
SENATE BILL 6185

State of Washington

55th Legislature

1998 Regular Session

By Senators Morton and Rasmussen; by request of Department of Agriculture

Read first time 01/12/98. Referred to Committee on Agriculture & Environment.

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

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

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

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

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

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

1 ~~(3)~~ "Apiary" means a site where hives of bees or hives are kept or
2 found.

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

8 ~~((+5))~~ (2) "Africanized honey bee" means any bee of the subspecies
9 Apis mellifera scutellata.

10 (3) "Apiarist" means any person who owns bees or is a keeper of
11 bees in Washington.

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

14 (5) "Apparently free" means no specified bee pest was found during
15 inspection of survey activities.

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

18 (7) "Bee pests" means a disease, mite, or other parasite that
19 causes injury to bees.

20 (8) "Bees" means adult insects, eggs, larvae, pupae, or other
21 immature stages of the species *Apis mellifera*.

22 ~~((+8))~~ (9) "Broker" means a person, other than a sideline or
23 commercial beekeeper, engaged in pollinating agricultural crops for a
24 fee using hives that are owned by another person.

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

29 ~~((+9))~~ (11) "Colony" ~~((refers to))~~ means a natural group of bees
30 having a queen or queens.

31 ~~((+10))~~ (12) "Compliance agreement" means a written agreement
32 between the department and a person engaged in apiculture, or handling,
33 selling, or moving of hives or beekeeping equipment in which the person
34 agrees to comply with stipulated requirements.

35 ~~((+11))~~ (13) "Department" means the department of agriculture of
36 the state of Washington.

37 (14) "Director" means the director of the department or the
38 director's authorized representative.

1 (15) "Disease" means American foulbrood, European foulbrood,
2 chalkbrood, nosema, sacbrood, or any other viral, fungal, bacterial or
3 insect-related disease affecting bees or their brood.

4 (16) "Feral colony" means a colony of bees in a natural cavity or
5 a manufactured structure not intended for the keeping of bees on
6 movable frames and comb.

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

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

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

16 ~~(15))~~ (17) "Grower" means a person engaged in producing
17 agricultural crops, and a user of honey bees for pollination of the
18 crops.

19 (18) "Hive" means a manufactured receptacle or container prepared
20 for the use of bees, that includes movable frames, combs, and
21 substances deposited into the hive by bees.

22 ~~((16))~~ (19) "Netting" means a device made of fabricated material
23 and designed and utilized to prevent the escape of bees from beehives
24 during transit.

25 (20) "Person" means a natural person, individual, firm,
26 partnership, company, society, association, corporation, or every
27 officer, agent, or employee of one of these entities.

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

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

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

35 ~~(20))~~ (21) "Regulated bee pests" means a disease of bees for which
36 maximum allowable limits of infection, or mites, or other parasites are
37 set in rule.

1 (22) "Substantially free" means levels of specified bee pests found
2 during inspection or survey activities were within established
3 tolerances.

4 (~~(21) "Africanized honey bee" means any bee of the subspecies *Apis*~~
5 ~~*mellifera scutellata*.~~

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

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

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

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

15 **Sec. 2.** RCW 15.60.007 and 1994 c 178 s 2 are each amended to read
16 as follows:

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

25 (2) The four segments of the state's apiary industry are as
26 follows:

27 (a) Hobbyist beekeepers, who are persons owning less than twenty-
28 five hives with bees;

29 (b) Sideline beekeepers, who are persons owning twenty-five to five
30 hundred hives with bees;

31 (c) Commercial beekeepers, who are persons owning more than five
32 hundred hives with bees; and

33 (d) Brokers.

34 **Sec. 3.** RCW 15.60.010 and 1994 c 178 s 3 are each amended to read
35 as follows:

1 An apiary advisory committee is established to advise the director
2 on the administration of this chapter. The apiary advisory committee
3 may consist of up to ~~((eleven))~~ twelve members.

4 (1) The committee shall include six registered apiarists, appointed
5 by the director, and representing the major geographical divisions of
6 the beekeeping industry in the state as established in rule. In making
7 an appointment, the director shall seek nominations from ~~((the))~~
8 registered apiarists and beekeepers' organizations within the
9 geographic area ~~((and from nonaffiliated apiarists))~~. Apiarists may
10 nominate themselves. The director may only appoint apiarists
11 registered with the department for at least two years prior to
12 appointment.

13 (2) The committee shall include one registered broker appointed by
14 the director.

15 (3) The committee shall include the director and a representative
16 from the Washington State University apiary program or cooperative
17 extension.

