

1 HB552
2 130037-1
3 By Representative Fincher
4 RFD: Agriculture and Forestry
5 First Read: 21-APR-11

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8 SYNOPSIS: Under existing law, honeybees may not be
9 shipped or moved into this state unless the
10 honeybees are accompanied by a certificate of
11 inspection from the Department of Agriculture and
12 Industries. Compliance agreements have been
13 authorized to allow honeybee colonies to be brought
14 into the state for pollination purposes. Existing
15 law provides a fine or imprisonment in the county
16 jail for any violation of the chapter regulating
17 honeybees.

18 This bill would provide a specific fine for
19 each hive of honeybees brought into the state
20 without a certificate of inspection from the
21 department. The bill would further require the
22 department to notify the owner of the hives to
23 remove the hives and would provide for the
24 department to destroy the hives if the hives are
25 not removed within seven days. This bill would also
26 specify that honeybees brought into this state

1 pursuant to a compliance agreement would not be
2 subject to these provisions of law.

3 Amendment 621 of the Constitution of Alabama
4 of 1901, now appearing as Section 111.05 of the
5 Official Recompilation of the Constitution of
6 Alabama of 1901, as amended, prohibits a general
7 law whose purpose or effect would be to require a
8 new or increased expenditure of local funds from
9 becoming effective with regard to a local
10 governmental entity without enactment by a 2/3 vote
11 unless: it comes within one of a number of
12 specified exceptions; it is approved by the
13 affected entity; or the Legislature appropriates
14 funds, or provides a local source of revenue, to
15 the entity for the purpose.

16 The purpose or effect of this bill would be
17 to require a new or increased expenditure of local
18 funds within the meaning of the amendment. However,
19 the bill does not require approval of a local
20 governmental entity or enactment by a 2/3 vote to
21 become effective because it comes within one of the
22 specified exceptions contained in the amendment.

23
24 A BILL
25 TO BE ENTITLED
26 AN ACT
27

1 To amend Section 2-14-4 of the Code of Alabama 1975,
2 relating to honeybees shipped or moved into this state; to
3 further provide the penalty for violations; to provide for the
4 destruction under certain conditions of hives brought into
5 this state in violation of this section after notice to the
6 owners; to specify that this section does not apply to bees
7 brought into this state pursuant to a compliance agreement
8 with the Department of Agriculture and Industries; and in
9 connection therewith would have as its purpose or effect the
10 requirement of a new or increased expenditure of local funds
11 within the meaning of Amendment 621 of the Constitution of
12 Alabama of 1901, now appearing as Section 111.05 of the
13 Official Recompilation of the Constitution of Alabama of 1901,
14 as amended.

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

16 Section 1. Section 2-14-4 of the Code of Alabama
17 1975, is amended to read as follows:

18 "§2-14-4.

19 "(a) All honeybees shipped or moved into the State
20 of Alabama shall be accompanied by a certificate of
21 inspection, signed by the apiary inspector or other official
22 performing similar duties of the state or country from which
23 shipment is made, certifying that the bees and the combs and
24 hives from which the bees were taken have been inspected by
25 such official and that ~~said~~ the bees, their combs, and hives
26 are apparently free from contagious and infectious diseases.
27 The inspection provided for in this section shall be based

1 upon an actual examination of the bees and their combs, and
2 hives, such examination or inspection to be made during
3 brood-rearing and within a period of 60 days preceding the
4 date of shipment. The inspection certificate required under
5 this section shall be attached to each parcel or package of
6 each shipment or movement in a conspicuous place, plainly
7 written. All shipments or movements of honeybees into the
8 State of Alabama shall be in combless packages only, and
9 shipments or movements of honeybees into this state in
10 violation of the requirements of this section shall be
11 unlawful.

12 "(b) It shall also be unlawful to ship or move into,
13 within or out of the state a queen bee or other bees in
14 packages or cages that contain food, any part of which is
15 honey.

16 "(c) Any person moving bees into this state on a
17 comb in violation of this section shall be fined one hundred
18 dollars (\$100) per hive. The owner or other person in
19 possession of the hives shall be given notice by the
20 Department of Agriculture and industries to move the hives
21 within seven days of the notice. If the hives are not moved
22 pursuant to the order of the department, the hives shall be
23 destroyed. Upon conviction of a violation under this
24 subsection, the judge may award a person providing information
25 leading to the conviction a reward to be paid from the fine
26 proceeds in an amount not to exceed one-half of the fines.

1 "(d) This section shall not apply to bees moved into
2 this state pursuant to a compliance agreement with the
3 Department of Agriculture and Industries as provided by rule
4 of the department."

5 Section 2. This act shall become effective on the
6 first day of the third month following its passage and
7 approval by the Governor, or its otherwise becoming law.