

4:6-5 et al.

LEGISLATIVE HISTORY CHECKLIST

NJSA 4:6-5 et al.

Laws of 1977 Chapter 159

(Beekeeping--Various Amendments)

Bill No. S1670

Sponsor(s) Martindell

Date Introduced September 23, 1976

Committee: Assembly Agriculture & Environment

Senate Agriculture

Amended during passage Yes No

Date of passage: Assembly April 28, 1977

Senate Dec. 14, 1976

Date of approval July 14, 1977

Following statements are attached if available:

Sponsor statement Yes ~~Yes~~ No

Committee Statement: Assembly ~~Yes~~ No

Senate Yes ~~Yes~~ No

Fiscal Note ~~Yes~~ No

Veto message ~~Yes~~ No

Message on signing ~~Yes~~ No

Following were printed:

Reports ~~Yes~~ No

Hearings ~~Yes~~ No

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10/4/76

SENATE, No. 1670

STATE OF NEW JERSEY

INTRODUCED SEPTEMBER 23, 1976

By Senator MARTINDELL

Referred to Committee on Agriculture

AN ACT concerning bee diseases and the regulation of apiaries, amending sections 4:6-5, 4:6-12, 4:6-13, 4:6-14, 4:6-15, 4:6-16, 4:6-17 of the Revised Statutes and supplementing chapter 6 of Title 4 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. R. S. 4:6-5 is amended to read as follows:

2 4:6-5. A person in this State engaged in the rearing of queen
3 bees for sale shall have his apiary inspected at least twice during
4 each summer and a person who shall fail to comply with this require-
5 ment shall be liable to a penalty of ~~[\$50.00]~~ \$200.00. The department
6 shall inspect all such apiaries at least twice each season, when
7 requested by the owner.

1 2. R. S. 4:6-12 is amended to read as follows:

2 4:6-12. No person shall have or keep in his possession or in an
3 apiary, a colony of bees infested by the diseases known as American
4 foulbrood or European foulbrood or by any other disease which is
5 contagious or infectious in its nature and injurious to honey bees
6 in their egg, larvae, pupal or adult stages, and a person who shall
7 have or keep in his possession any colony of bees so infested,
8 after notice of the existence of the disease given as provided in
9 sections 4:6-7 to 4:6-9 of this Title, shall be liable to a penalty of
10 ~~[\$25.00]~~ \$200.00.

1 3. R. S. 4:6-13 is amended to read as follows:

2 4:6-13. No owner or other person having diseased bees or their
3 larvae, or infested hives, combs or other appliances or utensils for
4 keeping bees, shall expose, sell, barter or give away or permit the
5 removal thereof until after treatment has been administered as
6 prescribed by the department, and such bees, larvae, hives, combs

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

7 or other appliances or utensils shall not be exposed, sold, bartered
8 or given away after treatment until they are declared safe and
9 written permission is given by the department.

10 A person who shall **[offend against the requirements of]** *violate*
11 this section shall be liable to a penalty of **[\$50.00]** *\$200.00*.

1 4. R. S. 4:6-14 is amended to read as follows:

2 4:6-14. No package or parcel containing queen bees shall be
3 shipped or delivered from an apiary where queen bees are raised
4 for sale without having attached to it a certificate from the depart-
5 ment, giving the date of the last inspection, and containing the
6 statement that the apiary in which the bees were reared was, at the
7 time of the inspection, free from disease as defined in section 4:6-1
8 of this Title.

9 A person who shall violate the provisions of this section shall
10 be liable to a penalty of **[\$50.00]** *\$200.00*.

1 5. R. S. 4:6-15 is amended to read as follows:

2 4-6:15. No colony or nucleus of bees or used apiary supplies
3 coming from a state or country having apiary inspection service
4 shall be accepted by any person or common carrier for transporta-
5 tion to a point within this State unless accompanied by a valid
6 certificate of inspection stating that the colony or supplies are free
7 from infectious or contagious bee diseases.

