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HOUSE BILL 2646

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State of Washington                      53rd Legislature                      1994 Regular Session

By Representatives Rayburn, Foreman, Hansen, Chandler, Grant and Lisk

Read first time 01/19/94. Referred to Committee on Agriculture & Rural Development.

1            AN ACT Relating to apiaries; and amending RCW 15.60.005, 15.60.007,  
2 15.60.010, 15.60.025, 15.60.040, 15.60.043, and 15.60.050.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4            **Sec. 1.** RCW 15.60.005 and 1993 c 89 s 1 are each amended to read  
5 as follows:

6            Unless the context clearly requires otherwise, the definitions in  
7 this section apply throughout this chapter:

8            (1) "Department" means the department of agriculture of the state  
9 of Washington.

10           (2) "Director" means the director of the state department of  
11 agriculture or the director's authorized representative.

12           (3) "Apiary" means a site where hives of bees or hives are kept or  
13 found.

14           (4) "Abandoned hive" means any hive, with or without bees, that  
15 evidences a lack of being properly managed in that it has not been  
16 supered in the spring, except nucs, or unsupered in the fall, or is  
17 otherwise unmanaged and left without authorization and unattended on  
18 the property of another person or on public land.

1 (5) "Apiarist" means any person who owns bees or is a keeper of  
2 bees in Washington.

3 (6) "Beekeeping equipment" means any implements or devices used in  
4 the manipulation of bees, their brood, or hives in an apiary.

5 (7) "Bees" means adult insects, eggs, larvae, pupae, or other  
6 immature stages of the species *Apis mellifera*.

7 (8) "Certificate" or "certificate of inspection" means an official  
8 document certifying compliance with the requirements of this chapter  
9 and accompanying the movement of inspected bees, bee hives, or  
10 beekeeping equipment.

11 (9) "Colony" refers to a natural group of bees having a queen or  
12 queens.

13 (10) "Compliance agreement" means a written agreement between the  
14 department and a person engaged in apiculture, or handling, selling, or  
15 moving of hives or beekeeping equipment in which the person agrees to  
16 comply with stipulated requirements.

17 (11) "Feral colony" means a colony of bees in a natural cavity or  
18 a manufactured structure not intended for the keeping of bees on  
19 movable frames and comb.

20 (12) "Swarm" means a natural group of bees having a queen or  
21 queens, which is the progeny of a parent colony, without a hive, and  
22 not a feral colony.

23 (13) "Disease" means American foulbrood, European foulbrood,  
24 chalkbrood, nosema, sacbrood, or any other viral, fungal, bacterial or  
25 insect-related disease affecting bees or their brood.

26 (14) "Regulated bee pests" means a disease of bees for which  
27 maximum allowable limits of infection, or mites, or other parasites are  
28 set in rule.

29 (15) "Hive" means a manufactured receptacle or container prepared  
30 for the use of bees, that includes movable frames, combs, and  
31 substances deposited into the hive by bees.

32 (16) "Person" means a natural person, individual, firm,  
33 partnership, company, society, association, corporation or every  
34 officer, agent, or employee of one of these entities.

35 (17) "Bee pests" means a disease, mite, or other parasite that  
36 causes injury to bees.

37 (18) "Nets" means a device that is made of fabricated material and  
38 that is designed and utilized to prevent the escape of bees from bee  
39 hives during transit.

1 (19) "Apparently free" means no specified bee pest was found during  
2 inspection of survey activities.

3 (20) "Substantially free" means levels of specified bee pests found  
4 during inspection or survey activities were within established  
5 tolerances.

6 (21) "Africanized honey bee" means any bee of the subspecies *Apis*  
7 *mellifera scutellata*.

8 (22) "Super" means the portion of a hive in which honey is stored  
9 by bees.

10 (23) "Broker" means a person, engaged in pollinating agricultural  
11 crops, using hives that are owned by another person.

12 (24) "Grower" means a person engaged in producing agricultural  
13 crops, and a user of honey bees for pollination of the crops.

14 **Sec. 2.** RCW 15.60.007 and 1993 c 89 s 2 are each amended to read  
15 as follows:

16 There is created within the department of agriculture an industry  
17 apiary ((inspection)) program. The director shall: Provide regulation  
18 and inspection services, assure availability of bee colonies for  
19 pollination, facilitate the interstate movement of honey bees, promote  
20 improved apicultural practices, combat bee pests that pose an economic  
21 threat to the industry, and, in cooperation with the cooperative  
22 extension program of Washington State University, provide education to  
23 promote the vitality of the apiary industry.

24 **Sec. 3.** RCW 15.60.010 and 1993 c 89 s 3 are each amended to read  
25 as follows:

26 An apiary advisory committee is established to advise the director  
27 on the administration of this chapter. The apiary advisory committee  
28 may consist of up to eleven members.

