

2 EHB 2995 - S COMM AMD

3 By Committee on Agriculture & Rural Economic Development

4 ADOPTED 2/29/00

5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 15.60.005 and 1994 c 178 s 1 are each amended to read
8 as follows:

9 Unless the context clearly requires otherwise, the definitions in
10 this section apply throughout this chapter:

11 (1) "Department" means the department of agriculture of the state
12 of Washington.

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

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

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

22 ~~(5))~~ (5) "Apiarist" means any person who owns bees or is a keeper of
23 bees in Washington.

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

26 ~~(7))~~ (5) "Bees" means adult insects, eggs, larvae, pupae, or other
27 immature stages of the species Apis mellifera.

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

32 ~~(9))~~ (6) "Colony" refers to a natural group of bees having a queen
33 or queens.

34 (~~(10) "Compliance agreement" means a written agreement between the
35 department and a person engaged in apiculture, or handling, selling, or~~

1 moving of hives or beekeeping equipment in which the person agrees to
2 comply with stipulated requirements.

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

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

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

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

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

18 ((16)) (8) "Person" means a natural person, individual, firm,
19 partnership, company, society, association, corporation or every
20 officer, agent, or employee of one of these entities.

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

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

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

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

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

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

35 (23))) (9) "Broker" means a person((7)) who is engaged in
36 pollinating agricultural crops((7)) for a fee using hives that are
37 owned by another person.

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

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

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

6 ~~(1) The committee shall include six apiarists, appointed by the~~
7 ~~director, and representing the major geographical divisions of the~~
8 ~~beekeeping industry in the state as established in rule. In making an~~
9 ~~appointment, the director shall seek nominations from the beekeepers'~~
10 ~~organizations within the geographic area and from nonaffiliated~~
11 ~~apiarists. Apiarists may nominate themselves.~~

12 ~~(2) The committee shall include the director and a representative~~
13 ~~from the Washington State University apiary program or cooperative~~
14 ~~extension.~~

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

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

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

23 ~~(5))~~ The director may establish an apiary advisory committee
24 including members representing the major segments of the apiary
25 industry including commercial and noncommercial beekeepers,
26 representatives from the Washington State University apiary program or
27 cooperative extension, and receivers of pollination services as deemed
28 appropriate.

29 The committee shall advise the director on administration of this
30 chapter and issues affecting the apiary industry. The committee may
31 also advise the director on the funding of research projects of benefit
32 to the apiary industry.

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

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

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

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

9 ((1)) (2) The registration application shall include:

10 (a) The name, address, and phone number of the ((owner)) apiarist
11 or broker((,)):

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

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

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

18 (3) The director shall issue to each ((resident)) apiarist or
19 broker registered with the department an apiarist identification
20 number. ((The apiarist identification number shall be displayed on
21 hives of an apiary in a 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 **Sec. 4.** RCW 15.60.043 and 1994 c 178 s 5 are each amended to read
29 as follows:

30 ((The inspection fees, registration fees, pollination service fees,
31 and other charges provided in this chapter shall become due and payable
32 upon billing by the department.)) A late ((charge)) fee of one and
33 one-half percent per month shall be assessed on ((the unpaid balance
34 against persons more than thirty days in arrears. In addition to any
35 other penalties, the director may refuse to perform an inspection or
36 certification service for a person in arrears unless the person makes

1 ~~payment in full prior to such inspection or certification service))~~
2 registration fees received after April 1st.

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

5 ~~((1) There is hereby established a fee on the use, by growers of~~
6 ~~agricultural crops, of bee pollination services provided by others.~~
7 ~~This pollination service fee is in the amount of fifty cents for each~~
8 ~~setting of each hive containing a colony that is used by the grower.~~
9 ~~The fee shall be paid by the grower using the service, shall be~~
10 ~~collected by the beekeeper providing the service, and shall be remitted~~
11 ~~by the beekeeper to the department as provided by rules adopted by the~~
12 ~~director. All such fees shall be deposited in the industry apiary~~
13 ~~program account. Revenues from these fees shall be directed to use in~~
14 ~~providing services to the apiary industry that assist in ensuring the~~
15 ~~vitality and availability of bees for commercial pollination services~~
16 ~~for the agricultural industry.~~

17 ~~(2) There is established an industry apiary program account within~~
18 ~~the agricultural local fund.)) All money collected under this chapter~~
19 ~~((including fees for requested services, required inspections, or~~
20 ~~treatments, registration fees, and apiary assessments)) shall be placed~~
21 ~~in ((the industry apiary program)) an account in the agricultural local~~
22 ~~fund. Money in the account ((may only)) shall be used to carry out the~~
23 ~~purposes of this chapter and may be used for apiary-related activities~~
24 ~~of the department or funding research projects of benefit to the apiary~~
25 ~~industry that the director may select upon the advice of the apiary~~
26 ~~advisory committee. No appropriation is required for disbursement from~~
27 ~~the ((industry apiary program)) account.~~

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

30 Unless the context clearly requires otherwise, the definitions in
31 this section apply throughout this chapter.

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

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

35 (3) "Quarantine" means a rule issued by the department that
36 prohibits or regulates the movement of articles, bees, plants, or plant
37 products from designated quarantine areas within or outside the state

1 to prevent the spread of disease, plant pathogens, or pests to
2 nonquarantine areas.

3 (4) "Plant pest" means a living stage of an insect, mite, nematode,
4 slug, snail, or protozoa, or other invertebrate animal, bacteria,
5 fungus, or parasitic plant, or their reproductive parts, or viruses, or
6 an organism similar to or allied with any of the foregoing plant pests,
7 including a genetically engineered organism, or an infectious substance
8 that can directly or indirectly injure or cause disease or damage in
9 plants or parts of plants or in processed, manufactured, or other
10 products of plants.

