

(6) The department of corrections may release an offender from confinement any time within ten days before a release date calculated under this section; and

(7) An offender may leave a correctional facility prior to completion of his sentence if the sentence has been reduced as provided in RCW 9.94A.160.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House January 25, 1988.

Passed the Senate February 24, 1988.

Approved by the Governor March 8, 1988.

Filed in Office of Secretary of State March 8, 1988.

CHAPTER 4

[Substitute House Bill No. 1472]

APIARIES

AN ACT Relating to apiaries; amending RCW 15.60.005, 15.60.015, 15.60.020, 15.60.025, 15.60.030, 15.60.040, 15.60.043, 15.60.050, 15.60.100, 15.60.110, 15.60.120, and 15.60.140; adding new sections to chapter 15.60 RCW; and repealing RCW 15.60.045, 15.60.060, 15.60.080, 15.60.115, and 15.60.130.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 15.60.005, chapter 11, Laws of 1961 as amended by section 1, chapter 362, Laws of 1977 ex. sess. and RCW 15.60.005 are each amended to read as follows:

As used in this chapter:

(1) "Director" means the director of agriculture of the state of Washington;

(2) "Department" means the department of agriculture of the state of Washington;

(3) "Apiary" includes bees, hives, and appliances, wherever they are kept, located, or found;

(4) "Abandoned apiary" means an apiary that has not been supered in the spring, unsupered in the fall, or otherwise managed for a period of twelve months;

(5) "Apiarist" means any person who owns bees or is a keeper of bees;

~~((5))~~ (6) "Appliances" means any implements or devices used in the manipulating of bees ~~((or))~~, their brood or hives, which may be used in any apiary or any extracting or packing equipment;

~~((6))~~ (7) "Bees" means honey producing insects of the species *apis mellifera* and include the adults, eggs, larvae, pupae, or other immature

stages thereof(~~(, together with such materials as are deposited into hives by their adults, except honey and beeswax in rendered form));~~);

~~((7))~~ (8) "Certificate" means an inspection document, showing the presence of or freedom from a disease, and origin of shipment documentation which shall be an official document of the regulatory agency responsible for issuance;

(9) "Colony" or "colonies of bees" refers to any ~~((hive occupied by bees))~~ natural group of bees having a queen;

~~((8))~~ (10) "Disease" ~~((means))~~ includes but is not limited to American foulbrood ((or)), European foulbrood, chalkbrood, nosema, sacbrood, external and internal mites, or any other viral, fungal, bacterial or insect-related disease or any condition affecting bees or their brood which may cause an epidemic;

~~((9))~~ (11) "Hive" means any receptacle or container made or prepared for the use of bees, or box or ~~((similar))~~ other container taken possession of by bees, including movable frames, combs, or substances deposited into the hive by bees;

~~((10))~~ (12) "Location" means any premises upon which an apiary is located;

~~((11))~~ (13) "Person" includes any individual, firm, partnership, association, or corporation, but does not include any common carrier when engaged in the business of transporting bees, hives, appliances, bee cages, or other commodities subject to the provisions of this chapter, in the regular course of business;

~~((12))~~ (14) "Inspector" means an apiary inspector authorized by the director to inspect apiaries as provided in this chapter.

Sec. 2. Section 15.60.015, chapter 11, Laws of 1961 as amended by section 2, chapter 362, Laws of 1977 ex. sess. and RCW 15.60.015 are each amended to read as follows:

(1) The director shall have the power on his own motion or by petition of industry to promulgate and enforce such reasonable rules, regulations, and orders as he may deem necessary or proper to prevent the introduction or spreading of diseases affecting bees or appliances in this state, and to promulgate and enforce such reasonable rules, regulations, and orders as he may deem necessary or proper governing the inspection of all bees and appliances within or about to be imported into this state. Such rules may include establishment of:

(a) Standards of strength for colonies of bees used for pollinating services(~~(, and));~~);

(b) ~~((a system of))~~ A beekeeper certification program for those whose colony management systems consistently have only low levels of American foulbrood;

(c) Identification for bee hives; and

(d) Maximum levels of American foulbrood which would prohibit interstate movement of inspected colonies and the colony conditions and inspection season under which such inspections will be conducted.

~~(2) ((The director shall establish rules to define abandoned apiaries and the control thereof:~~

~~(3))) All rules, regulations, and orders under this section shall be adopted in accordance with chapter 34.04 RCW.~~

Sec. 3. Section 15.60.020, chapter 11, Laws of 1961 as amended by section 17, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 15.60.020 are each amended to read as follows:

(1) The director shall have authority to enter into reciprocal agreements with any and all states for the prevention or spread of diseases affecting bees or appliances. The director shall appoint one or more apiary inspectors as conditions may warrant, who shall, under his direction((:);

(a) Have charge of the inspection of apiaries((:)) and bees((; the investigation of));

(b) Investigate outbreaks of bee diseases((; investigation of bee poisoning by agricultural insecticides));

(c) Investigate bee losses suspected of being caused by pesticides and other chemicals((:));

(d) Investigate bee losses or economic losses as requested by industry;

(e) Perform colony strength inspections;

(f) Perform inspections for out-of-state movement of bees or appliances;

(g) Inspect queen bee rearing apiaries;

(h) Conduct surveys in support of this chapter;

(i) Conduct the enforcement of quarantine regulations as may be promulgated by the department;

(j) Conduct the enforcement of the provisions of this chapter in relation to the eradication and control of bee diseases((; or)); and

(k) Perform any other such duties as the director may prescribe.