18 ~~((+3))~~ (4) The committee may include up to three ~~((representatives~~
19 ~~of receivers of pollination services))~~ grower representatives appointed
20 by the director. Each representative shall be a grower or an official
21 representative of an organization that represents growers.

22 ~~((+4))~~ (5) The terms of the ~~((apiarist))~~ appointed members of the
23 committee shall be staggered and the members shall serve a term of
24 three years and until their successors have been appointed ~~((and~~
25 ~~qualified))~~. Apiarist and broker members must be registered with the
26 department throughout their term.

27 In the event a committee member resigns, is disqualified, or
28 vacates a position on the committee for any reason, the vacancy shall
29 be filled by the director under the provisions of this section. The
30 director may deem a committee position vacated if the member fails to
31 attend two consecutive meetings of the committee.

32 ~~((+5))~~ (6) The committee shall meet at least once yearly. It may
33 also meet at the call of the director or the request of any three
34 members of the committee. Members of the committee shall serve without
35 compensation but shall be reimbursed for travel expenses incurred in
36 attending meetings of the committee and any other official duty
37 authorized by the committee and approved by the director ~~((7))~~ pursuant
38 to RCW 43.03.050 and 43.03.060 ~~((7, if apiarists are charged a~~

1 registration fee, under RCW 15.60.050, to cover the expenses of the
2 committee)).

3 **Sec. 4.** RCW 15.60.030 and 1993 c 89 s 7 are each amended to read
4 as follows:

5 ((~~(1) It shall be unlawful for a person to bring any packaged bees,
6 queens, hives with or without bees, or other used beekeeping equipment
7 into this state for any purpose without first having secured a
8 certificate of inspection from the state of origin department of
9 agriculture, which shall be based on an official inspection, certifying
10 compliance with the requirements of this chapter and rules adopted
11 under this chapter. New equipment without bees shall not be regulated.~~

12 ~~(2) A copy of the certificate shall be sent to the department by
13 mail or telefax prior to shipment of hives with or without bees, or
14 equipment into the state and a copy shall accompany the shipment.
15 Queens and packaged bees are exempt from this subsection. The
16 certificate shall verify that the hives in a shipment are in compliance
17 with the limits established in rule for regulated bee pests, the state
18 of origin, the number of hives or description of other regulated items
19 in the shipment, and the destination of the shipment, including the
20 name and complete address and phone number of the person in charge of
21 the apiary location at destination.~~

22 ~~(3) Queen and package bee producers shall provide the department a
23 list of Washington destination shipments with names and addresses of
24 receivers by August 1st of each calendar year.~~

25 ~~(4) Packaged bees, queens, hives with or without bees, and
26 beekeeping equipment found by the director to have been imported in
27 violation of this section may be held for inspection by the department.
28 Inspection costs shall be charged to the apiarist in charge of the
29 bees, hives, or equipment. Fees collected shall be placed in the
30 apiary inspection account established in RCW 15.60.040.~~

31 ~~(5) A Washington registered apiarist who obtains a valid inspection
32 certificate and moves bees out of state for wintering shall be allowed
33 to return the bees to the state without an additional inspection
34 certificate provided that the bees are returned to the state prior to
35 May 15th each year.)) The director, by rule, may require submission of
36 a certificate of inspection certifying compliance with the requirements
37 of this chapter and the rules adopted under this chapter prior to the~~

1 shipment into this state of any packaged bees, queens, hives with or
2 without bees, or other used beekeeping equipment for any purpose.

3 **Sec. 5.** RCW 15.60.050 and 1994 c 178 s 6 are each amended to read
4 as follows:

5 Each person owning ~~((one))~~ five or more hives with bees, brokers
6 ~~((of))~~ renting five or more hives, and ~~((beekeepers))~~ apiarists
7 resident in other states who operate five or more hives in
8 Washington~~((,))~~ shall register with the director ~~((on or before))~~ by
9 April 1st each year. Persons owning or brokering less than five hives
10 may register with the director and shall do so by April 1st of each
11 year.

