

AMENDED IN ASSEMBLY MARCH 23, 2018

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

ASSEMBLY BILL

No. 2468

Introduced by Assembly Member Arambula

February 14, 2018

An act to amend ~~Section 29043~~ Sections 29042, 29045, 29046, 29070, 29070.5, and 29074 of the Food and Agricultural Code, relating to bees.

LEGISLATIVE COUNSEL'S DIGEST

AB 2468, as amended, Arambula. Bees: apiaries: ~~registration.~~
registration: colony relocation.

~~Existing law~~

~~(1) Existing law, the Apiary Protection Act, provides for the regulation and management of apiaries. Existing law requires that registration of an apiary be filed with the agricultural commissioner of the county in which the apiary is located, or with the Secretary of Food and Agriculture if there is no agricultural commissioner in the county. Existing law requires the secretary to adopt a form of registration to be used statewide, which includes a request for notification of use of pesticide, as prescribed, and specifies that all county agricultural commissioners shall use the same form. Existing law requires every person who moves bees into the state or otherwise comes into possession of an apiary that is located within the state after the first day of January to register the number of colonies moved into the state or so acquired within 30 days after coming into possession of the apiary.~~

~~This bill would make nonsustative changes in those provisions requiring the registration of apiaries.~~

This bill would instead require every person who moves bees into the state or otherwise comes into possession of such an apiary to register

the name of the owner, number, and location of colonies moved into the state or so acquired within 30 days after coming into possession of the apiary. To the extent that the bill would impose additional duties on county agricultural commissioners, the bill would impose a state-mandated local program.

Existing law prohibits a person from maintaining any apiary that is not registered pursuant to the above-described provisions.

This bill would instead provide that it is unlawful for a person to maintain any apiary that is not registered pursuant to those provisions.

Existing law requires any person relocating a colony of bees from a registered apiary in one county to another county, where the apiary is currently not registered, to notify the destination county agricultural commissioner by telephone within 5 days of the first movement.

This bill would instead require any such person relocating a colony of bees to make that notification within 72 hours of the first movement.

Existing law provides that any apiary operator or his or her designated representative relocating a colony of bees within a county where the apiary is currently registered is not required to notify the county agricultural commissioner of the movement.

This bill would instead require any apiary operator or his or her designated representative relocating a colony of bees within a county where the apiary is currently registered to notify the county agricultural commissioner of the movement. By imposing new notification requirements, a violation of which is a crime, the bill would impose a state-mandated local program.

This bill would also make various nonsubstantive changes.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 29042 of the Food and Agricultural Code*
2 *is amended to read:*

3 29042. Every person who moves bees into the state or otherwise
4 comes into possession of an apiary that is located within the state
5 after the first day of January, shall register the ~~number~~ *name of*
6 *the owner, number, and location* of colonies moved into the state
7 or so acquired within 30 days after coming into possession of the
8 apiary.

9 *SEC. 2. Section 29045 of the Food and Agricultural Code is*
10 *amended to read:*

11 29045. ~~No person shall~~ *It is unlawful for a person to maintain*
12 *any apiary which that* is not registered pursuant to this article. Each
13 registration is valid until January 1 of the following year.

14 *SEC. 3. Section 29046 of the Food and Agricultural Code is*
15 *amended to read:*

16 29046. (a) No person shall maintain an apiary on premises
17 other than that of his or her residence unless the apiary is identified
18 as follows:

19 (1) By a sign that is prominently displayed on the entrance side
20 of the apiary or stenciled on the hive, that states in dark letters not
21 less than one inch in height on a background of contrasting color,
22 the name of the owner or person responsible for the apiary, his or
23 her address and telephone number, or if he or she has no telephone,
24 a statement to that effect.

25 (2) If the governing body of the county or city in which the
26 apiary is located has provided by ordinance for the identification
27 of apiaries, in the manner ~~which that~~ is prescribed in the ordinance.

28 (b) No person shall locate or maintain an apiary on private land
29 not owned or leased by the person unless the person has approval
30 from the owner of record, or an authorized agent ~~thereof,~~ *of the*
31 *owner of record*, and can establish approval upon demand of the
32 ~~director~~ *secretary* or commissioner. The approval shall include
33 the name and phone number of the person granting approval.

