

Enrolled House Bill 2533

Sponsored by Representative REARDON; Representative SOLLMAN (Presession filed.)

CHAPTER

AN ACT

Relating to bee colonies; creating new provisions; and amending ORS 602.010, 602.045 and 602.090.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 602.010 is amended to read:

602.010. As used in this chapter, the term:

(1) "Apiary" and "apiary property" includes bees, honey, beeswax, bee comb, hives, frames and other equipment, appliances and material used in connection with an apiary.

(2) "Appliances" means any implement or device used in the manipulating of bees or their brood or hives, which may be used in any apiary.

(3) "Bees" means honey-producing insects of the genus *Apis* and includes the adults, eggs, larvae, pupae or other immature stages thereof, together with such materials as are deposited into hives by their adults, except honey and beeswax in rendered form.

(4) "Colony" or "colonies of bees" refers to any hive occupied by bees.

(5) "Department" means the State Department of Agriculture.

(6) "Disease" means pests, disease or any condition affecting bees or their brood.

(7) "Hive" means any receptacle or container made or prepared for use of bees, or box or similar container taken possession of by bees.

(8) "Location" means the premises upon which an apiary is located.

(9) "Nucleus colony" means a colony that is used primarily to produce new queens or workers for the purpose of starting a new colony or adding to an existing colony.

[9] **(10) "Person"** includes any individual, partnership, association or corporation, but does not include any common carrier when engaged in the business of transporting bees, hives, appliances, bee cages or other commodities which are the subject of this chapter, in the regular course of business.

SECTION 2. ORS 602.045 is amended to read:

602.045. A local government may:

(1) Adopt ordinances consistent with the best practices described in ORS 602.035; and

(2) Charge a reasonable fee for registering hives in residential areas [*in accordance with the rules established in ORS 602.090*]. **The fee that a local government charges for registering hives in residential areas may not exceed the amount charged under State Department of Agriculture rules for the registration of colonies that are subject to fees under ORS 602.090 (3).**

SECTION 3. ORS 602.090 is amended to read:

602.090. (1) Every person who owns or is in charge of five or more colonies of bees located within this state, shall cause the colonies to be registered with the State Department of Agriculture [*as in this section provided*].

(2) Application for registration shall be made on a form furnished by the department. The registration shall cover each colony of bees owned by the applicant, and shall give the address and telephone number of the owner and the name, address and telephone number of the person in charge if the person in charge is not the owner. The registration shall be made before June 1 of each year for all colonies. Each registrant shall furnish an address to which any notice required by this chapter to be given may be sent, and shall agree that any notice sent by the department to such address shall be deemed to be notice in fact.

(3) **Except as provided in subsection (4) of this section**, the application for registration shall be accompanied by a fee not to exceed \$10 per application and \$0.50 per colony. For each registration after July 1, the fee shall not exceed \$20 per application and \$0.50 per colony. The department[, *by rule,*] shall establish the fees [*subject to be*] **by rule, not to exceed** the maximum limits prescribed in this subsection.

(4) **There is no per application fee or per colony fee to register a nucleus colony. However, this subsection does not cancel or reduce any fee under subsection (3) of this section payable by a person for the registration of other colonies.**

[(4)] (5) When the ownership of [*bees which have been subject to the charge provided in*] **colonies that are subject to a fee under subsection (3) of this section** is changed, the department shall transfer the registration to the new owner without charges. However, if the [*bees have*] **colony has** not been previously registered, the new owner shall pay [*the*] **any registration fee due under subsection (3) of this section** without penalty.

[(5)] (6) The department shall maintain records of registered beekeepers and the number of colonies registered.

SECTION 4. The amendments to ORS 602.010, 602.045 and 602.090 by sections 1 to 3 of this 2017 Act apply to fees collected on or after the effective date of this 2017 Act for periods occurring before, on or after the effective date of this 2017 Act.

Passed by House March 23, 2017

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate May 4, 2017

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Peter Courtney, President of Senate

Received by Governor:

.....M.,....., 2017

Approved:

.....M.,....., 2017

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2017

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Dennis Richardson, Secretary of State