12 (1) The registration application shall include the name, address,
13 and phone number of the ~~((owner))~~ apiarist or broker, the number of
14 colonies of bees owned~~((, brokered,))~~ on March 1st of that year and/or
15 the number of colonies to be brokered or operated in Washington that
16 year, and ~~((such))~~ a registration fee ~~((as may be prescribed))~~ adopted
17 by the director in rule ~~((under subsection (2) of this section)).~~ The
18 director shall issue to each resident apiarist registered with the
19 department an apiarist identification number. ~~((The apiarist~~
20 ~~identification number shall be displayed on hives of an apiary in a~~
21 ~~manner prescribed by the director in rule.~~

22 ~~((2) A registration fee may be set in rule by the director, with the~~
23 ~~advice of the apiary advisory committee. The fee shall be used for~~
24 ~~covering the expenses of the apiary advisory committee and may be used~~
25 ~~for supporting the industry apiary program of the department or funding~~
26 ~~research projects of benefit to the apiary industry that the director~~
27 ~~may select upon the advice of the apiary advisory committee.))~~

28 (2) Persons not owning or operating hives in Washington may
29 register as associate apiarists. The registration application shall
30 include the name, address, and phone number of the person and a
31 registration fee prescribed by the director in rule. Associate
32 apiarists may not be nominated to the apiary advisory committee.

33 **Sec. 6.** RCW 15.60.040 and 1994 c 178 s 4 are each amended to read
34 as follows:

35 ~~((1))~~ There is hereby established a ~~((fee on the use, by growers~~
36 ~~of agricultural crops, of bee pollination services provided by others.~~
37 ~~This))~~ pollination service fee ~~((is in the amount))~~ of fifty cents for

1 each setting of each hive containing a colony that is (~~used by the~~
2 ~~grower~~) rented to a grower of agricultural crops. The fee shall be
3 paid to the department by the (~~grower using the service, shall be~~
4 ~~collected by the beekeeper~~) apiarist or broker providing the
5 service(~~, and shall be remitted by the beekeeper to the department as~~
6 ~~provided by rules adopted by the director.~~ All such fees shall be
7 deposited in the industry apiary program account. Revenues from these
8 fees shall be directed to use in providing services to the apiary
9 industry that assist in ensuring the vitality and availability of bees
10 for commercial pollination services for the agricultural industry.

11 (2) ~~There is established an industry apiary program account within~~
12 ~~the agricultural local fund. All money collected under this chapter~~
13 ~~including fees for requested services, required inspections, or~~
14 ~~treatments, registration fees, and apiary assessments shall be placed~~
15 ~~in the industry apiary program account. Money in the account may only~~
16 ~~be used to carry out the purposes of this chapter. No appropriation is~~
17 ~~required for disbursement from the industry apiary program account).~~
18 Half of the pollination service fees to be paid is due by July 1st of
19 each year. The balance is due by October 1st of each year. Apiarists
20 and brokers not required to register under this chapter are exempt from
21 paying this fee.

22 NEW SECTION. Sec. 7. Each apiarist and broker shall keep accurate
23 records of the number of colonies owned or operated and the number of
24 colonies rented to growers for pollination services during each
25 calendar year. The records shall be maintained for the two subsequent
26 years and shall be made available for audit upon request of the
27 director.

28 Sec. 8. RCW 15.60.042 and 1993 c 89 s 9 are each amended to read
29 as follows:

30 (~~A registered~~) An apiarist or other interested party may request
31 the services of an apiary inspector to provide inspection and
32 certification services to facilitate the movement of honey bees, bee
33 hives, or beekeeping equipment or to provide other requested services.
34 The director shall prescribe a fee for those services that shall, as
35 closely as practical, cover the full cost of the services rendered,
36 including the salaries and expenses of the personnel involved.

1 NEW SECTION. **Sec. 9.** To recover the costs of seminars, field
2 days, or other educational activities provided by the department under
3 this chapter, the director is authorized to charge reasonable fees of
4 those persons attending the activities.

5 **Sec. 10.** RCW 15.60.043 and 1994 c 178 s 5 are each amended to read
6 as follows:

7 ((The)) (1) Fees for inspection ((fees, registration fees,
8 ~~pollination service fees, and other charges provided in this chapter~~
9 ~~shall become~~)) and certification services and other requested services
10 are due and payable upon billing by the department. A late charge of
11 one and one-half percent per month shall be assessed on the unpaid
12 balance against persons more than thirty days in arrears.

13 (2) A late fee of fifty percent of the registration fee due shall
14 be assessed on required registrations received after April 1st.

15 (3) A late fee of fifty percent of the pollination service fees due
16 shall be assessed on pollination service fees received after their due
17 date. In addition, a late charge of one and one-half percent per month
18 shall be assessed on the amount due against persons more than thirty
19 days in arrears.

20 (4) In addition to any other penalties, the director may refuse to
21 perform an inspection or certification service or any other requested
22 service provided under this chapter for a person in arrears or who has
23 failed to pay fees required by this chapter or the rules adopted under
24 this chapter unless the person makes payment in full of all moneys due
25 prior to ((such inspection or certification)) performing the service.

