposition of the property by the court within ten days of the filing of the petition. Upon conviction of a violation of section 160.5, a person shall forfeit all interest in property moved in violation of that section and the department may immediately destroy the property.

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160.16 IMPORTING BEES A COLONY FROM ANOTHER STATE -- FEE.

Each colony ~~of-bees~~ moved into Iowa from another state by ~~nonresidents~~ a nonresident of Iowa shall be assessed a fifty cents one dollar entry fee. The fee, together with the certificate of inspection ~~from-the-state-of-origin or~~ certificate of health as provided in section 160.5, shall be collected by the state apiarist who shall forward ~~such-fees~~ the fee to the auditor of the county where the ~~bees-are~~ colony is to be located. Only nonresidents of Iowa shall be subject to such the entry fee.

DONALD D. AVENSON
Speaker of the House

JO ANN ZIMMERMAN
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2250, Seventy-third General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved March 29, 1990

TERRY E. BRANSTAD
Governor