

4:6-21

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2007 **CHAPTER:** 271

NJSA: 4:6-21 (Requires commercial pesticide applicators and operators to contact agricultural agencies prior to exterminating honey bee colonies; establishes penalties for destruction of man-made hives.)

BILL NO: S1848 (Substituted for A3104)

SPONSOR(S) Bark and others

DATE INTRODUCED: May 11, 2006

COMMITTEE: **ASSEMBLY:**

SENATE: Economic Growth

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** January 7, 2008

SENATE: January 3, 2008

DATE OF APPROVAL: January 13, 2008

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (First reprint of bill enacted)

S1848

[SPONSOR'S STATEMENT:](#) (Begins on page 2 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY:** No

[SENATE:](#) [Yes](#)

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

[FLOOR AMENDMENT STATEMENT:](#) [Yes](#)

LEGISLATIVE FISCAL ESTIMATE: No

A3104

[SPONSOR'S STATEMENT:](#) (Begins on page 2 of original bill) [Yes](#)

COMMITTEE STATEMENT: [ASSEMBLY:](#) [Yes](#)

SENATE: No

[FLOOR AMENDMENT STATEMENT:](#) [Yes](#)

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

IS 6/4/08

P.L. 2007, CHAPTER 271, *approved January 13, 2008*
Senate, No. 1848 (*First Reprint*)

1 AN ACT concerning the preservation of honey bee colonies and
2 supplementing Title 4 of the Revised Statutes.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. The Secretary of Agriculture in conjunction with the
8 Commissioner of Environmental Protection, and in cooperation
9 with the New Jersey Beekeepers Association, 'the New Jersey Pest
10 Management Association,' and the New Jersey Cooperative
11 Extension of Rutgers, The State University, shall, within 18 months
12 after the effective date of this act, develop and adopt, pursuant to
13 the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1
14 et seq.), rules and regulations to require certified commercial
15 pesticide applicators and licensed commercial pesticide operators in
16 the State to contact identified county, regional or State agricultural
17 agencies to either obtain assistance in relocating specific honey bee
18 colonies, or to seek approval to destroy the colonies, prior to
19 extermination. 'The provisions of this section shall not apply to
20 honey bee colonies found residing within buildings or other indoor
21 structures.' These rules and regulations shall establish the
22 provisions necessary to effectuate the purpose of this section, and
23 shall include any appropriate emergency health and safety
24 exceptions, minimum response times for agricultural agencies or
25 designated responders, as well as enforcement and penalty
26 provisions for violations.

27
28 2. Any person who intentionally destroys a man-made honey bee
29 hive without the approval required pursuant to R.S.4:6-1 et seq. or
30 section 1 of P.L. , c. (C.) (pending before the Legislature as
31 this bill) shall be liable to a civil penalty of up to \$1,000 for each
32 offense, to be collected in a civil action by a summary proceeding
33 under the “Penalty Enforcement Law of 1999,” P.L.1999, c.274
34 (C.2A:58-10 et seq.) or in any case before a court of competent
35 jurisdiction wherein injunctive relief has been requested. The
36 Superior Court and municipal court shall have jurisdiction to
37 enforce the “Penalty Enforcement Law of 1999” in connection with
38 this act. If the violation is of a continuing nature, each day during
39 which it continues shall constitute an additional, separate and
40 distinct offense. Penalties recovered for violations of this section
41 shall be remitted to the Department of Agriculture and expended on
42 programs to revive honey bee populations in the State.

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate floor amendments adopted December 10, 2007.

S1848 [1R]

2

1 3. This act shall take effect immediately.

2

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6 Requires commercial pesticide applicators and operators to
7 contact agricultural agencies prior to exterminating honey bee
8 colonies; establishes penalties for destruction of man-made hives.