26 NEW SECTION. **Sec. 11.** There is established an industry apiary
27 program account within the agricultural local fund. All moneys
28 collected under this chapter shall be deposited in the industry apiary
29 program account and used to carry out the purposes of this chapter.
30 Moneys also may be used for funding research projects of benefit to the
31 apiary industry that the director may select upon the advice of the
32 apiary advisory committee.

33 NEW SECTION. **Sec. 12.** The director may receive gifts, grants, and
34 endowments from public or private sources as may be made from time to
35 time, in trust or otherwise, for the use and benefit of the purposes of

1 this chapter and expend the same or any income therefrom according to
2 the terms of the gifts, grants, or endowments.

3 **Sec. 13.** RCW 15.60.150 and 1993 c 89 s 16 are each amended to read
4 as follows:

5 It (~~shall be~~) is unlawful for a person to:

6 (1) Willfully or maliciously kill honey bees in an apiary, or, for
7 the purpose of injuring honey bees place any poisonous or sweetened
8 substance in a place where it is accessible to them within this state
9 except that bees in swarms or feral colonies may be depopulated;

10 (2) Alter an official certificate or other official inspection
11 document for bees, hives, or beekeeping equipment covered by this
12 chapter or to represent a document as an official certificate where
13 such is not the case;

14 (3) Knowingly import into the state bees of the subspecies *Apis*
15 *mellifera scutellata* (Africanized honey bees) except as provided in
16 (~~RCW 15.60.120~~) rule;

17 (4) Resist, impede, or hinder the director in the discharge of the
18 director's duties and responsibilities under this chapter;

19 (5) Fail to take prompt and sufficient action to control regulated
20 bee pests in excess of limits set in rule;

21 (6) Abandon a hive;

22 (7) Maintain a hive, except for educational purposes, wherein the
23 combs or frames are immovable or that is so constructed as to impede or
24 hinder inspection;

25 (8) Provide false, misleading, or erroneous information when
26 registering as an apiarist or broker or remitting pollination service
27 fees.

28 **Sec. 14.** RCW 15.60.170 and 1993 c 89 s 17 are each amended to read
29 as follows:

30 (~~(1) ((A person who violates or fails to comply with any of the~~
31 ~~provisions of this chapter or any rule adopted under this chapter shall~~
32 ~~be guilty of a misdemeanor, and for a second and each subsequent~~
33 ~~violation a gross misdemeanor.~~

34 (~~2~~)) Whenever the director finds that a person has committed a
35 violation of any of the provisions of this chapter or any rule adopted
36 under this chapter (~~and that violation has not been punished as a~~
37 ~~misdemeanor or gross misdemeanor)), the director may impose and collect~~

1 a civil penalty not exceeding one thousand dollars for each violation.
2 Each violation shall be a separate and distinct offense. A person who
3 knowingly, through an act of omission or commission, procures or aids
4 or abets in the violation shall be considered to have violated this
5 section and may be subject to the civil penalty.

6 (2) When a civil penalty is imposed by the director, a person may
7 request a hearing under chapter 34.05 RCW.

8 NEW SECTION. Sec. 15. Fees established under chapter 15.60 RCW
9 may be increased in excess of the fiscal growth factor as provided in
10 RCW 43.135.055 during the year ending December 31, 1998.

11 NEW SECTION. Sec. 16. The following sections are codified or
12 recodified within chapter 15.60 RCW in the following order:

13 RCW 15.60.005

14 RCW 15.60.007

15 RCW 15.60.010

16 RCW 15.60.025

17 RCW 15.60.015

18 RCW 15.60.020

19 RCW 15.60.030

20 RCW 15.60.140

21 RCW 15.60.050

22 RCW 15.60.040

23 Section 7 of this act

24 RCW 15.60.042

25 Section 9 of this act

26 RCW 15.60.043

27 Section 11 of this act

28 Section 12 of this act

29 RCW 15.60.100

30 RCW 15.60.110

31 RCW 15.60.150

32 RCW 15.60.170

33 RCW 15.60.180

34 RCW 15.60.190

35 RCW 15.60.210

36 RCW 15.60.220

37 RCW 15.60.230

1 RCW 15.60.900.

2 NEW SECTION. **Sec. 17.** RCW 15.60.120 and 1993 c 89 s 14, 1988 c 4
3 s 12, 1981 c 296 s 11, & 1961 c 11 s 15.60.120 are each repealed.

4 NEW SECTION. **Sec. 18.** This act is necessary for the immediate
5 preservation of the public peace, health, or safety, or support of the
6 state government and its existing public institutions, and takes effect
7 immediately.

--- END ---