

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 828

Introduced by Blood, 3.

Read first time January 03, 2024

Committee:

1 A BILL FOR AN ACT relating to the Nebraska Apiary Act; to amend sections
2 81-2,165.01, 81-2,165.02, 81-2,166, and 81-2,179, Reissue Revised
3 Statutes of Nebraska; to restate legislative intent; to define and
4 redefine terms; to provide a penalty; to create the Pollinator Task
5 Force and provide powers and duties to the task force; to provide
6 duties to the Department of Agriculture, Director of Agriculture,
7 Director of Natural Resources, Director of Environment and Energy,
8 secretary of the Game and Parks Commission, and Director-State
9 Engineer; to require a report; to create the Nebraska Apiary
10 Registry; to provide immunity for certain damages related to bees as
11 prescribed; to harmonize provisions; and to repeal the original
12 sections.
13 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 81-2,165.01, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 81-2,165.01 Sections 81-2,165 to 81-2,180 and sections 5 to 10 of
4 this act shall be known and may be cited as the Nebraska Apiary Act.

5 Sec. 2. Section 81-2,165.02, Reissue Revised Statutes of Nebraska,
6 is amended to read:

7 81-2,165.02 It is the intent of the Legislature that:

8 (1) The the department may provide is not responsible for education
9 regarding good beekeeping practices and education intended to aid in the
10 protection of the apicultural interests in the state from bee diseases,
11 parasites, or pests; and -

12 (2) The It is further the intent of the Legislature that the
13 University of Nebraska provide such education in accordance with the
14 transfer of appropriations to the university for this purpose.

15 Sec. 3. Section 81-2,166, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 81-2,166 For purposes of the Nebraska Apiary Act, unless the context
18 otherwise requires:

19 (1) Abandoned apiary means shall mean any apiary not regularly
20 attended in accordance with good beekeeping practices and which
21 constitutes a disease, parasite, or pest hazard to the beekeeping
22 industry;

23 (2) Apiary means shall mean any place where one or more colonies of
24 bees or nuclei of bees are located;

25 (3) Bee equipment means shall mean hives, supers, frames, veils,
26 gloves, or any other apparatus, tool, machine, vehicle, or device used in
27 the handling, moving, or manipulating of bees, honey, wax, or hives,
28 including containers of honey or wax which may be used in any apiary or
29 in transporting bees and their products and apiary supplies;

30 (4) Beekeeper means a person who engages in beekeeping;

31 (5) (4) Beekeeping means shall mean the moving, raising, and

1 producing of bees, beeswax, and honey, which is an agricultural pursuit;

2 ~~(6) (5) Bees~~ means shall mean any stage of the common honeybee, *Apis*
3 *mellifera* L;

4 ~~(7) (6) Colony~~ means shall mean the aggregate of worker bees,
5 drones, the queen, and developing young bees living together as a family
6 unit in a hive or other dwelling;

7 ~~(8) (7) Department~~ means shall mean the Department of Agriculture;

8 ~~(9) (8) Director~~ means shall mean the Director of Agriculture or his
9 or her designated representative, employee, or authorized agent;

10 ~~(10) (9) Disease~~ means shall mean American foulbrood, European
11 foulbrood, chalkbrood, sacbrood, paralysis, or any other abnormal
12 condition of egg, larva, pupa, or adult stages of bees;

13 ~~(11) (10) Exotic disease, parasite, or pest~~ means shall mean any
14 disease, parasite, or pest not known to be established in this state;

15 ~~(12) (11) Hive~~ means shall mean a frame hive, box hive, box, barrel,
16 log gum, skep, or any other receptacle or container, natural or
17 artificial, or any part thereof, which is used or employed as a domicile
18 for bees;

19 ~~(13) Nucleus~~ means ~~(12) Nuclei shall mean~~ a small mass of bees and
20 combs of brood used in forming a new colony;

21 ~~(14) (13) Parasite~~ means shall mean any harmful organism living in
22 or on bees, including, but not limited to, *Varroa destructor jacobsoni*,
23 *Acarapis woodi*, and *Tropilaelaps clareae*; ~~and~~

24 ~~(15) (14) Pest~~ means shall mean any harmful subspecies of the
25 honeybee *Apis mellifera*, including, but not limited to, *Apis mellifera*
26 *scutellata*; -

27 (16) Pollinator means any animal that carries pollen from the stamen
28 of a flower to the pistil of the same or another flower; and

29 (17) Specialty crop has the same meaning as defined in the federal
30 Specialty Crops Competitiveness Act of 2004, Public Law 108-465, as such
31 act existed on January 1, 2024.

