

HOUSE BILL REPORT

HB 1621

As Reported By House Committee On:
Agriculture & Rural Development

Title: An act relating to apiaries.

Brief Description: Modifying the regulation of apiaries.

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

Brief History:

Reported by House Committee on:
Agriculture & Rural Development, February 15, 1993, DPA.

HOUSE COMMITTEE ON AGRICULTURE & RURAL DEVELOPMENT

Majority Report: Do pass as amended. Signed by 10 members: Representatives Rayburn, Chair; Kremen, Vice Chair; Chandler, Ranking Minority Member; Schoesler, Assistant Ranking Minority Member; Chappell; Foreman; Grant; Karahalios; Lisk; and Roland.

Staff: Kenneth Hirst (786-7105).

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 of Amended Bill: 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 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 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 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. Under current law, exterminating bees found in swarms or in structures without movable frames and combs is expressly exempted from the crime of willfully or maliciously killing honey bees. 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 the apiary laws or rules.

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.

Services & 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 (WSU) 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 expressly authorized to conduct educational programs in cooperation with the industry and WSU.

Amended Bill Compared to Original Bill: The amendments clarify that a civil penalty cannot be levied if a violation has already been punished as a gross misdemeanor and restate a provision identifying a prohibited activity in the positive rather than the negative.

Fiscal Note: Available.

Effective Date of Amended Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: (1) The bill officially involves WSU in the state's beekeeping program. Educational programs from WSU are extremely important to the industry. (2) The bill simplifies the current law and removes obsolete and contradictory provisions. It sets the groundwork for addressing future problems. (3) The bill is needed to react to the very real threat of Africanized honey bee infestations.

Testimony Against: None.

Witnesses: William Brookreson, Department of Agriculture (pro); Dennis Sires, Sires Beeline Honey Company (pro); Bob Zahler, Washington State Beekeepers Association (pro); Keith Wiemerslage, Belleville Honey Company (pro); Jean Bassett, Hobbyist Beekeepers of Snohomish County (pro); and Robert Stump, Washington State Beekeepers and Pierce County Beekeepers (pro).