29 (1) The committee shall include six apiarists, appointed by the  
30 director, and representing the major geographical divisions of the  
31 beekeeping industry in the state as established in rule. In making an  
32 appointment, the director shall seek nominations from the beekeepers'  
33 organizations within the geographic area and from nonaffiliated  
34 apiarists. Apiarists may nominate themselves.

35 (2) The committee shall include the director and a representative  
36 from the Washington State University apiary program or cooperative  
37 extension.

1 (3) The committee may include up to three representatives of  
2 receivers of pollination services.

3 (4) The terms of the apiarist members of the committee shall be  
4 staggered and the members shall serve a term of three years and until  
5 their successors have been appointed and qualified.

6 In the event a committee member resigns, is disqualified, or  
7 vacates a position on the committee for any reason, the vacancy shall  
8 be filled by the director under the provisions of this section.

9 (5) The committee shall meet at least once yearly. It may also  
10 meet at the call of the director or the request of any three members of  
11 the committee. Members of the committee shall serve without  
12 compensation but shall be reimbursed for travel expenses incurred in  
13 attending meetings of the ((board)) committee and any other official  
14 duty authorized by the ((board)) committee and approved by the  
15 director, pursuant to RCW 43.03.050 and 43.03.060, if apiarists are  
16 charged a registration fee, under RCW 15.60.050, to cover the expenses  
17 of the committee.

18 **Sec. 4.** RCW 15.60.025 and 1993 c 89 s 6 are each amended to read  
19 as follows:

20 In addition to the powers conferred on the director under other  
21 provisions of this chapter, the director shall have the power to adopt  
22 rules with the advice of the apiary advisory committee and pursuant to  
23 the administrative procedure act, chapter 34.05 RCW:

24 (1) Specifying marking and identification requirements for all  
25 hives of bees in the state of Washington including resident colonies,  
26 migratory colonies registered in Washington, and colonies brought into  
27 the state for pollination services;

28 (2) Establishing requirements for netting and other handling of  
29 bees in transit;

30 (3) Prescribing bee breeding procedures and standards to prevent  
31 Africanization and permitting importation pursuant to the conditions  
32 set forth in RCW 15.60.140;

33 (4) Establishing standards for certification of bees, bee hives,  
34 and beekeeping equipment including but not limited to:

35 (a) Standards of colony strength for hives of bees for pollination  
36 services;

37 (b) Standards for queen bee production and marketing;

1 (5) A beekeeper certification program that may provide for  
2 decreased levels of inspection for those beekeepers whose apiaries  
3 consistently have levels of disease within established tolerances;

4 (6) Establishing fees for inspection or certification services;

5 (7) Establishing an apiary assessment on hives used by growers of  
6 agricultural crops, to carry out the purposes of this chapter;

7 (8) Conducting such activities as may be otherwise necessary for  
8 carrying out the purposes of this chapter.

9 **Sec. 5.** RCW 15.60.040 and 1993 c 89 s 8 are each amended to read  
10 as follows:

11 There is established an industry apiary (~~((inspection))~~) program  
12 account within the agricultural local fund. All money collected under  
13 this chapter including fees for requested services, required  
14 inspections, or treatments, (~~((and))~~) registration fees, and apiary  
15 assessments shall be placed in the industry apiary (~~((inspection))~~)  
16 program account. Money in the account may only be used to carry out  
17 the purposes of this chapter. No appropriation is required for  
18 disbursement from the apiary inspection account.

19 **Sec. 6.** RCW 15.60.043 and 1993 c 89 s 10 are each amended to read  
20 as follows:

21 The inspection fees, registration fees, apiary assessments, and  
22 other charges provided in this chapter shall become due and payable  
23 upon billing by the department. A late charge of one and one-half  
24 percent per month shall be assessed on the unpaid balance against  
25 persons more than thirty days in arrears. In addition to any other  
26 penalties, the director may refuse to perform an inspection or  
27 certification service for a person in arrears unless the person makes  
28 payment in full prior to such inspection or certification service.

29 **Sec. 7.** RCW 15.60.050 and 1993 c 89 s 11 are each amended to read  
30 as follows:

31 Each person owning one or more hives with bees, brokers of hives,  
32 and beekeepers resident in other states who operate hives in  
33 Washington, shall register (~~((that ownership))~~) with the director on or  
34 before April 1st each year.

35 (1) Registration application shall include the name, address, and  
36 phone number of the owner or broker, the number of colonies of bees

1 owned, brokered, or operated in Washington, and such registration fee  
2 as may be prescribed in rule under subsection (2) of this section. The  
3 director shall issue to each resident apiarist registered with the  
4 department an apiarist identification number. The apiarist  
5 identification number shall be displayed on hives of an apiary in a  
6 manner prescribed by the director in rule.

7 (2) A registration fee may be set in rule by the director, with the  
8 advice of the apiary advisory committee. The fee shall be used for  
9 covering the expenses of the apiary advisory committee and may be used  
10 for supporting the industry apiary program of the department or funding  
11 research projects of benefit to the apiary industry that the director  
12 may select upon the advice of the apiary advisory committee.

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