8 A colony or nucleus of bees or used apiary supplies coming into
9 this State from a state or country having no apiary inspection
10 service shall be immediately reported by the consignee and by the
11 person or carrier delivering them in this State, giving the name
12 and address of the consignee, to the department, which shall
13 cause the shipment to be inspected at such time as shall be
14 expedient.

15 This section shall not apply to the delivery of queen bees when
16 not accompanied by brood or comb, or to bees shipped in wire
17 cages when not accompanied by brood or comb.

18 A person who shall **[offend against the requirements of]** *violate*
19 this section shall be liable to a penalty of **[\$25.00]** *\$100.00* for
20 each offense.

1 6. R. S. 4:6-16 is amended to read as follows:

2 4:6-16. A person having one or more colonies of bees in his
3 possession or management shall within 8 days after a written
4 request from the department furnish a statement of the number of
5 colonies and the exact location thereof.

6 A person who shall fail to comply with the request or who
7 shall make a false statement as to the number and location of
8 colonies shall be subject to a penalty of **[\$25.00]** *\$200.00*.

1 7. R. S. 4:6-17 is amended to read as follows:

2 4:6-17. **■**All penalties fixed by the provisions of this chapter
3 shall be sued for and recovered in a civil action by and in the name
4 of the department. **■**

5 *Any penalty imposed by this act shall be collected or enforced in*
6 *a summary manner, without a jury, in any court of competent*
7 *jurisdiction according to the procedure provided by the Penalty*
8 *Enforcement Law (N. J. S. 2A:58-1 et seq.). The Superior Court,*
9 *County Court, county district court and municipal court shall have*
10 *jurisdiction to enforce the provisions of this act.*

11 *Any violation of this chapter or any of the orders or rules or*
12 *regulations of the department made pursuant to this act may be*
13 *restrained by the Superior Court in an action brought for such*
14 *purpose by the department.*

15 *The State Police, county and municipal law enforcement officers*
16 *are authorized and directed to assist in the enforcement of the pro-*
17 *visions of this chapter upon request by the department.*

18 *Any person aggrieved by an order of this department pursuant*
19 *to this act shall have 15 days from the date of delivery of said*
20 *order to petition the department for administrative hearing. The*
21 *department shall, within 30 days of such petition, schedule said*
22 *hearing in accordance with the Administrative Procedure Act,*
23 *P. L. 1968, c. 410 (C. 52:14B-1 et seq.).*

1 8. (New section) When an apiary is deemed to be an abandoned
2 apiary, written notice shall be given by certified mail to the owner
3 or operator thereof, if he can be located, that the apiary is an
4 abandoned apiary. If he cannot be located, such notice shall be
5 served on the owner of the land, on which the apiary is located.
6 If such apiary continues to be so abandoned for 60 days thereafter,
7 the agent may take whatever steps are necessary to protect the
8 welfare of neighboring apiaries, including the removal or destruc-
9 tion of apiaries deemed abandoned.

1 9. (New section) The State Board of Agriculture shall have the
2 power to promulgate and enforce rules and regulations to imple-
3 ment the provisions of this act.

1 10. This act shall take effect immediately.

STATEMENT

This bill would update and revise present law relating to the keeping of bees and the control of bee diseases. These changes are needed and supported by the State's bee industry in order to protect the important role of beekeeping in New Jersey's agricultural economy.

REFERENCE USE ONLY

SENATE AGRICULTURE COMMITTEE

STATEMENT TO

SENATE, No. 1670

—◆—
STATE OF NEW JERSEY
—◆—

DATED: NOVEMBER 8, 1976

This measure updates and supplements the existing law relating to the keeping of bees and the control of bee diseases.

The bill increases the level of fines for violations of the law. The schedule of fines currently in effect, which were established many years ago, are too low to have effective deterrent value.

The bill also provides a procedure for the proper disposition of abandoned beehives. Such abandoned beehives not only threaten apiaries, but complicate prevention of the numerous thefts of hives.

No opposition to the bill was expressed at the committee meeting.