

HOUSE BILL REPORT

EHB 2995

As Amended by the Senate

Title: An act relating to apiaries.

Brief Description: Modifying provisions concerning apiaries.

Sponsors: Representatives G. Chandler and Linville.

Brief History:

Committee Activity:

Agriculture & Ecology: 2/4/00 [DP].

Floor Activity:

Passed House: 2/14/00, 91-4.

Senate Amended.

Passed Senate: 2/29/00, 43-1.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">· Maintains registration requirements regarding apiaries and eliminates much of the apiary program of the Department of Agriculture.
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HOUSE COMMITTEE ON AGRICULTURE & ECOLOGY

Majority Report: Do pass. Signed by 12 members: Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Koster, Republican Vice Chair; Anderson; B. Chandler; Fortunato; Grant; Schoesler; Stensen; Sump; and Wood.

Staff: Andrea Leder (786-7093).

Background:

Through the Department of Agriculture's industry apiary program, the director provides regulation and inspection services, assures the availability of bee colonies for pollination, facilitates the interstate movement of honey bees, promotes improved apicultural practices, combats bee pests that pose an economic threat to the industry, and provides education to promote the vitality of the apiary industry.

Registration

persons owning one or more hives with bees, persons engaged in pollinating agricultural crops using hives owned by another person, and beekeepers from other states who operate hives in Washington must register on or before April 1 of each year. Registration fees are prescribed by rule. Those apiarists registered with the department are issued an apiarist identification number, which must be displayed on hives of an apiary.

Inspections

The Department of Agriculture may provide inspection and certification services on a fee for service basis. Apiaries may be inspected for the presence of bee pests. Every person rearing queen bees for sale or use by another apiarist must have each queen rearing apiary inspected. Before bees or equipment are brought into the state for any purpose, a certificate of inspection must be secured from the state of origin's department of agriculture. New equipment without bees is not regulated.

Pollination Service Fee

A fee exists on the use, by agricultural crop growers, of bee pollination services provided by others. Revenues from these fees are used in providing services to the apiary industry that assist in ensuring the vitality and availability of bees for commercial pollination services for the agricultural industry.

Hive Impoundment

Hives may be impounded if they are abandoned, contain immovable combs or frames, are constructed in a way that impedes or hinders inspections, or constitute a threat of infestation or infection by a bee pest to bees.

Africanized Honey Bees

Certain conditions exist under which Africanized honey bees may be imported into the state. If Africanized bees or hybrids have been imported into the state under circumstances other than those provided, these bees may be impounded and destroyed.

Apiary Coordinated Areas

The law allows counties to establish apiary coordinated areas. In these areas, counties set the maximum allowable number of hives per site, the minimum allowable distance between sites, and the minimum required setback from property lines.

Unlawful Acts

It is unlawful under the apiary statutes to willfully or maliciously kill or injure honey bees in an apiary, alter an official certificate or other inspection document, knowingly import Africanized honey bees, fail to take prompt or sufficient action to control regulated bee pests in excess of limits set in rule, resist, impede, or hinder the director in the discharge of the director's duties, abandon a hive, or maintain a hive

with immovable combs or frames constructed in a way to impede or hinder inspection.

Penalties

A person who violates or fails to comply with any of the chapter's provisions is guilty of a misdemeanor for the first offense and a gross misdemeanor for each subsequent offense. If a violation is not punished as a misdemeanor or gross misdemeanor, the director may impose and collect a civil penalty not to exceed \$1,000 for each violation.

Director's Authority

The director has rulemaking authority under the apiary laws. The director's powers include entering into compliance agreements with persons engaged in apiculture or handling, selling, or moving hives or beekeeping equipment. For any violation, the director may bring an action to issue an injunction in superior court in the county in which the violation occurs.

Apiary Advisory Committee

An apiary advisory committee advises the director. The committee, which includes up to 11 members, meets at least once a year and members are reimbursed for travel expenses.

Other Bee Provisions

Bees are also covered by inspections conducted under other laws dealing with insect pests and plant diseases.

Summary of Bill:

The state apiary program is eliminated except for registration requirements, the apiary coordinated areas, and penalties.

The following must register: persons owning one or more hives with bees; persons engaged in pollinating agricultural crops for a fee using hives that are owned by another person; and apiarists from other states who operate hives in Washington.

The registration application must include the number of colonies of bees to be owned, brokered, or operated in Washington that year, a registration fee prescribed in rule, and any other information the department requires by rule. The requirement to display the apiarist identification number on hives is removed.

The requirement for an apiary advisory committee becomes optional. Requirements regarding the size of the committee, number of meetings, and reimbursement of travel expenses are removed.

In other laws addressing insect pests and plant diseases, the definition of "bee pests" is now expanded to include honey bees with undesirable behavioral characteristics such as found in Africanized honey bees.

EFFECT OF SENATE AMENDMENT(S): The amendment changes the effective date from immediately to June 30, 2001.

Appropriation: None.

Fiscal Note: Requested on February 3, 2000.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Testimony For: The Department of Agriculture's apiary program has not been universally supported by apiarists in the state. Administratively, the apiary program has already been shut down as revenues have not supported it. This legislation addresses the aspects of the program still in operation.

Testimony Against: The apiary program serves a necessary and important role for the agricultural industry and has been a help to apiarists in the state. The program would support itself if the department had the enforcement ability to collect the fees that were not paid, but should have been paid. Apiarists should not be required to register with the state.

Testified: (In support) Mary Beth Lang, Department of Agriculture; Ronald Brixey; C. Ferguson, Jr., Washington Professional Beekeeping Association; Tim Hiatt; and Harvard Robbins..

(Opposed) Robert Stump, Washington State Beekeepers.