

Alfalfa Leafcutting Bee Laws

TITLE 80. AGRICULTURE

CHAPTER 6. APICULTURE

PART 11. ALFALFA LEAFCUTTING BEES

Short Title

80-6-1101. This part may be cited as the "Alfalfa Leaf-Cutting Bee Management Act".

History: En. Sec. 1, Ch. 331, L. 1981; amd. Sec. 1, Ch. 310, L. 1987.

Definitions

80-6-1102. As used in this part, the following definitions apply:

- (1) "Bee" means any stage in the life cycle of a bee of the species *Megachile rotundata* (F), commonly known as the alfalfa leaf-cutting bee.
- (2) "Certification" means the process of analyzing bees and equipment by the committee to determine whether they meet required standards.
- (3) "Chalkbrood" means a fungal disease that attacks larvae of the alfalfa leaf-cutting bee.
- (4) "Committee" means the Montana alfalfa seed committee established in 2-15-3004.
- (5) "Department" means the department of agriculture established in 2-15-3001.
- (6) "Equipment" means shelters, trays, incubators, cell removers, tumblers, and other apparatus, except nesting materials, used in rearing bees.
- (7) "Nest destroyer" means any organism that competes with the bee larvae for nest provisions.
- (8) "Nesting materials" means laminates, drilled boards, and other apparatus used in nesting bees.
- (9) "Parasite" means an organism living in or on any stage of the alfalfa leaf-cutting bee obtaining nutriment from the body of the bee.
- (10) "Pathogen" means an organism that causes disease in the alfalfa leaf-cutting bee.
- (11) "Person" means an individual, association, partnership, or corporation.
- (12) "Predator" means any organism or insect that preys on, devours, or destroys bees or nests.

(13) "Wild trap" means to intentionally trap bees on property not owned or leased by the trapper.

History: En. Sec. 2, Ch. 331, L. 1981; amd. Sec. 1, Ch. 97, L. 1983; amd. Sec. 2, Ch. 310, L. 1987; amd. Sec. 2, Ch. 167, L. 1989; amd. Sec. 1, Ch. 57, L. 1995; amd. Sec. 2, Ch. 4, L. 1997.

Committee responsibilities – adoption of rules

80-6-1103.

(1) The committee is responsible for the administration of this part.

(2) The committee shall by rule adopt minimum standards for the presence of pathogens and parasites.

(3) The committee may adopt rules establishing minimum standards for the presence of predators and nest destroyers in bees to be certified, imported, quarantined, and possessed or controlled in the state of Montana.

(4) The committee may provide information and services relating to the rearing of alfalfa leaf-cutting bees and alfalfa seed production.

(5) The committee may enter into agreements with other governmental agencies or private associations in carrying out the provisions of this part.

(6) In performing its duties under this part, the committee may:

- (a) enter upon any public or private premises to inspect equipment and sample bees;
- (b) by rule establish quarantines to regulate the entry of bees, equipment, and nesting material into areas of Montana specified in the quarantines;
- (c) quarantine any bees, equipment, or nesting material found to be infected or contaminated at levels exceeding importation or quarantine standards;
- (d) order the disinfection, destruction, or removal of any bees, equipment, or nesting material that does not meet importation or quarantine standards.

(7) Upon receiving notification of nesting material or bees that appear to be abandoned, the committee shall contact the owner as soon as possible to correct the problem. If the owner cannot be found, the nesting material or bees must be considered abandoned and the procedures for disposition of abandoned property set out in Title 70, chapter 9, must be followed.

(8) (a) Whenever the committee has reasonable cause to believe a person is in possession of any bees or equipment in violation of this part or rules adopted under it, the committee may order a quarantine of the suspected bees or equipment and may require any person in possession of the bees or equipment to hold them under specified conditions until notified otherwise in writing by the committee.

(b) The committee shall release any quarantine upon finding that the bees and equipment are in compliance with this part.

History: En. Sec. 3, Ch. 331, L. 1981; amd. Sec. 2, Ch. 97, L. 1983; amd. Sec. 3, Ch. 310, L. 1987; amd. Sec. 3, Ch. 167, L. 1989.

Advisory duty of committee

80-6-1104. The committee shall advise the department with respect to any contemplated rulemaking. The committee shall meet periodically to review the minimum standards adopted under this part.

History: En. Sec. 5, Ch. 331, L. 1981; amd. Sec. 4, Ch. 310, L. 1987; amd. Sec. 4, Ch. 167, L. 1989.

Alfalfa leafcutting bees – certification

80-6-1105.

(1) A person possessing or controlling alfalfa leaf-cutting bees in the state of Montana may annually certify all or part of the person's bees as provided in this section.

(2) To certify bees, a person shall file a completed application form provided by the department, together with a fee set by rule. The applicant shall provide the following:

- (a) name and place of residence;
- (b) the general location and number of bees to be certified; and
- (c) other relevant information as may be required by committee rule.

(3) After receipt of an application for certification, a sample of the total population of bees to be certified must be selected by the committee or its agent in a manner prescribed by the committee. The sample must be analyzed for pathogens, parasites, predators, nest destroyers, and live larvae count. If certification standards are met, the sample must be certified.

(4) All bees to be certified may be stored in containers that can be officially sealed after sampling to maintain their certification identity.

(5) When the committee has in its possession a completed application form, an appropriate fee, and a report that the sample meets certification standards, it may issue a certificate for the bees.

(6) The committee shall by rule specify the date by which any applicant shall apply for recertification the following year.

History: En. Sec. 6, Ch. 331, L. 1981; amd. Sec. 3, Ch. 97, L. 1983; amd. Sec. 6, Ch. 310, L. 1987; amd. Sec. 5, Ch. 167, L. 1989; amd. Sec. 2594, Ch. 56, L. 2009.

