

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: West Virginia Apiary Law of 1991, Legislative Rules.

FILED
1991 JUN 26 AM 8 58
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Type of Rule: Legislative Interpretive Procedural

Agency: West Virginia Department of Agriculture Address: Plant

Industries Division, Charleston, WV 25305

1. Effect of Proposed Rule	Annual Fiscal Year				
	Increase	Decrease	Current	Next	After
Estimated Total Cost	\$	\$2,205.	\$00.00	\$2,205.	\$2,205.
Personal Services	\$	\$1,020.	\$00.00	\$1,020.	\$1,020.
Current Expenses	\$	\$ 900.	\$00.00	\$ 900.	\$ 900.
Repairs and Alterations	\$	\$00.00	\$00.00	\$00.00	\$ 0.00
Equipment	\$	\$00.00	\$00.00	\$00.00	\$ 0.00
Other	\$	\$ 285.	\$00.00.	\$ 285.	\$ 285.

2. Explanation of Above Estimates: All figures have been based upon an average calculated daily rate for wages and expenses incurred while performing field assignments in travel status. The calculated daily rates are as follows.

Wages	=	\$ 68.00
Lodging	=	\$ 35.00
Meals	=	\$ 25.00
Fuel costs	=	\$ 19.00

All costs have been further broken down to establish an estimated fee to treat an individual hive unit for \$9.18 per hive.

3. Objectives of These Rules: To establish procedural guidelines for regulatory enforcement of The West Virginia Apiary Law of 1991.

4. Explanation of Overall Economic Impact of Proposed Rules.

A. Economic Impact on State Government. To recover specific operational costs associated with the re-treatment and/or additional sterilization of diseased bee equipment.

B. Economic Impact on Political Subdivisions; Specific Industries; Specific Groups of Citizens. Any person(s) who keeps bees and knowingly violates the provisions prescribed in the proposed legislative rules under section 61-2-3 and under section 19-13-5 subsection (b) of the West Virginia Apiary Law of 1991, shall, because of non-compliance with written recommendations, be fully responsible for the payment of all fees (\$9.18 per hive unit) connected with the re-treatment of diseased bee equipment.

C. Economic Impact on Citizens/Public at Large. Other than specific individuals in the beekeeping industry, no economic impact will be experienced by any citizen or public at large.

Date: _____

June 26, 1991

Signature of Agency Head or Authorized Representative

Clare Borehart

TITLE 61
LEGISLATIVE RULES
DEPARTMENT OF AGRICULTURE

SERIES 2
WEST VIRGINIA APIARY LAW OF 1991

FILED
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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

61-2-1. General.

1.1. Scope. --These legislative regulations establish general operating rules and procedures for the inspection of apiaries and control of bee diseases.

1.2. Authority. -- WV. Code 19-13- 3

1.3. Filing Date. --

1.4. Effective Date. --

1.5. Repeal of former rule: This legislative rule repeals and replaces WV 61CSR2 "West Virginia Apiary Law of 1969" filed September 9, 1969 and effective October 13, 1969.

61-2-2. Registration Of Bees; Identification Of Apiaries.

2.1. The commissioner shall furnish an application for apiary registration to persons who keep bees for the annual registration of bee colonies.

2.2. Upon receipt of an apiary registration application, the commissioner shall issue a certificate which shall be valid until December 31 of the year issued.

2.3. Persons who keep bees and who have registered their apiaries shall be required to report to the commissioner additional colonies obtained through capturing swarms or from packaged bees imported from any state, province or territory within ten (10) days of acquisition.

2.4. Persons who import bees in hives or used apiary equipment into West Virginia, bearing a valid certificate of inspection, for the purpose of permanent location, honey production or pollination service to the fruit and vegetable industry, must report to the commissioner, by means of a request for permit of entry, within ten (10) days prior to arrival within the state.

2.5. Anyone keeping bees for the express purpose of conducting educational beekeeping projects, classes or programs which are under the direction of a governmental entity or a recognized educational organization such as 4-H, FFA, or educational promotions sponsored by state or local beekeeping associations shall be under an educational apiary registration exemption

until such projects classes or programs have been concluded. At that time said persons must register their bees with the state on an annual basis thereafter. Bees being kept under an educational exemption are not exempt, however, from the treatment provisions of the West Virginia Apiary Law of 1991 when a contagious disease is identified.

61-2-3. Right Of Entry; Apiary Inspections; Quarantines.

3.1. It shall be unlawful for any person to keep or maintain bees in any hive or receptacle which does not permit the thorough examination of the brood combs.

3.1.a. Whenever and wherever it shall be found that the inspection of bees is impossible due to the keeping of bees in hives or other receptacles not equipped to permit the examination of combs, the beekeeper shall be so informed in writing and given twelve (12) months from the initial date of inspection to correct the condition. Whenever or wherever these conditions are not corrected within the allotted time, the commissioner shall cause the colonies to be quarantined until such time as the problem is corrected.

3.1.b. If infectious or contagious bee disease is found in the environs of an apiary equipped with hives that cannot be inspected, the colonies contained in such hives shall be considered affected with the confirmed bee disease(s) and shall be destroyed and/or sterilized as the situation warrants. Due to the nature of contagious bee disease, no 12 month grace period will be granted.

3.2. The inspection of a colony of bees shall consist of removing three (3) or more frames containing developing brood from the hive and examining both sides for evidence of disease.

3.3. After inspecting or handling any disease infected apiary related material and/or appliances, and before proceeding to any other apiary, the inspector shall thoroughly disinfect and/or de-contaminate every portion of his/her person, clothing, and appliances that may have been in contact with infected materials and shall cause every assistant, whether beekeeper or inspector, to do likewise.

3.4. All colonies of bees that are confirmed with a transmissible disease shall be quarantined and, as soon as possible, be treated as the situation warrants in the presence of, or by, an inspector. If the incidence of the disease is such that, in the judgment of the inspector, chemical control treatment may be successful, the affected colonies shall be quarantined and treatment shall be prescribed. The inspector in charge will submit to the apiary owner, in addition to

those items required by 19-15-5-b, a written document of policy statements and recommendations for treatment and control of the bee disease. Upon submission of said documents, the apiary owner will, by signed agreement, willingly acknowledge and accept full responsibility for compliance with the quarantine.

3.4.a. All hive parts and/or additional equipment contained in the diseased apiary that may be sterilized and reused shall be sterilized by any acceptable method which the commissioner determines effective for control of bee diseases.

3.4.b. All colonies confirmed infected with any non-contagious bee disease shall be treated in a manner consistent with the best known methods at the time such disease is found. Such methods shall be specified by the inspector in writing.

3.5. Persons who unknowingly own bees that are, upon inspection, determined to have a contagious disorder must have all affected apiary equipment sterilized. No further regulatory action will be taken as long as the person complies with the terms of the quarantine.

Persons who are found in violation of the terms of the quarantine shall be subject to further regulatory action and shall be charged a fee for any additional sterilization treatment(s) of affected apiary material.

Fees that are charged for subsequent treatment(s) to sterilize disease contaminated bee equipment shall be calculated at a rate of \$9.18 per hive. Such rate will be charged to recover the costs for conducting such treatment(s).