

CERTIFICATION OF ENROLLMENT

ENGROSSED HOUSE BILL 2995

Chapter 100, Laws of 2000

56th Legislature
2000 Regular Session

APIARIES

EFFECTIVE DATE: 6/30/01

Passed by the House March 6, 2000
Yeas 94 Nays 3

CLYDE BALLARD
Speaker of the House of Representatives

FRANK CHOPP
Speaker of the House of Representatives

Passed by the Senate February 29, 2000
Yeas 43 Nays 1

BRAD OWEN
President of the Senate

Approved March 24, 2000

GARY LOCKE
Governor of the State of Washington

CERTIFICATE

We, Timothy A. Martin and Cynthia Zehnder, Co-Chief Clerks of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED HOUSE BILL 2995** as passed by the House of Representatives and the Senate on the dates hereon set forth.

CYNTHIA ZEHNDER
Chief Clerk

TIMOTHY A. MARTIN
Chief Clerk

FILED

March 24, 2000 - 2:51 p.m.

**Secretary of State
State of Washington**

ENGROSSED HOUSE BILL 2995

Passed Legislature - 2000 Regular Session

AS AMENDED BY THE SENATE

State of Washington 56th Legislature 2000 Regular Session

By Representatives G. Chandler and Linville

Read first time 01/25/2000. Referred to Committee on Agriculture & Ecology.

1 AN ACT Relating to apiaries; amending RCW 15.60.005, 15.60.010,
2 15.60.050, 15.60.043, 15.60.040, and 17.24.007; adding new sections to
3 chapter 15.60 RCW; recodifying RCW 15.60.005, 15.60.010, 15.60.050,
4 15.60.043, 15.60.040, 15.60.170, 15.60.180, 15.60.190, 15.60.210,
5 15.60.220, and 15.60.900; repealing RCW 15.60.007, 15.60.015,
6 15.60.020, 15.60.025, 15.60.030, 15.60.042, 15.60.100, 15.60.110,
7 15.60.120, 15.60.140, 15.60.150, and 15.60.230; and providing an
8 effective date.

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

10 **Sec. 1.** RCW 15.60.005 and 1994 c 178 s 1 are each amended to read
11 as follows:

12 Unless the context clearly requires otherwise, the definitions in
13 this section apply throughout this chapter:

14 (1) "Department" means the department of agriculture of the state
15 of Washington.

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

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

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

6 ~~(5))~~ "Apiarist" means any person who owns bees or is a keeper of
7 bees in Washington.

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

10 ~~(7))~~ (5) "Bees" means adult insects, eggs, larvae, pupae, or other
11 immature stages of the species Apis mellifera.

12 (~~(8)~~ "Certificate" or "certificate of inspection" means an
13 official document certifying compliance with the requirements of this
14 chapter and accompanying the movement of inspected bees, bee hives, or
15 beekeeping equipment.

16 ~~(9))~~ (6) "Colony" refers to a natural group of bees having a queen
17 or queens.

18 (~~(10)~~ "Compliance agreement" means a written agreement between the
19 department and a person engaged in apiculture, or handling, selling, or
20 moving of hives or beekeeping equipment in which the person agrees to
21 comply with stipulated requirements.

22 ~~(11)~~ "Feral colony" means a colony of bees in a natural cavity or
23 a manufactured structure not intended for the keeping of bees on
24 movable frames and comb.

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

28 ~~(13)~~ "Disease" means American foulbrood, European foulbrood,
29 chalkbrood, nosema, sacbrood, or any other viral, fungal, bacterial or
30 insect related disease affecting bees or their brood.

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

34 ~~(15))~~ (7) "Hive" means a manufactured receptacle or container
35 prepared for the use of bees, that includes movable frames, combs, and
36 substances deposited into the hive by bees.

37 (~~(16))~~ (8) "Person" means a natural person, individual, firm,
38 partnership, company, society, association, corporation or every
39 officer, agent, or employee of one of these entities.