34 (c) (1) No person shall locate or maintain an apiary on any
35 public land without the expressed oral or written approval of the
36 entity ~~which that~~ owns, leases, controls, or occupies the land, and
37 can establish this approval upon demand of the ~~director~~ *secretary*
38 or the commissioner. The approval shall include the name and

1 telephone number of the person granting the approval. During the
2 citrus bloom period, as established by the commissioner, including
3 72 hours ~~prior to~~ *before* the declaration of the bloom period until
4 48 hours after the conclusion of the bloom period, the apiary
5 operator shall obtain written permission to place bees on public
6 land, and shall make it available to the ~~director~~ *secretary* or the
7 commissioner upon demand. Any apiary located or maintained on
8 public land without lawful consent is a public nuisance and may
9 be subject to seizure by the ~~director~~ *secretary* or the commissioner.

10 (2) The ~~director~~ *secretary* or commissioner may commence
11 proceedings in the superior court of the county or city and county
12 in which the seizure is made petitioning the court for judgment
13 forfeiting the apiary. Upon the filing of the petition, the clerk of
14 the court shall fix a time for a hearing and cause notices to be
15 posted for 14 days in at least three public places in the place where
16 the court is held, if the person owning the apiary is unknown,
17 setting forth the substance of the petition and the time and place
18 fixed for its hearing. At that time, the court shall hear and determine
19 the proceeding and upon proof that the apiary was located or
20 maintained on public lands without approval of the entity, may
21 order the apiary forfeited. Any apiary so forfeited shall be sold or
22 destroyed by the ~~director~~ *secretary* or the commissioner. The
23 proceeds from all sales shall be used in accordance with Section
24 29032.

25 *SEC. 4. Section 29070 of the Food and Agricultural Code is*
26 *amended to read:*

27 29070. (a) Any person relocating a colony of bees from a
28 registered apiary in one county to another county, where the apiary
29 is not registered for the current calendar year, shall notify the
30 destination commissioner ~~by telephone within five days~~ *within 72*
31 *hours* of the first movement. The notification shall include all of
32 the following:

33 (1) The name and address of the apiary operator or his or her
34 designated representative.

35 (2) A telephone number where the apiary operator or his or her
36 designated representative may be reached.

37 (b) The apiary operator or his or her designated representative
38 shall provide locations of each colony upon request by the
39 commissioner of any county.

1 (c) Subsequent movement into the destination county shall not
2 require further notification to the commissioner if, when the apiary
3 operator removes the last colony from the county, he or she notifies
4 the commissioner of that final movement within 72 hours.

5 *SEC. 5. Section 29070.5 of the Food and Agricultural Code is*
6 *amended to read:*

7 29070.5. ~~(a) Any apiary operator or his or her designated~~
8 ~~representative relocating a colony of bees within a county where~~
9 ~~the apiary is currently registered is not required to~~ shall notify the
10 commissioner of the movement.

11 ~~(b) The apiary operator or his or her designated representative~~
12 ~~shall provide the commissioner with all locations of colonies upon~~
13 ~~request.~~

14 *SEC. 6. Section 29074 of the Food and Agricultural Code is*
15 *amended to read:*

16 29074. The ~~director~~ secretary, by written permit, subject to
17 conditions the ~~director~~ secretary may determine are necessary to
18 protect the beekeeping industry of this state, may authorize federal
19 and state agencies to transport and maintain within the state
20 diseased bees, comb, hives, appliances, or colonies for the purpose
21 of studying methods of eradicating and controlling bee diseases.

22 *SEC. 7. No reimbursement is required by this act pursuant to*
23 *Section 6 of Article XIII B of the California Constitution for certain*
24 *costs that may be incurred by a local agency or school district*
25 *because, in that regard, this act creates a new crime or infraction,*
26 *eliminates a crime or infraction, or changes the penalty for a crime*
27 *or infraction, within the meaning of Section 17556 of the*
28 *Government Code, or changes the definition of a crime within the*
29 *meaning of Section 6 of Article XIII B of the California*
30 *Constitution.*

31 *However, if the Commission on State Mandates determines that*
32 *this act contains other costs mandated by the state, reimbursement*
33 *to local agencies and school districts for those costs shall be made*
34 *pursuant to Part 7 (commencing with Section 17500) of Division*
35 *4 of Title 2 of the Government Code.*

36 ~~SECTION 1. Section 29043 of the Food and Agricultural Code~~
37 ~~is amended to read:~~

38 29043. ~~Registration of an apiary shall be filed with the~~
39 ~~commissioner of the county in which the apiary is located, or with~~
40 ~~the secretary if there is no commissioner in the county. The~~

- 1 ~~secretary shall adopt a form of registration to be used statewide,~~
- 2 ~~which shall include a request for notification of the use of pesticide~~
- 3 ~~in accordance with Section 29101. All commissioners shall use~~
- 4 ~~the same form.~~

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