1 Words used in the act shall be construed to import either the plural
2 or singular, as the case demands.

3 Sec. 4. Section 81-2,179, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 81-2,179 (1) If the director has reason to believe that any person
6 has violated any provision ~~of the provisions~~ of the Nebraska Apiary Act
7 or any rule or regulation ~~rules and regulations~~ adopted and promulgated
8 under the act, the director ~~an order~~ may enter an order ~~be entered~~
9 requiring such person to appear before the director and show cause why an
10 order should not be entered requiring such person to cease and desist
11 from any violation ~~the violations~~ charged. Such order shall set forth any
12 ~~the~~ alleged violation ~~violations~~, fix the time and place of the hearing,
13 and provide for notice to be given at least twenty days before the date
14 of such hearing. After such hearing, if the director finds such person to
15 be in violation, the director shall enter an order requiring such person
16 to cease and desist from the specific acts, practices, or omissions. Such
17 order shall be a final order and may be appealed ~~. Any person aggrieved~~
18 ~~may appeal the order. The appeal shall be~~ in accordance with the
19 Administrative Procedure Act.

20 (2) The director may apply for a restraining order, a temporary or
21 permanent injunction, or a mandatory injunction against any person
22 violating or threatening to violate the Nebraska Apiary Act, the rules
23 and regulations adopted and promulgated under the act, or a final order
24 of the director. The district court of the county where the violation is
25 occurring or is about to occur shall have jurisdiction to grant such
26 relief upon good cause shown. Relief may be granted notwithstanding the
27 existence of any other remedy at law and shall be granted without bond.

28 (3) It shall be the duty of the Attorney General or the county
29 attorney of the county where a ~~in which any~~ violation occurs or is about
30 to occur when notified by the department of a violation or a threatened
31 violation to institute appropriate proceedings, either criminal,

1 injunctive, or both, without delay.

2 (4) Except as otherwise provided in subsection (5) of this section,
3 any Any person violating any provision of the provisions of the Nebraska
4 Apiary Act shall be guilty of a Class III misdemeanor.

5 (5) Any person who violates the registration requirements of
6 subsection (3) of section 9 of this act shall be guilty of a Class V
7 misdemeanor.

8 Sec. 5. (1) The Pollinator Task Force is created.

9 (2) The Pollinator Task Force shall consist of the following
10 members:

11 (a)(i) The Director of Agriculture or a designee of such director
12 from the Department of Agriculture;

13 (ii) The Director of Natural Resources or a designee of such
14 director from the Department of Natural Resources;

15 (iii) The Director of Environment and Energy or a designee of such
16 director from the Department of Environment and Energy;

17 (iv) The director of the Game and Parks Commission as described in
18 section 37-106 or a designee of such director from the Game and Parks
19 Commission; and

20 (v) The Director-State Engineer of the Department of Transportation
21 or a designee of such Director-State Engineer from the Department of
22 Transportation; and

23 (b) The following members appointed by the Director of Agriculture,
24 subject to approval by the Legislature:

25 (i) One representative of a state association of natural resources
26 districts;

27 (ii) One representative of a recreation and park association;

28 (iii) One representative of a noxious weed control association;

29 (iv) One representative of a conservation organization;

30 (v) One individual who commercially grows at least one specialty
31 crop;

1 (vi) One individual who commercially grows crops that are dependent
2 upon pollinators;

3 (vii) One professional educator who teaches about pesticide use or
4 the environmental effects of pesticides;

5 (viii) One dealer as defined in section 2-2624;

6 (ix) One commercial applicator as defined in section 2-2624;

7 (x) One beekeeper who keeps at least one apiary in Nebraska and is
8 also a member of a beekeeping club or organization; and

9 (xi) One member of the general public who resides in Nebraska and is
10 not described in subdivisions (2)(b)(i) through (2)(b)(x) of this
11 section.

12 (3)(a) A member who is appointed to the Pollinator Task Force
13 pursuant to subdivision (2)(b) of this section shall serve until the next
14 July 1.

15 (b) A member may be reappointed to successive terms.

16 (c) In the event of a vacancy by a member appointed pursuant to
17 subdivision (2)(b) of this section, the Director of Agriculture shall
18 appoint a replacement member to serve the remainder of the vacating
19 member's term.

20 (4)(a) The Pollinator Task Force shall conduct meetings with a
21 majority of members present at least twice each year.

22 (b) The Director of Agriculture or the designee of the director
23 shall serve as chairperson of the task force.

24 (c) Members of the task force shall serve without compensation, but
25 shall be entitled to receive reimbursement for expenses pursuant to
26 sections 81-1174 to 81-1177.

27 (5) It is the intent of the Legislature that the Pollinator Task
28 Force invite participation from the following individuals at each meeting
29 of the task force:

30 (a) At least one representative of any Indian tribe from Nebraska;

31 (b) At least one representative from the University of Nebraska-

1 Lincoln Department of Entomology;

2 (c) At least one representative who is younger than nineteen years
3 of age who participates in an organization that encourages students to
4 engage in agriculture; and

5 (d) Any individual who has expertise in any topic under
6 consideration by the task force.

