

FINAL BILL REPORT

EHB 1621

C 89 L 93
Synopsis as Enacted

Brief Description: Modifying the regulation of apiaries.

By Representatives Rayburn, Chandler and Jacobsen; by request of Department of Agriculture.

House Committee on Agriculture & Rural Development
Senate Committee on Agriculture

Background: State law prohibits Africanized honey bees from being imported into this state except for research purposes under conditions set by the director of the Department of Agriculture.

Under the apiary laws, the director may adopt and enforce rules which the director deems necessary to prevent the introduction or spread of diseases affecting bees. This authority expressly includes the power to set the maximum level of American foulbrood which is permissible in a bee colony.

A violation of any provision of the apiary laws is a misdemeanor; it is also a Class I civil infraction punishable by a fine of not more than \$250. It is unlawful to hinder the department's access to an apiary for inspection.

A resident beekeeper, who moves bees out-of-state for summer pasture and desires to return the bees to Washington, is required to obtain an inspection certificate from the state in which the bees were pastured.

Government services requested by the bee industry are provided on a fee-for-service basis; the revenues from the fees are placed in the Apiary Inspection Fund within the agricultural local fund.

Summary: The state's apiary laws are rewritten.

AFRICANIZED BEES

Hybrids of Africanized honey bees may be imported into this state if they have been bred or certified for acceptable behavior and approved by the director of the Department of Agriculture. Africanized honey bees and their hybrids may

be imported for research purposes under a permit issued by the director. Bees imported in violation of these requirements may be impounded and destroyed in the same manner prescribed for diseased bees.

If the director and the Apiary Advisory Committee find that Africanized honey bees have become widely established, their exclusion is no longer technically feasible, and their deregulation is in the best interest of Washington agriculture, Africanized honey bees may be imported, without permit, into the state. In such a case, the department and the committee must approve a plan to mitigate the impact of the bees.

PESTS - MAXIMUM LEVELS

The director is expressly granted authority to set maximum levels of bee pests, including diseases and parasites, which may be present in a bee colony. Hives constructed in such a manner that inspection is impeded, e.g., with frames or combs which are not removable, are treated as abandoned hives.

CRIMES & CIVIL PENALTIES

The following are added as crimes: altering an official certificate or inspection document regarding bees or misrepresenting a document as being an official certificate; knowingly importing Africanized honey bees except as expressly permitted; resisting or impeding the discharge of the director's duties; failing to control bee pests over allowable limits; abandoning a hive; maintaining a hive, except for educational purposes, which does not have movable frames and combs or impedes inspection; and violating or failing to comply with rules adopted under the apiary laws.

A person's first violation is a misdemeanor; subsequent violations are gross misdemeanors. Violations of the apiary laws are no longer Class I civil infractions. If a violation has not been punished as a misdemeanor or gross misdemeanor, the director may impose a civil penalty of not more than \$1,000 for each violation. The civil penalty may also be imposed on a person who has aided or abetted the commission of a violation. The director may enter compliance agreements regarding regulated activities.

INJUNCTIONS & WARRANTS

The director may bring an action in superior court to enjoin a violation of the apiary laws. It is no longer unlawful to impede the department's access to apiaries. If the director is denied access, the director may apply to a court of

competent jurisdiction for a search warrant authorizing access and the court may issue the warrant for good cause.

RE-ENTRY

An apiarist registered in this state who obtains a valid inspection certificate and moves bees out of state for wintering is allowed to return the bees to the state by May 15 each year without obtaining an additional certificate.

FEES

A charge is established for the late payment of fees levied under the apiary laws. The apiary inspection fund is renamed the apiary inspection account.

OTHER

The six-member Apiary Advisory Board is replaced with an Apiary Advisory Committee with up to 11 members. A representative of Washington State University (WSU) is made a member of the expanded committee. The director of the Department of Agriculture is expressly authorized to conduct educational programs in cooperation with the industry and WSU.

Votes on Final Passage:

House	96	0
Senate	43	0

Effective: July 25, 1993