

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2646

Chapter 178, Laws of 1994

53rd Legislature
1994 Regular Session

BEES--FEES

EFFECTIVE DATE: 6/9/94

Passed by the House March 3, 1994
Yeas 71 Nays 25

BRIAN EBERSOLE

**Speaker of the
House of Representatives**

Passed by the Senate March 7, 1994
Yeas 39 Nays 1

JOEL PRITCHARD

President of the Senate

Approved March 30, 1994

MIKE LOWRY

Governor of the State of Washington

CERTIFICATE

I, Marilyn Showalter, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2646** as passed by the House of Representatives and the Senate on the dates hereon set forth.

MARILYN SHOWALTER

Chief Clerk

FILED

March 30, 1994 - 1:28 p.m.

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 2646

Passed Legislature - 1994 Regular Session

State of Washington 53rd Legislature 1994 Regular Session

By House Committee on Agriculture & Rural Development (originally sponsored by Representatives Rayburn, Foreman, Hansen, Chandler, Grant and Lisk)

Read first time 02/04/94.

1 AN ACT Relating to apiaries; and amending RCW 15.60.005, 15.60.007,
2 15.60.010, 15.60.040, 15.60.043, and 15.60.050.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 15.60.005 and 1993 c 89 s 1 are each amended to read
5 as follows:

6 Unless the context clearly requires otherwise, the definitions in
7 this section apply throughout this chapter:

8 (1) "Department" means the department of agriculture of the state
9 of Washington.

10 (2) "Director" means the director of the state department of
11 agriculture or the director's authorized representative.

12 (3) "Apiary" means a site where hives of bees or hives are kept or
13 found.

14 (4) "Abandoned hive" means any hive, with or without bees, that
15 evidences a lack of being properly managed in that it has not been
16 supered in the spring, except nucs, or unsupered in the fall, or is
17 otherwise unmanaged and left without authorization and unattended on
18 the property of another person or on public land.

1 (5) "Apiarist" means any person who owns bees or is a keeper of
2 bees in Washington.

3 (6) "Beekeeping equipment" means any implements or devices used in
4 the manipulation of bees, their brood, or hives in an apiary.

5 (7) "Bees" means adult insects, eggs, larvae, pupae, or other
6 immature stages of the species *Apis mellifera*.

7 (8) "Certificate" or "certificate of inspection" means an official
8 document certifying compliance with the requirements of this chapter
9 and accompanying the movement of inspected bees, bee hives, or
10 beekeeping equipment.

11 (9) "Colony" refers to a natural group of bees having a queen or
12 queens.

13 (10) "Compliance agreement" means a written agreement between the
14 department and a person engaged in apiculture, or handling, selling, or
15 moving of hives or beekeeping equipment in which the person agrees to
16 comply with stipulated requirements.

17 (11) "Feral colony" means a colony of bees in a natural cavity or
18 a manufactured structure not intended for the keeping of bees on
19 movable frames and comb.

20 (12) "Swarm" means a natural group of bees having a queen or
21 queens, which is the progeny of a parent colony, without a hive, and
22 not a feral colony.

23 (13) "Disease" means American foulbrood, European foulbrood,
24 chalkbrood, nosema, sacbrood, or any other viral, fungal, bacterial or
25 insect-related disease affecting bees or their brood.

26 (14) "Regulated bee pests" means a disease of bees for which
27 maximum allowable limits of infection, or mites, or other parasites are
28 set in rule.

29 (15) "Hive" means a manufactured receptacle or container prepared
30 for the use of bees, that includes movable frames, combs, and
31 substances deposited into the hive by bees.

32 (16) "Person" means a natural person, individual, firm,
33 partnership, company, society, association, corporation or every
34 officer, agent, or employee of one of these entities.

35 (17) "Bee pests" means a disease, mite, or other parasite that
36 causes injury to bees.

37 (18) "Nets" means a device that is made of fabricated material and
38 that is designed and utilized to prevent the escape of bees from bee
39 hives during transit.

1 (19) "Apparently free" means no specified bee pest was found during
2 inspection of survey activities.

3 (20) "Substantially free" means levels of specified bee pests found
4 during inspection or survey activities were within established
5 tolerances.

6 (21) "Africanized honey bee" means any bee of the subspecies *Apis*
7 *mellifera scutellata*.

8 (22) "Super" means the portion of a hive in which honey is stored
9 by bees.

10 (23) "Broker" means a person, engaged in pollinating agricultural
11 crops, using hives that are owned by another person.

12 (24) "Grower" means a person engaged in producing agricultural
13 crops, and a user of honey bees for pollination of the crops.