SENATE, No. 1848

STATE OF NEW JERSEY
212th LEGISLATURE

INTRODUCED MAY 11, 2006

Sponsored by:

Senator MARTHA W. BARK

District 8 (Burlington)

Senator LEONARD LANCE

District 23 (Warren and Hunterdon)

SYNOPSIS

Requires commercial pesticide applicators and operators to contact agricultural agencies prior to exterminating honey bee colonies; establishes penalties for destruction of man-made hives.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/15/2007)

1 AN ACT concerning the preservation of honey bee colonies and
2 supplementing Title 4 of the Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. The Secretary of Agriculture in conjunction with the
8 Commissioner of Environmental Protection, and in cooperation
9 with the New Jersey Beekeepers Association and the New Jersey
10 Cooperative Extension of Rutgers, The State University, shall,
11 within 18 months after the effective date of this act, develop and
12 adopt, pursuant to the "Administrative Procedure Act," P.L.1968,
13 c.410 (C.52:14B-1 et seq.), rules and regulations to require certified
14 commercial pesticide applicators and licensed commercial pesticide
15 operators in the State to contact identified county, regional or State
16 agricultural agencies to either obtain assistance in relocating
17 specific honey bee colonies, or to seek approval to destroy the
18 colonies, prior to extermination. These rules and regulations shall
19 establish the provisions necessary to effectuate the purpose of this
20 section, and shall include any appropriate emergency health and
21 safety exceptions, minimum response times for agricultural
22 agencies or designated responders, as well as enforcement and
23 penalty provisions for violations.

24

25 2. Any person who intentionally destroys a man-made honey bee
26 hive without the approval required pursuant to R.S.4:6-1 et seq. or
27 section 1 of P.L. , c. (C.) (pending before the Legislature as
28 this bill) shall be liable to a civil penalty of up to \$1,000 for each
29 offense, to be collected in a civil action by a summary proceeding
30 under the "Penalty Enforcement Law of 1999," P.L.1999, c.274
31 (C.2A:58-10 et seq.) or in any case before a court of competent
32 jurisdiction wherein injunctive relief has been requested. The
33 Superior Court and municipal court shall have jurisdiction to
34 enforce the "Penalty Enforcement Law of 1999" in connection with
35 this act. If the violation is of a continuing nature, each day during
36 which it continues shall constitute an additional, separate and
37 distinct offense. Penalties recovered for violations of this section
38 shall be remitted to the Department of Agriculture and expended on
39 programs to revive honey bee populations in the State.

40

41 3. This act shall take effect immediately.

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STATEMENT

45

46 This bill would direct the Secretary of Agriculture, in
47 conjunction with the Commissioner of Environmental Protection,
48 and in cooperation with New Jersey Beekeepers Association and the

1 New Jersey Cooperative Extension of Rutgers, The State
2 University, to develop and adopt rules and regulations, including
3 any appropriate emergency health and safety exceptions, minimum
4 response times for agricultural agencies or their designated
5 responders, and any necessary enforcement and penalty provisions,
6 to require certified commercial pest applicators and licensed
7 commercial pesticide operators in the State to contact identified
8 county, regional or State agricultural agencies to either obtain
9 assistance in relocating honey bee colonies, or approval to
10 exterminate specific colonies, prior to commencing the
11 extermination process. Additionally, the bill would impose a civil
12 penalty of up to \$1,000, for each offense, to any person who
13 intentionally destroys a man-made honey bee hive. Penalties
14 recovered for these violations would be remitted to the Department
15 of Agriculture and expended on programs to revive honey bee
16 populations in the State.

17 The docile and non-aggressive honey bee (*apis mellifera*), the
18 designated State bug, is among the most well-known, popular and
19 economically beneficial insects. This social insect lives in large
20 colonies made up of 20,000 to 80,000 individuals and is found
21 worldwide. The State has experienced a significant decline in the
22 honey bee population due to two very destructive pests: the varroa
23 mite and the tracheal mite, which have been decimating honey bee
24 colonies since the late 1980's, causing major shortages of bees in
25 New Jersey and neighboring states. In fact, it is now extremely rare
26 to find naturally existing colonies. As a result, the Department of
27 Agriculture has initiated several programs to increase New Jersey's
28 honey bee population, critical to the State's fruit and vegetable
29 production. Bees pollinate crops such as blueberries, cranberries,
30 apples, cucumbers and pumpkins, creating plants that yield larger,
31 healthier fruits and vegetables. Without a healthy honey bee
32 population, successful fruit and vegetable production would be at
33 risk.

34 The purpose of this bill is to protect the State's dwindling honey
35 bee population by allowing agricultural agencies, or their designees,
36 to determine the advisability of relocating colonies of this
37 agriculturally beneficial insect when possible, without risk to
38 human or animal health and safety, and within a reasonable period
39 time, prior to approving extermination of honey bee colonies by
40 certified commercial pesticide applicators and licensed commercial
41 pesticide operators in the State.