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

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

6 ~~(19) "Apparently free" means no specified bee pest was found during~~
7 ~~inspection of survey activities.~~

8 ~~(20) "Substantially free" means levels of specified bee pests found~~
9 ~~during inspection or survey activities were within established~~
10 ~~tolerances.~~

11 ~~(21) "Africanized honey bee" means any bee of the subspecies Apis~~
12 ~~mellifera scutellata.~~

13 ~~(22) "Super" means the portion of a hive in which honey is stored~~
14 ~~by bees.~~

15 ~~(23))~~ (9) "Broker" means a person~~((7))~~ who is engaged in
16 pollinating agricultural crops~~((7))~~ for a fee using hives that are
17 owned by another person.

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

20 **Sec. 2.** RCW 15.60.010 and 1994 c 178 s 3 are each amended to read
21 as follows:

22 (~~An apiary advisory committee is established to advise the~~
23 ~~director on the administration of this chapter. The apiary advisory~~
24 ~~committee may consist of up to eleven members.~~

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

31 ~~(2) The committee shall include the director and a representative~~
32 ~~from the Washington State University apiary program or cooperative~~
33 ~~extension.~~

34 ~~(3) The committee may include up to three representatives of~~
35 ~~receivers of pollination services.~~

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

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

4 ~~(5))~~ The director may establish an apiary advisory committee
5 including members representing the major segments of the apiary
6 industry including commercial and noncommercial beekeepers,
7 representatives from the Washington State University apiary program or
8 cooperative extension, and receivers of pollination services as deemed
9 appropriate.

10 The committee shall advise the director on administration of this
11 chapter and issues affecting the apiary industry. The committee may
12 also advise the director on the funding of research projects of benefit
13 to the apiary industry.

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

23 **Sec. 3.** RCW 15.60.050 and 1994 c 178 s 6 are each amended to read
24 as follows:

25 (1) Each person owning one or more hives with bees, brokers ((of))
26 renting hives, and ((beekeepers)) apiarists resident in other states
27 who operate hives in Washington((,)) shall register with the director
28 ((on or before)) by April 1st each year.

29 ~~((+1))~~ (2) The registration application shall include:

30 (a) The name, address, and phone number of the ((owner)) apiarist
31 or broker((,));

32 (b) The number of colonies of bees to be owned, brokered, or
33 operated in Washington((, and such)) that year;

34 (c) A registration fee as ((may be)) prescribed in rule ((under
35 subsection (2) of this section.)) by the director, with the advice of
36 the apiary advisory committee; and

37 (d) Any other information required by the department by rule.

1 (3) The director shall issue to each ((resident)) apiarist or
2 broker registered with the department an apiarist identification
3 number. ((The apiarist identification number shall be displayed on
4 hives of an apiary in a manner prescribed by the director in rule.

5 (2) A registration fee may be set in rule by the director, with the
6 advice of the apiary advisory committee. The fee shall be used for
7 covering the expenses of the apiary advisory committee and may be used
8 for supporting the industry apiary program of the department or funding
9 research projects of benefit to the apiary industry that the director
10 may select upon the advice of the apiary advisory committee.))

11 **Sec. 4.** RCW 15.60.043 and 1994 c 178 s 5 are each amended to read
12 as follows:

13 ((The inspection fees, registration fees, pollination service fees,
14 and other charges provided in this chapter shall become due and payable
15 upon billing by the department.)) A late ((charge)) fee of one and
16 one-half percent per month shall be assessed on ((the unpaid balance
17 against persons more than thirty days in arrears. In addition to any
18 other penalties, the director may refuse to perform an inspection or
19 certification service for a person in arrears unless the person makes
20 payment in full prior to such inspection or certification service))
21 registration fees received after April 1st.

22 **Sec. 5.** RCW 15.60.040 and 1994 c 178 s 4 are each amended to read
23 as follows:

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

36 (2) There is established an industry apiary program account within
37 the agricultural local fund.)) All money collected under this chapter

1 (~~including fees for requested services, required inspections, or~~
2 ~~treatments, registration fees, and apiary assessments~~) shall be placed
3 in (~~the industry apiary program~~) an account in the agricultural local
4 fund. Money in the account (~~may only~~) shall be used to carry out the
5 purposes of this chapter and may be used for apiary-related activities
6 of the department or funding research projects of benefit to the apiary
7 industry that the director may select upon the advice of the apiary
8 advisory committee. No appropriation is required for disbursement from
9 the (~~industry apiary program~~) account.

