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AB-861 Africanized honey bees. (2017-2018)

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Assembly Bill No. 861

CHAPTER 143

An act to amend Section 29321 of, and to add Section 29322 to, the Food and Agricultural Code, relating to bees.

[Approved by Governor July 31, 2017. Filed with Secretary of State July 31, 2017.]

LEGISLATIVE COUNSEL'S DIGEST

AB 861, Dahle. Africanized honey bees.

The Apiary Protection Act specifies that any hive or comparable apparatus that is not occupied by a live bee colony and that is accessible to bees is a public nuisance and is subject to abatement in a specified manner.

This bill would provide that a city, county, or city and county may, by ordinance, establish procedures for the abatement of a hive or comparable apparatus where Africanized or overly defensive honey bees are present. The bill would provide that, in the absence of a local ordinance, if a county agricultural commissioner determines that the presence of Africanized or overly defensive honey bees in a hive is a public nuisance, the county agricultural commissioner may take any action necessary to abate the public nuisance, as specified. The bill would also delete a provision specifying that if a county agricultural commissioner determines that any bees present in an abandoned hive or comparable apparatus are not aggressive and harbor no diseases, the abandoned hive or comparable apparatus shall not be deemed a public nuisance. To the extent the bill would impose additional duties on county agricultural commissioners, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 29321 of the Food and Agricultural Code is amended to read:

29321. Any hive or comparable apparatus that is not occupied by a live bee colony, and that is accessible to bees, is a public nuisance. The hive or apparatus shall be subject to abatement in the manner provided for in Article 14 (commencing with Section 29200).

SEC. 2. Section 29322 is added to the Food and Agricultural Code, to read:

29322. (a) The governing board of a city, county, or city and county may, by ordinance, establish procedures for the abatement of a hive or comparable apparatus where Africanized or overly defensive honey bees are present.

(b) In the absence of a local ordinance adopted pursuant to subdivision (a), if a commissioner determines that the presence of Africanized or overly defensive honey bees in a hive is a public nuisance or if Africanized or overly defensive honey bees from a hive are entering land other than the land upon which the hive is located so as to endanger the public health, safety, or welfare or so as to create an unreasonable interference with the use of the property of others, the commissioner may take any action necessary to abate the public nuisance, including, but not limited to, moving, selling, destroying, or otherwise disposing of the infested hive in accordance with local administrative procedures.

SEC. 3. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.