



RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (7/10/97)

Agency: Department of Agriculture

- Permanent Rule
- Emergency Rule
- Expedited Adoption
- Expedited Repeal

(1) Date of adoption: May 23, 2001

(2) Purpose: To repeal and amend sections of WAC 16-602, rules relating to apiaries, to comply with amendments to Chapter 15.60 RCW, Apiaries Act.

(3) Citation of existing rules affected by this order:

Repealed: 16-602-005, -010, -020, -027, -030, -040, -045
 Amended: 16-602-025, -026, -050
 Suspended:

(4) Statutory authority for adoption: Chapter 15.60 RCW
Other Authority:

PERMANENT RULE ONLY (Including EXPEDITED ADOPTION)

Adopted under notice filed as WSR 01-08-087 on April 4, 2001 (date).
Describe any changes other than editing from proposed to adopted version: None

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

- (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

EXPEDITED REPEAL ONLY

Under Preproposal Statement of Inquiry filed as WSR _____ on _____ (date)

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?:

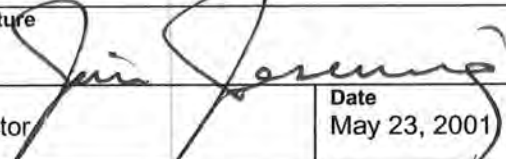
- Yes
 - No
- If Yes, explain:

(6) Effective date of rule:

- | | |
|---|--|
| Permanent Rules
or Expedited Repeal | Emergency Rules |
| <input type="checkbox"/> 31 days after filing | <input type="checkbox"/> Immediately |
| <input checked="" type="checkbox"/> Other (specify) <u>6-30-2001*</u> | <input type="checkbox"/> Later (specify) |

*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

Name (Type or Print)
Jim Jesernig

Signature 

Title Director Date May 23, 2001

CODE REVISER USE ONLY

CODE REVISER USE ONLY
STATE OF WASHINGTON

MAY 23

TIME 10:49 AM PM

WSR 01-11-146

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.

The number of sections adopted in order to comply with:

Federal statute:	New	Amended	Repealed
Federal rules or standards:	New	Amended	Repealed
Recently enacted state statutes:	New	Amended <u>3</u>	Repealed <u>7</u>

The number of sections adopted at the request of nongovernmental entity:

New	Amended	Repealed
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The number of sections adopted in the agency's own initiative:

New	Amended	Repealed
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	Amended	Repealed
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The number of sections adopted using:

Negotiated rule making:	New	Amended	Repealed
Pilot rule making:	New	Amended	Repealed
Other alternative rule making:	New	Amended	Repealed

AMENDATORY SECTION (Amending Order 5030, filed 2/10/94, effective 3/13/94)

WAC 16-602-025 Apiarist registration fees, schedule. (1) Beekeepers in the following two categories shall pay a fee for owning or operating colonies of bees in Washington:

(a) Resident beekeepers of Washington;

(b) Nonresident beekeepers operating colonies in Washington for the purpose of producing honey or other products, or their use or rental for pollination of agricultural crops.

(2) Both categories of beekeepers shall pay a fee based upon the number of colonies they own or will operate during the calendar year in Washington. The fee schedule shall be as follows:

1	-	5 colonies	\$	5.00
6	-	25 colonies	\$	10.00
26	-	100 colonies	\$	25.00
101	-	300 colonies	\$	50.00
301	-	500 colonies	\$	100.00
501	-	1,000 colonies	\$	200.00
1,001	-	or more colonies	\$	300.00

~~((This fee schedule shall remain in effect unless changed upon the advice of the apiary advisory committee and pursuant to the Administrative Procedure Act, chapter 34.05 RCW.))~~

(3) The registration fee shall be paid, on or before April first, on the number of colonies of bees:

(a) Owned by resident beekeepers;

(b) Operated and or rented for pollination by nonresident beekeepers during the calendar year in Washington.

~~((A late charge of one and one-half percent per month shall be assessed on the unpaid balance against persons more than thirty days in arrears.))~~

AMENDATORY SECTION (Amending WSR 97-24-066, filed 12/2/97, effective 1/2/98)

WAC 16-602-026 Broker registration fees. In accordance with RCW ~~((15.60.050))~~ 15.60.021, there is assessed an annual broker registration fee of \$100 due and payable to the department on April 1 of each year. If a person registers as both a broker and an apiarist, only one of the registration fees shall be owed. The lesser of the two registration fees shall be waived.

AMENDATORY SECTION (Amending WSR 97-24-066, filed 12/2/97, effective 1/2/98)

WAC 16-602-050 Types of offenses and level of civil penalty assessment. (1) Violations of the Apiaries Act include, but are not limited to:

- (a) Failure to register as a resident or non-resident apiarist (~~((reference WAC 16-602-025 and RCW 15.60.050)-))~~;
- (b) Failure to register as a broker (~~((reference WAC 16-602-026 and RCW 15.60.050)-))~~;
- (c) Failure to remit apiary registration fees (~~((reference WAC 16-602-025 and RCW 15.60.050)-))~~;
- (d) Failure to remit broker registration fees (~~((reference WAC 16-602-026 and RCW 15.60.050)-))~~;
- (e) Failure to remit pollination service fees (~~reference WAC 16-602-027 and RCW 15.60.040~~);
- (f) Failure to mark apiaries in accordance with ~~WAC 16-602-040~~ (~~reference RCW 15.60.020~~);
- (g) ~~Altering an official certificate or other official inspection document or misrepresenting a document, as described in RCW 15.60.150(2))~~.

(2) The level of civil penalty assessed for each individual violation shall be as follows:

First violation	\$100
Second violation	\$500
Third and each subsequent violation	\$1,000

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 16-602-005	Definitions.
WAC 16-602-010	Apiary board, area boundaries.
WAC 16-602-020	Apiary inspection fees.
WAC 16-602-027	Grower pollination service fee, collection, remittance.
WAC 16-602-030	Colony strength.
WAC 16-602-040	Apiary marking.
WAC 16-602-045	Civil penalty authority and application.