10 **Sec. 6.** RCW 17.24.007 and 1991 c 257 s 4 are each amended to read
11 as follows:

12 Unless the context clearly requires otherwise, the definitions in
13 this section apply throughout this chapter.

14 (1) "Department" means the state department of agriculture.

15 (2) "Director" means the director of the state department of
16 agriculture or the director's designee.

17 (3) "Quarantine" means a rule issued by the department that
18 prohibits or regulates the movement of articles, bees, plants, or plant
19 products from designated quarantine areas within or outside the state
20 to prevent the spread of disease, plant pathogens, or pests to
21 nonquarantine areas.

22 (4) "Plant pest" means a living stage of an insect, mite, nematode,
23 slug, snail, or protozoa, or other invertebrate animal, bacteria,
24 fungus, or parasitic plant, or their reproductive parts, or viruses, or
25 an organism similar to or allied with any of the foregoing plant pests,
26 including a genetically engineered organism, or an infectious substance
27 that can directly or indirectly injure or cause disease or damage in
28 plants or parts of plants or in processed, manufactured, or other
29 products of plants.

30 (5) "Plants and plant products" means trees, shrubs, vines, forage,
31 and cereal plants, and all other plants and plant parts, including
32 cuttings, grafts, scions, buds, fruit, vegetables, roots, bulbs, seeds,
33 wood, lumber, and all products made from the plants and plant products.

34 (6) "Certificate" or "certificate of inspection" means an official
35 document certifying compliance with the requirements of this chapter.
36 The term "certificate" includes labels, rubber stamp imprints, tags,
37 permits, written statements, or a form of inspection and certification
38 document that accompanies the movement of inspected and certified plant

1 material and plant products, or bees, bee hives, or beekeeping
2 equipment.

3 (7) "Compliance agreement" means a written agreement between the
4 department and a person engaged in growing, handling, or moving
5 articles, plants, plant products, or bees, bee hives, or beekeeping
6 equipment regulated under this chapter, in which the person agrees to
7 comply with stipulated requirements.

8 (8) "Distribution" means the movement of a regulated article from
9 the property where it is grown or kept, to property that is not
10 contiguous to the property, regardless of the ownership of the
11 properties.

12 (9) "Genetically engineered organism" means an organism altered or
13 produced through genetic modification from a donor, vector, or
14 recipient organism using recombinant DNA techniques, excluding those
15 organisms covered by the food, drug and cosmetic act (21 U.S.C. Secs.
16 301-392).

17 (10) "Person" means a natural person, individual, firm,
18 partnership, corporation, company, society, or association, and every
19 officer, agent, or employee of any of these entities.

20 (11) "Sell" means to sell, to hold for sale, offer for sale,
21 handle, or to use as inducement for the sale of another article or
22 product.

23 (12) "Noxious weed" means a living stage, including, but not
24 limited to, seeds and reproductive parts, of a parasitic or other plant
25 of a kind that presents a threat to Washington agriculture or
26 environment.

27 (13) "Regulated article" means a plant or plant product, bees or
28 beekeeping equipment, noxious weed or other articles or equipment
29 capable of harboring or transporting plant or bee pests or noxious
30 weeds that is specifically addressed in rules or quarantines adopted
31 under this chapter.

32 (14) "Owner" means the person having legal ownership, possession,
33 or control over a regulated article covered by this chapter including,
34 but not limited to, the owner, shipper, consignee, or their agent.

35 (15) "Nuisance" means a plant, or plant part, apiary, or property
36 found in a commercial area on which is found a pest, pathogen, or
37 disease that is a source of infestation to other properties.

38 (16) "Bees" means ~~((honey producing insects of the species apis
39 mellifera and includes the adults, eggs, larvae, pupae, and other~~

1 ~~immature stages of~~) adult insects, eggs, larvae, pupae, or other
2 immature stages of the species Apis mellifera.

