



RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (7/10/97)

Agency: Agriculture

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

(1) Date of adoption: December 2, 1997

(2) Purpose: To establish a penalty matrix relative to violations of the Apiary statute fees, as well as establishing a fee for bee broker registration.

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

Repealed:
Amended:
Suspended:

(4) Statutory authority for adoption: Chapter 15.60.025 and 15.60.170(2) RCW

Other Authority:

PERMANENT RULE ONLY (Including EXPEDITED ADOPTION)

Adopted under notice filed as WSR 97-20-152 on 10/1/97 (date).

Describe any changes other than editing from proposed to adopted version:

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:

Emergency Rules

Permanent Rules
or Expedited Repeal

- 31 days after filing
- Other (specify) _____*
- Immediately
- 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)
James M. Jesernig

Signature

Title
Director

Date
December 2, 1997

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

DEC 2 1997

952

97-24-066

TIME _____

FILED _____

**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	<u>0</u>	Amended	-----	Repealed	-----
Federal rules or standards:	New	<u>0</u>	Amended	-----	Repealed	-----
Recently enacted state statutes:	New	<u>0</u>	Amended	-----	Repealed	-----

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

	New	<u>0</u>	Amended	-----	Repealed	-----
--	-----	----------	---------	-------	----------	-------

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

	New	<u>3</u>	Amended	-----	Repealed	-----
--	-----	----------	---------	-------	----------	-------

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

	New	<u>0</u>	Amended	-----	Repealed	-----
--	-----	----------	---------	-------	----------	-------

The number of sections adopted using:

Negotiated rule making:	New	<u>0</u>	Amended	-----	Repealed	-----
Pilot rule making:	New	<u>0</u>	Amended	-----	Repealed	-----
Other alternative rule making:	New	<u>3</u>	Amended	-----	Repealed	-----

NEW SECTION

WAC 16-602-026 Broker registration fees. In accordance with RCW 15.60.050, 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.

NEW SECTION

WAC 16-602-045 Civil penalty authority and application. (1) The statutory authority for the assessment of civil penalties for violations of the Apiaries act is located in RCW 15.60.170.

(2) The assessment of civil penalties will be in accordance with Chapter 43.05 RCW, Technical Assistance Programs, and Chapter 34.05, the Administrative Procedure Act, and Chapter 15.60 RCW, Apiaries.

NEW SECTION

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