

SENATE BILL REPORT

EHB 1621

AS REPORTED BY COMMITTEE ON AGRICULTURE, MARCH 25, 1993

Brief Description: Modifying the regulation of apiaries.

SPONSORS: Representatives Rayburn, Chandler and Jacobsen; by request of Department of Agriculture

HOUSE COMMITTEE ON AGRICULTURE & RURAL DEVELOPMENT

SENATE COMMITTEE ON AGRICULTURE

Majority Report: Do pass.

Signed by Senators M. Rasmussen, Chairman; Loveland, Vice Chairman; Barr, Newhouse, and Snyder.

Staff: John Stuhlmiller (786-7446)

Hearing Dates: March 22, 1993; March 25, 1993

BACKGROUND:

State law prohibits Africanized honey bees from being imported into this state except for research purposes under conditions set by the Director 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.

It is a misdemeanor to kill honey bees willfully or maliciously or to injure them purposely by providing them poison or sweetened substances. 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 they were pastured.

Services requested by the bee industry may only be provided to apiarists who are in compliance with the apiary laws. The services 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:

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 Agriculture. 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 to 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 granted authority to set maximum levels of bee pests, including diseases and parasites, which may be present in a bee colony.

Crimes and Civil Penalties. The following acts are added to the list of illegal activities covered by the apiary statutes: 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 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 the apiary laws or rules.

Any violation of the apiary laws and rules is punishable as a misdemeanor for a first time violation and as a gross misdemeanor for subsequent violations. For violations not punished as a misdemeanor or gross misdemeanor, the director may impose a civil penalty of up to \$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.

Injunctions and Warrants. The director may bring an action in superior court to enjoin a violation of the apiary laws. If the director is denied access to apiaries, the director may apply to a court of competent jurisdiction for a search warrant authorizing access.

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.

Services and Fees. Services to the bee industry are no longer limited to those who are in compliance with the apiary laws. Programs which receive funding from registration revenues no longer have to be requested by the industry. 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 is made a member of the expanded committee. The state's apiary program is no longer designated as a division within the department. The director is authorized to conduct educational programs in cooperation with the industry and Washington State University.

Appropriation: none

Revenue: none

Fiscal Note: available

TESTIMONY FOR:

The bill is needed to update the apiary laws to make them current and to better meet the needs of the apiary industry.

TESTIMONY AGAINST: None

TESTIFIED: William Brookersin, WSDA; Robert Stump, WA State Beekeepers Assn.