3 (17) "Bee pests" means a mite, other parasite, or disease that
4 causes injury to bees and those honey bees generally recognized to have
5 undesirable behavioral characteristics such as or as found in
6 Africanized honey bees.

7 (18) "Biological control" means the use by humans of living
8 organisms to control or suppress undesirable animals and plants; the
9 action of parasites, predators, or pathogens on a host or prey
10 population to produce a lower general equilibrium than would prevail in
11 the absence of these agents.

12 (19) "Biological control agent" means a parasite, predator, or
13 pathogen intentionally released, by humans, into a target host or prey
14 population with the intent of causing population reduction of that host
15 or prey.

16 (20) "Emergency" means a situation where there is an imminent
17 danger of an infestation of plant pests or disease that seriously
18 threatens the state's agricultural or horticultural industries or
19 environment and that cannot be adequately addressed with normal
20 procedures or existing resources.

21 NEW SECTION. Sec. 7. The following sections are recodified within
22 chapter 15.60 RCW in the following order:

23 RCW 15.60.005

24 RCW 15.60.010

25 RCW 15.60.050

26 RCW 15.60.043

27 RCW 15.60.040

28 RCW 15.60.170

29 RCW 15.60.180

30 RCW 15.60.190

31 RCW 15.60.210

32 RCW 15.60.220

33 RCW 15.60.900

34 NEW SECTION. Sec. 8. The following acts or parts of acts are each
35 repealed:

36 (1) RCW 15.60.007 (Industry apiary program) and 1994 c 178 s 2,
37 1993 c 89 s 2, & 1988 c 4 s 14;

- 1 (2) RCW 15.60.015 (Bee pests--Control--Quarantine) and 1993 c 89 s
2 4, 1988 c 4 s 2, 1977 ex.s. c 362 s 2, & 1961 c 11 s 15.60.015;
- 3 (3) RCW 15.60.020 (Abandoned hives--Impoundment) and 1993 c 89 s 5,
4 1988 c 4 s 3, 1975-'76 2nd ex.s. c 34 s 17, & 1961 c 11 s 15.60.020;
- 5 (4) RCW 15.60.025 (Specific rule-making authority) and 1993 c 89 s
6 6, 1988 c 4 s 4, & 1977 ex.s. c 362 s 8;
- 7 (5) RCW 15.60.030 (Bringing bees or equipment into state--
8 Requirements) and 1993 c 89 s 7, 1988 c 4 s 5, 1981 c 296 s 7, 1977
9 ex.s. c 362 s 3, 1965 c 44 s 1, & 1961 c 11 s 15.60.030;
- 10 (6) RCW 15.60.042 (Request of department services) and 1993 c 89 s
11 9 & 1988 c 4 s 7;
- 12 (7) RCW 15.60.100 (Director's powers) and 1993 c 89 s 12, 1988 c 4
13 s 10, 1981 c 296 s 10, 1977 ex.s. c 362 s 7, & 1961 c 11 s 15.60.100;
- 14 (8) RCW 15.60.110 (Access and entry by director) and 1993 c 89 s
15 13, 1988 c 4 s 11, 1977 ex.s. c 362 s 6, & 1961 c 11 s 15.60.110;
- 16 (9) RCW 15.60.120 (Queen bee rearing apiaries) and 1993 c 89 s 14,
17 1988 c 4 s 12, 1981 c 296 s 11, & 1961 c 11 s 15.60.120;
- 18 (10) RCW 15.60.140 (Africanized honey bees) and 1993 c 89 s 15,
19 1988 c 4 s 13, 1981 c 296 s 12, & 1961 c 11 s 15.60.140;
- 20 (11) RCW 15.60.150 (Unlawful acts enumerated) and 1993 c 89 s 16,
21 1981 c 296 s 13, & 1961 c 11 s 15.60.150; and
- 22 (12) RCW 15.60.230 (Injunction) and 1993 c 89 s 19.

23 NEW SECTION. **Sec. 9.** This act takes effect June 30, 2001.

Passed the House March 6, 2000.

Passed the Senate February 29, 2000.

Approved by the Governor March 24, 2000.

Filed in Office of Secretary of State March 24, 2000.