SENATE ECONOMIC GROWTH COMMITTEE

STATEMENT TO

SENATE, No. 1848

STATE OF NEW JERSEY

DATED: DECEMBER 3, 2007

The Senate Economic Growth Committee reports favorably Senate Bill No.1848.

This bill directs the Secretary of Agriculture, in conjunction with the Commissioner of Environmental Protection, and in cooperation with New Jersey Beekeepers Association and the New Jersey Cooperative Extension of Rutgers, to develop and adopt rules and regulations to require certified commercial pest applicators and licensed commercial pesticide operators in the State to contact identified county, regional or State agricultural agencies to either obtain assistance in relocating honey bee colonies, or approval to exterminate specific colonies, prior to commencing the extermination process. Additionally, the bill would impose a civil penalty of up to \$1,000, for each offense, to any person who intentionally destroys a man-made honey bee hive. Penalties recovered for these violations would be remitted to the Department of Agriculture and expended on programs to revive honey bee populations in the State.

STATEMENT TO
SENATE, No. 1848

with Senate Floor Amendments
(Proposed By Senator BARK)

ADOPTED: DECEMBER 10, 2007

These floor amendments (1) add the New Jersey Pest Management Association as a participating organization in the development of rules and regulations proposed under section 1 of the bill, and (2) exempt commercial pesticide applicators or operators from seeking prior approval to destroy honey bee colonies in cases where colonies are found in buildings or other indoor structures during the course of an extermination project.

ASSEMBLY, No. 3104

STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED MAY 18, 2006

Sponsored by:

Assemblyman LARRY CHATZIDAKIS

District 8 (Burlington)

Assemblyman FRANCIS L. BODINE

District 8 (Burlington)

SYNOPSIS

Requires commercial pesticide applicators and operators to contact agricultural agencies prior to exterminating honey bee colonies; establishes penalties for destruction of man-made hives.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the preservation of honey bee colonies and
2 supplementing Title 4 of the Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. The Secretary of Agriculture in conjunction with the
8 Commissioner of Environmental Protection, and in cooperation
9 with the New Jersey Beekeepers Association and the New Jersey
10 Cooperative Extension of Rutgers, The State University, shall,
11 within 18 months after the effective date of this act, develop and
12 adopt, pursuant to the "Administrative Procedure Act," P.L.1968,
13 c.410 (C.52:14B-1 et seq.), rules and regulations to require certified
14 commercial pesticide applicators and licensed commercial pesticide
15 operators in the State to contact identified county, regional or State
16 agricultural agencies to either obtain assistance in relocating
17 specific honey bee colonies, or to seek approval to destroy the
18 colonies, prior to extermination. These rules and regulations shall
19 establish the provisions necessary to effectuate the purpose of this
20 section, and shall include any appropriate emergency health and
21 safety exceptions, minimum response times for agricultural
22 agencies or designated responders, as well as enforcement and
23 penalty provisions for violations.

24

25 2. Any person who intentionally destroys a man-made honey bee
26 hive without the approval required pursuant to R.S.4:6-1 et seq. or
27 section 1 of P.L. , c. (C.) (pending before the Legislature as
28 this bill) shall be liable to a civil penalty of up to \$1,000 for each
29 offense, to be collected in a civil action by a summary proceeding
30 under the "Penalty Enforcement Law of 1999," P.L.1999, c.274
31 (C.2A:58-10 et seq.) or in any case before a court of competent
32 jurisdiction wherein injunctive relief has been requested. The
33 Superior Court and municipal court shall have jurisdiction to
34 enforce the "Penalty Enforcement Law of 1999" in connection with
35 this act. If the violation is of a continuing nature, each day during
36 which it continues shall constitute an additional, separate and
37 distinct offense. Penalties recovered for violations of this section
38 shall be remitted to the Department of Agriculture and expended on
39 programs to revive honey bee populations in the State.

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41 3. This act shall take effect immediately.