14 **Sec. 2.** RCW 15.60.007 and 1993 c 89 s 2 are each amended to read
15 as follows:

16 There is created within the department of agriculture an industry
17 apiary (~~(inspection)~~) program. The director shall: Provide regulation
18 and inspection services, assure availability of bee colonies for
19 pollination, facilitate the interstate movement of honey bees, promote
20 improved apicultural practices, combat bee pests that pose an economic
21 threat to the industry, and, in cooperation with the cooperative
22 extension program of Washington State University, provide education to
23 promote the vitality of the apiary industry.

24 **Sec. 3.** RCW 15.60.010 and 1993 c 89 s 3 are each amended to read
25 as follows:

26 An apiary advisory committee is established to advise the director
27 on the administration of this chapter. The apiary advisory committee
28 may consist of up to eleven members.

29 (1) The committee shall include six apiarists, appointed by the
30 director, and representing the major geographical divisions of the
31 beekeeping industry in the state as established in rule. In making an
32 appointment, the director shall seek nominations from the beekeepers'
33 organizations within the geographic area and from nonaffiliated
34 apiarists. Apiarists may nominate themselves.

35 (2) The committee shall include the director and a representative
36 from the Washington State University apiary program or cooperative
37 extension.

1 (3) The committee may include up to three representatives of
2 receivers of pollination services.

3 (4) The terms of the apiarist members of the committee shall be
4 staggered and the members shall serve a term of three years and until
5 their successors have been appointed and qualified.

6 In the event a committee member resigns, is disqualified, or
7 vacates a position on the committee for any reason, the vacancy shall
8 be filled by the director under the provisions of this section.

9 (5) The committee shall meet at least once yearly. It may also
10 meet at the call of the director or the request of any three members of
11 the committee. Members of the committee shall serve without
12 compensation but shall be reimbursed for travel expenses incurred in
13 attending meetings of the ((board)) committee and any other official
14 duty authorized by the ((board)) committee and approved by the
15 director, pursuant to RCW 43.03.050 and 43.03.060, if apiarists are
16 charged a registration fee, under RCW 15.60.050, to cover the expenses
17 of the committee.

18 **Sec. 4.** RCW 15.60.040 and 1993 c 89 s 8 are each amended to read
19 as follows:

20 (1) There is hereby established a fee on the use, by growers of
21 agricultural crops, of bee pollination services provided by others.
22 This pollination service fee is in the amount of fifty cents for each
23 setting of each hive containing a colony that is used by the grower.
24 The fee shall be paid by the grower using the service, shall be
25 collected by the beekeeper providing the service, and shall be remitted
26 by the beekeeper to the department as provided by rules adopted by the
27 director. All such fees shall be deposited in the industry apiary
28 program account. Revenues from these fees shall be directed to use in
29 providing services to the apiary industry that assist in ensuring the
30 vitality and availability of bees for commercial pollination services
31 for the agricultural industry.

32 (2) There is established an industry apiary ((inspection)) program
33 account within the agricultural local fund. All money collected under
34 this chapter including fees for requested services, required
35 inspections, or treatments, ((and)) registration fees, and apiary
36 assessments shall be placed in the industry apiary ((inspection))
37 program account. Money in the account may only be used to carry out

1 the purposes of this chapter. No appropriation is required for
2 disbursement from the industry apiary ((inspection)) program account.

3 **Sec. 5.** RCW 15.60.043 and 1993 c 89 s 10 are each amended to read
4 as follows:

5 The inspection fees, registration fees, pollination service fees,
6 and other charges provided in this chapter shall become due and payable
7 upon billing by the department. A late charge of one and one-half
8 percent per month shall be assessed on the unpaid balance against
9 persons more than thirty days in arrears. In addition to any other
10 penalties, the director may refuse to perform an inspection or
11 certification service for a person in arrears unless the person makes
12 payment in full prior to such inspection or certification service.

13 **Sec. 6.** RCW 15.60.050 and 1993 c 89 s 11 are each amended to read
14 as follows:

15 Each person owning one or more hives with bees, brokers of hives,
16 and beekeepers resident in other states who operate hives in
17 Washington, shall register (~~((that ownership))~~) with the director on or
18 before April 1st each year.

19 (1) Registration application shall include the name, address, and
20 phone number of the owner or broker, the number of colonies of bees
21 owned, brokered, or operated in Washington, and such registration fee
22 as may be prescribed in rule under subsection (2) of this section. The
23 director shall issue to each resident apiarist registered with the
24 department an apiarist identification number. The apiarist
25 identification number shall be displayed on hives of an apiary in a
26 manner prescribed by the director in rule.

27 (2) A registration fee may be set in rule by the director, with the
28 advice of the apiary advisory committee. The fee shall be used for
29 covering the expenses of the apiary advisory committee and may be used
30 for supporting the industry apiary program of the department or funding
31 research projects of benefit to the apiary industry that the director
32 may select upon the advice of the apiary advisory committee.

Passed the House March 3, 1994.

Passed the Senate March 7, 1994.

Approved by the Governor March 30, 1994.

Filed in Office of Secretary of State March 30, 1994.