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

15 (6) "Certificate" or "certificate of inspection" means an official
16 document certifying compliance with the requirements of this chapter.
17 The term "certificate" includes labels, rubber stamp imprints, tags,
18 permits, written statements, or a form of inspection and certification
19 document that accompanies the movement of inspected and certified plant
20 material and plant products, or bees, bee hives, or beekeeping
21 equipment.

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

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

31 (9) "Genetically engineered organism" means an organism altered or
32 produced through genetic modification from a donor, vector, or
33 recipient organism using recombinant DNA techniques, excluding those
34 organisms covered by the food, drug and cosmetic act (21 U.S.C. Secs.
35 301-392).

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

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

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

8 (13) "Regulated article" means a plant or plant product, bees or
9 beekeeping equipment, noxious weed or other articles or equipment
10 capable of harboring or transporting plant or bee pests or noxious
11 weeds that is specifically addressed in rules or quarantines adopted
12 under this chapter.

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

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

19 (16) "Bees" means (~~(honey producing insects of the species apis~~
20 ~~mellifera and includes the adults, eggs, larvae, pupae, and other~~
21 ~~immature stages of)) adult insects, eggs, larvae, pupae, or other
22 immature stages of the species Apis mellifera.~~

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

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

32 (19) "Biological control agent" means a parasite, predator, or
33 pathogen intentionally released, by humans, into a target host or prey
34 population with the intent of causing population reduction of that host
35 or prey.

36 (20) "Emergency" means a situation where there is an imminent
37 danger of an infestation of plant pests or disease that seriously
38 threatens the state's agricultural or horticultural industries or

1 environment and that cannot be adequately addressed with normal
2 procedures or existing resources.

3 NEW SECTION. **Sec. 7.** The following sections are recodified within
4 chapter 15.60 RCW in the following order:

5 RCW 15.60.005

6 RCW 15.60.010

7 RCW 15.60.050

8 RCW 15.60.043

9 RCW 15.60.040

10 RCW 15.60.170

11 RCW 15.60.180

12 RCW 15.60.190

13 RCW 15.60.210

14 RCW 15.60.220

15 RCW 15.60.900

16 NEW SECTION. **Sec. 8.** The following acts or parts of acts are each
17 repealed:

18 (1) RCW 15.60.007 (Industry apiary program) and 1994 c 178 s 2,
19 1993 c 89 s 2, & 1988 c 4 s 14;

20 (2) RCW 15.60.015 (Bee pests--Control--Quarantine) and 1993 c 89 s
21 4, 1988 c 4 s 2, 1977 ex.s. c 362 s 2, & 1961 c 11 s 15.60.015;

22 (3) RCW 15.60.020 (Abandoned hives--Impoundment) and 1993 c 89 s 5,
23 1988 c 4 s 3, 1975-'76 2nd ex.s. c 34 s 17, & 1961 c 11 s 15.60.020;

24 (4) RCW 15.60.025 (Specific rule-making authority) and 1993 c 89 s
25 6, 1988 c 4 s 4, & 1977 ex.s. c 362 s 8;

26 (5) RCW 15.60.030 (Bringing bees or equipment into state--
27 Requirements) and 1993 c 89 s 7, 1988 c 4 s 5, 1981 c 296 s 7, 1977
28 ex.s. c 362 s 3, 1965 c 44 s 1, & 1961 c 11 s 15.60.030;

29 (6) RCW 15.60.042 (Request of department services) and 1993 c 89 s
30 9 & 1988 c 4 s 7;

31 (7) RCW 15.60.100 (Director's powers) and 1993 c 89 s 12, 1988 c 4
32 s 10, 1981 c 296 s 10, 1977 ex.s. c 362 s 7, & 1961 c 11 s 15.60.100;

33 (8) RCW 15.60.110 (Access and entry by director) and 1993 c 89 s
34 13, 1988 c 4 s 11, 1977 ex.s. c 362 s 6, & 1961 c 11 s 15.60.110;

35 (9) RCW 15.60.120 (Queen bee rearing apiaries) and 1993 c 89 s 14,
36 1988 c 4 s 12, 1981 c 296 s 11, & 1961 c 11 s 15.60.120;

1 (10) RCW 15.60.140 (Africanized honey bees) and 1993 c 89 s 15,
2 1988 c 4 s 13, 1981 c 296 s 12, & 1961 c 11 s 15.60.140;
3 (11) RCW 15.60.150 (Unlawful acts enumerated) and 1993 c 89 s 16,
4 1981 c 296 s 13, & 1961 c 11 s 15.60.150; and
5 (12) RCW 15.60.230 (Injunction) and 1993 c 89 s 19.

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

7 **EHB 2995** - S COMM AMD

8 By Committee on Agriculture & Rural Economic Development

9 ADOPTED 2/29/00

10 On page 1, line 1 of the title, after "apiaries;" strike the
11 remainder of the title and insert "amending RCW 15.60.005, 15.60.010,
12 15.60.050, 15.60.043, 15.60.040, and 17.24.007; adding new sections to
13 chapter 15.60 RCW; recodifying RCW 15.60.005, 15.60.010, 15.60.050,
14 15.60.043, 15.60.040, 15.60.170, 15.60.180, 15.60.190, 15.60.210,
15 15.60.220, and 15.60.900; repealing RCW 15.60.007, 15.60.015,
16 15.60.020, 15.60.025, 15.60.030, 15.60.042, 15.60.100, 15.60.110,
17 15.60.120, 15.60.140, 15.60.150, and 15.60.230; and providing an
18 effective date."

--- END ---