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STATEMENT

45

46 This bill would direct the Secretary of Agriculture, in
47 conjunction with the Commissioner of Environmental Protection,
48 and in cooperation with New Jersey Beekeepers Association and the

1 New Jersey Cooperative Extension of Rutgers, The State
2 University, to develop and adopt rules and regulations, including
3 any appropriate emergency health and safety exceptions, minimum
4 response times for agricultural agencies or their designated
5 responders, and any necessary enforcement and penalty provisions,
6 to require certified commercial pest applicators and licensed
7 commercial pesticide operators in the State to contact identified
8 county, regional or State agricultural agencies to either obtain
9 assistance in relocating honey bee colonies, or approval to
10 exterminate specific colonies, prior to commencing the
11 extermination process. Additionally, the bill would impose a civil
12 penalty of up to \$1,000, for each offense, to any person who
13 intentionally destroys a man-made honey bee hive. Penalties
14 recovered for these violations would be remitted to the Department
15 of Agriculture and expended on programs to revive honey bee
16 populations in the State.

17 The docile and non-aggressive honey bee (*apis mellifera*), the
18 designated State bug, is among the most well-known, popular and
19 economically beneficial insects. This social insect lives in large
20 colonies made up of 20,000 to 80,000 individuals and is found
21 worldwide. The State has experienced a significant decline in the
22 honey bee population due to two very destructive pests: the varroa
23 mite and the tracheal mite, which have been decimating honey bee
24 colonies since the late 1980's, causing major shortages of bees in
25 New Jersey and neighboring states. In fact, it is now extremely rare
26 to find naturally existing colonies. As a result, the Department of
27 Agriculture has initiated several programs to increase New Jersey's
28 honey bee population, critical to the State's fruit and vegetable
29 production. Bees pollinate crops such as blueberries, cranberries,
30 apples, cucumbers and pumpkins, creating plants that yield larger,
31 healthier fruits and vegetables. Without a healthy honey bee
32 population, successful fruit and vegetable production would be at
33 risk.

34 The purpose of this bill is to protect the State's dwindling honey
35 bee population by allowing agricultural agencies, or their designees,
36 to determine the advisability of relocating colonies of this
37 agriculturally beneficial insect when possible, without risk to
38 human or animal health and safety, and within a reasonable period
39 time, prior to approving extermination of honey bee colonies by
40 certified commercial pesticide applicators and licensed commercial
41 pesticide operators in the State.

ASSEMBLY AGRICULTURE AND NATURAL RESOURCES
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3104

STATE OF NEW JERSEY

DATED: MAY 14, 2007

The Assembly Agriculture and Natural Resources Committee reports favorably Assembly Bill No. 3104.

This bill would direct the Secretary of Agriculture, in conjunction with the Commissioner of Environmental Protection, and in cooperation with the New Jersey Beekeepers Association and the New Jersey Cooperative Extension of Rutgers, The State University, to develop and adopt rules and regulations, including any appropriate emergency health and safety exceptions, minimum response times for agricultural agencies or their designated responders, and any necessary enforcement and penalty provisions, to require certified commercial pest applicators and licensed commercial pesticide operators in the State to contact identified county, regional or State agricultural agencies to either obtain assistance in relocating honey bee colonies, or approval to exterminate specific colonies, prior to commencing the extermination process. Additionally, the bill would impose a civil penalty of up to \$1,000, for each offense, on any person who intentionally destroys a man-made honey bee hive. Penalties recovered for these violations would be remitted to the Department of Agriculture and expended on programs to revive honey bee populations in the State.

The docile and non-aggressive honey bee (*Apis mellifera*), the designated State bug, is among the most well-known, popular and economically beneficial insects. This social insect lives in large colonies made up of 20,000 to 80,000 individuals and is found worldwide. The State has experienced a significant decline in the honey bee population due to two very destructive pests: the varroa mite and the tracheal mite, which have been decimating honey bee colonies since the late 1980's, causing major shortages of bees in New Jersey and neighboring states. Currently, it is extremely rare to find naturally existing colonies. As a result, the Department of Agriculture has initiated several programs to increase New Jersey's honey bee population, critical to the State's fruit and vegetable production. Bees pollinate crops such as blueberries, cranberries, apples, cucumbers and pumpkins, creating plants that yield larger, healthier fruits and

vegetables. Without a healthy honey bee population, successful fruit and vegetable production would be at risk.

STATEMENT TO
ASSEMBLY, No. 3104

with Assembly Floor Amendments
(Proposed By Assemblyman BODINE)

ADOPTED: DECEMBER 13, 2007

These floor amendments (1) add the New Jersey Pest Management Association as a participating organization in the development of rules and regulations proposed under section 1 of the bill, and (2) exempt commercial pesticide applicators or operators from seeking prior approval to destroy honey bee colonies in cases where colonies are found in buildings or other indoor structures during the course of an extermination project.