7 Sec. 6. The purposes of the Pollinator Task Force are to:

8 (1) Annually research existing pollinators in Nebraska and the
9 habitat for such pollinators;

10 (2) Research issues relevant to pollinators in Nebraska and how to
11 resolve those issues; and

12 (3) Work with the Legislature to achieve a healthy and sustainable
13 pollinator population in Nebraska.

14 Sec. 7. (1) The Pollinator Task Force shall examine existing
15 statutes, rules, regulations, policies, and practices in Nebraska and the
16 United States relating to pollinators and pollinator habitat and develop
17 a pollinator plan that includes the following:

18 (a) How the state should focus efforts relating to understanding,
19 preventing, and recovering from pollinator losses;

20 (b) The food production systems in Nebraska that rely on pollinators
21 and the impact on such systems without sufficient pollinators;

22 (c) How the state should develop and coordinate education programs
23 to promote public knowledge about the effects of the loss of pollinators
24 and how private individuals and businesses can help address the loss of
25 pollinators;

26 (d) An evaluation of and potential risk-reduction solutions to
27 pesticide:

28 (i) Use, storage, and disposal, including pesticide-treated seeds;

29 (ii) Nontarget contamination; and

30 (iii) Exposure to pollinators;

31 (e) Recommendations for developing public and private partnerships

1 to encourage pollinator protection and increase the quality and amount of
2 habitat and forage for pollinators;

3 (f) Specific policies and practices that state agencies should adopt
4 to enhance pollinator habitat on state-managed property;

5 (g) Recommendations for promoting availability of native seeds and
6 plants that are beneficial to pollinators;

7 (h) The marketing and promotion of products derived from bees that
8 are kept in Nebraska, including honey, queen bees, bee packages, nucleus
9 colonies, products derived from bees or beekeeping, and products related
10 to support for bees or beekeeping; and

11 (i) Recommendations for legislative, administrative, and budgetary
12 actions necessary to implement the pollinator plan.

13 (2) The Pollinator Task Force shall submit the pollinator plan
14 electronically to the Legislature not later than November 1, 2026, and by
15 November 1 of each year thereafter.

16 Sec. 8. The department may employ one or more individuals to assist
17 the Pollinator Task Force with the following:

18 (1) Apiary inspections; and

19 (2) Research related to apiaries or pollinators.

20 Sec. 9. (1) The Nebraska Apiary Registry is created.

21 (2) The Nebraska Apiary Registry shall be administered by the
22 department.

23 (3)(a) Beginning on January 1, 2025, each person keeping an apiary
24 shall annually register each apiary with the department and provide the
25 following information by April 30 of each year and, for any apiary
26 acquired after April 1 of each year, within thirty days after acquiring
27 such apiary:

28 (i) The name and contact information of the person keeping the
29 apiary;

30 (ii) The location of each apiary kept by the person; and

31 (iii) The number of colonies and nuclei at each apiary.

1 (b) The department shall collect the following fees each year with
2 each registration and remit such fees to the State Treasurer for credit
3 to the State Apiary Cash Fund:

4 (i)(A) For a veteran, ten dollars;

5 (B) For a person sixty-five years of age or older, ten dollars; and

6 (C) For any person not described in subdivision (3)(b)(i)(A) or (3)
7 (b)(i)(B) of this section, fifteen dollars; and

8 (ii) For each apiary location, one dollar.

9 (4) Except as provided in subsection (5) of this section and section
10 10 of this act, the information provided for registration on the Nebraska
11 Apiary Registry and all related documents are confidential, are not
12 considered public records subject to disclosure pursuant to sections
13 84-712 to 84-712.09, are not subject to subpoena, are privileged and
14 inadmissible in evidence in any legal proceeding of any kind or
15 character, and shall not be disclosed to any other department or agency
16 of the State of Nebraska.

17 (5) The department and faculty from the University of Nebraska may
18 access and utilize information in the Nebraska Apiary Registry for the
19 following purposes:

20 (a) Research;

21 (b) Increasing the profitability of beekeepers;

22 (c) Providing support services to beekeepers;

23 (d) Promoting bee health; and

24 (e) Developing best-management practices to protect pollinators in
25 Nebraska.

26 (6) The department shall notify any person keeping an apiary that is
27 registered on the Nebraska Apiary Registry of any disease, parasite, or
28 pest outbreak detected within a five-mile radius of the registered
29 apiary.

30 (7) The department may adopt and promulgate rules and regulations to
31 administer the Nebraska Apiary Registry.

1 Sec. 10. A person keeping an apiary that is registered with the
2 Nebraska Apiary Registry:

3 (1) Except for gross negligence or intentional wrongful acts, shall
4 not be liable for any injury related to one or more bees stinging a
5 person or otherwise causing damage within a two-mile radius of such
6 apiary; and

7 (2) May request the department to provide proof of registration to a
8 party in any suit for damages, and the department shall comply with such
9 request.

10 Sec. 11. Original sections 81-2,165.01, 81-2,165.02, 81-2,166, and
11 81-2,179, Reissue Revised Statutes of Nebraska, are repealed.