Bee laboratory authorized

80-6-1106. The committee or its agent may develop and maintain a laboratory for the purpose of providing analytical services required to carry out the provisions of this part. The laboratory may be authorized by the committee to provide services to persons possessing any bees or equipment on a fee-for-service basis.

History: En. Sec. 7, Ch. 331, L. 1981; amd. Sec. 1, Ch. 51, L. 1985; amd. Sec. 7, Ch. 310, L. 1987; amd. Sec. 6, Ch. 167, L. 1989.

Restrictions on importing bees

80-6-1107. Bees may not be imported except in loose cells or as adults. Bees may not be imported in a drilled board, soda straw, or other equipment that prevents adequate sampling of the bees.

History: En. Sec. 8, Ch. 331, L. 1981; amd. Sec. 4, Ch. 97, L. 1983; amd. Sec. 8, Ch. 310, L. 1987; amd. Sec. 7, Ch. 167, L. 1989; amd. Sec. 2, Ch. 57, L. 1995.

Restrictions on rearing, moving, and trapping of bees and movement of equipment

80-6-1108.

- (1) A person may not wild trap within 1 mile of registered bees without the written permission of the registrant.
- (2) A person may not move any quarantined bee or equipment except by special permit issued by the committee.
- (3) A person may not wild trap or attempt to wild trap bees unless that person has been issued a permit for that activity in accordance with rules adopted by the committee. The committee shall by rule establish the permit fee.

History: En. Sec. 9, Ch. 331, L. 1981; amd. Sec. 5, Ch. 97, L. 1983; amd. Sec. 9, Ch. 310, L. 1987; amd. Sec. 8, Ch. 167, L. 1989; amd. Sec. 3, Ch. 57, L. 1995.

Fees to be set by rule -- account established

80-6-1109.

(1) Fees authorized to be charged by this part must be set by committee rule. The fees must be designed, when combined with other revenue sources available to the committee, to reimburse the committee for costs incurred in providing services and carrying out its duties under this part.

(2) There is an account in the state special revenue fund known as the leaf-cutting bee account for use by the committee. The account is made up of:

- (a) fees collected under this part;
- (b) money collected as part of the alfalfa seed assessment provided for in 80-11-307 and allocated to the account by the committee; and
- (c) any grants, donations, or gifts made to the committee and designated by the committee for the purposes of this part.

(3) The committee may direct the board of investments to invest money from the account pursuant to the provisions of the unified investment program. The income from investments must be credited to the leaf-cutting bee account.

History: En. Sec. 10, Ch. 331, L. 1981; amd. Sec. 42, Ch. 281, L. 1983; amd. Sec. 10, Ch. 310, L. 1987; amd. Sec. 9, Ch. 167, L. 1989; amd. Sec. 23, Ch. 486, L. 2009; amd. Sec. 1, Ch. 102, L. 2015.

Violation – penalty

80-6-1110. A person who imports, possesses, controls, moves, or wild traps or attempts to import, possess, control, move, or wild trap any bee or equipment in violation of this part or who interferes with or attempts to interfere with the efforts of the committee or its agent to perform its duty under this part is guilty of a misdemeanor and upon conviction shall be fined not less than \$300 or more than \$500 for the first conviction and not less than \$300 or more than \$1,000 for each subsequent conviction.

History: En. Sec. 11, Ch. 331, L. 1981; amd. Sec. 10, Ch. 167, L. 1989.

Alfalfa leaf-cutting bees – registration

80-6-1111.

(1) A person may not possess or control alfalfa leaf-cutting bees in this state unless the bees are registered as provided in this section.

(2) To register bees, a person shall file a completed application form provided by the department, together with the registration fee set by rule. The applicant shall provide the following:

- (a) the name and place of residence;

- (b) the general location of bees to be registered; and
- (c) other relevant information as may be required by committee rule.

(3) A registration is continuous until the registrant notifies the committee of cancellation.

History: En. Sec. 5, Ch. 310, L. 1987; amd. Sec. 11, Ch. 167, L. 1989; amd. Sec. 4, Ch. 57, L. 1995.

Funding limitation

80-6-1112.

(1) The committee shall expend only those funds deposited in the special revenue account provided for in 80-6-1109. In the event that funds are insufficient to finance the costs of services under this part, the committee may reduce services accordingly.

(2) The committee may contract lab services with a qualified person and charge growers at cost on a per-sample basis.

(3) The committee may levy a fee set by committee rule not to exceed 30 cents for each 3,000 holes of nesting material deeper than 3 1/2 inches for the purpose of administering this part and for the sampling and testing of bees. For nesting material 3 1/2 inches deep or less, the fee may not exceed 16 cents per 2,000 holes of nesting material.

(4) Fees must be based on all nesting materials that are in field use on July 15 of each year. Fees are due on November 1 of each year.

(5) The amount of fees paid must be credited against a grower's cost of sampling and certification.

(6) Certification fees for drilled boards or loose cells may not exceed committee cost.

History: En. Sec. 11, Ch. 310, L. 1987; amd. Sec. 12, Ch. 167, L. 1989; amd. Sec. 2, Ch. 102, L. 2015.

80-6-1113. Repealed. Sec. 5, Ch. 57, L. 1995.

History: En. Sec. 13, Ch. 167, L. 1989.

80-6-1114. Repealed. Sec. 5, Ch. 57, L. 1995.

History: En. Sec. 14, Ch. 167, L. 1989.

80-6-1115. Repealed. Sec. 5, Ch. 57, L. 1995.

History: En. Sec. 15, Ch. 167, L. 1989.