(2) Such apiary inspector, or inspectors, shall be paid such reasonable compensation as may be fixed by the director while so employed and travel expenses incurred in the performance of ((his)) their duties in accordance with RCW 43.03.050 and 43.03.060 ((as now existing or hereafter amended)).

(3) Services or inspections requested by industry shall only be performed for apiarists in compliance with this chapter. The director shall charge the person requesting the inspector's services all costs including per diem and travel expenses, with the proceeds to be placed in the apiary inspection fund within the agricultural local fund.

Sec. 4. Section 8, chapter 362, Laws of 1977 ex. sess. and RCW 15.60.025 are each amended to read as follows:

There is created in the department the apiary advisory board, hereafter in this section referred to as the "board", consisting of six members appointed by the director. The members of the board shall be beekeepers representing the major geographical divisions of the beekeeping industry in the state. Such geographical divisions shall be determined by the director in accordance with the provisions of chapter 34.04 RCW. In making ~~((his))~~ the selection of the membership of the board, the director shall take into consideration the recommendations of the beekeeping industry.

The term of office of the members of the board shall be three years. ~~((Appointment of the first members of the board shall be so made that the terms of two members shall expire at the end of one year, two at the end of two years, and two at the end of three years. Thereafter appointments shall be for full three year terms.))~~ No person shall serve two successive terms as a member of the board.

The director may appoint a department representative as the secretary of the board.

The board shall be advisory to the director on all matters relating to the beekeeping industry and may make recommendations on all matters affecting the activities of the department in relation to the beekeeping industry.

The board shall meet at the call of the director or at the request of any three members of the board. It shall meet at least once each year.

Each member of the board shall serve without compensation, but shall be reimbursed for travel expenses incurred in attending meetings of the board and any other official duty authorized by the board and approved by the director in accordance with RCW 43.03.050 and 43.03.060: PROVIDED, HOWEVER, That the board shall be compensated only if apiarists are charged a sufficient fee to cover the expenses of the apiary board.

Sec. 5. Section 15.60.030, chapter 11, Laws of 1961 as last amended by section 7, chapter 296, Laws of 1981 and RCW 15.60.030 are each amended to read as follows:

Each person owning or having bees in his or her possession shall register with the director the name, address, and phone number of the owner, and identify the ~~((bee yard))~~ apiary as provided for herein, on or before April 1st each year. A registration fee may be set by the department of agriculture in compliance with chapter 34.04 RCW for the ~~((sole))~~ purpose of covering the expenses of the apiary board, or otherwise at the request of the industry. The fees shall be placed in the apiary inspection fund of the department.

The director shall issue to each apiarist owning or operating more than twenty-five colonies in the state who is registered with the department an apiarist identification number. ~~((Yards))~~ Apiary locations shall be identified by displaying the assigned identification number in at least four inch characters on the side and top of some colonies in each ~~((yard))~~ apiary location.

The identification shall be in a color that contrasts with the color of the hive. This identification shall be conspicuous to anyone approaching the ~~((bee yard. PROVIDED, That any identification number assigned to an apiarist prior to September 21, 1977 shall be assigned to such apiarist as his identification number))~~ apiary location. Any apiarist owning or operating no more than twenty-five colonies shall, when placing bees on other than his or her own property, ~~((post))~~ place his or her name and address ~~((in the apiary))~~ so as to be conspicuous to anyone approaching the apiary location.

Sec. 6. Section 15.60.040, chapter 11, Laws of 1961 as last amended by section 8, chapter 296, Laws of 1981 and RCW 15.60.040 are each amended to read as follows:

(1) The director shall make or cause to be made whenever ~~((he))~~ the director deems it necessary, inspections of all apiaries.

(2) Whenever a disease exists in any apiary, the inspector making the inspection may quarantine the apiary and shall plainly mark the hives containing diseased bees. The inspector shall, in writing, notify the owner or person in charge or in possession of such apiary ~~((by certified or registered mail))~~, stating in the notice the nature of the disease found in each colony, identifying such colony by reference to the mark placed upon the hive thereof, and ordering eradication of such disease in accordance with subsections (3) and (4) of this section or as prescribed by the director within a specified time. When the owner or person in charge or in possession of any apiary ~~((is not known))~~ cannot be contacted immediately, the notice shall be served by ~~((posting in a conspicuous place))~~ placing conspicuously in the apiary, or by mailing a copy thereof to the owner's registered address.

(3) The owner or person in charge or in possession of any diseased bees or hives must eradicate such disease within the time specified in the notice. If the disease is American foulbrood, the time specified in the notice shall not be less than twenty-four hours nor more than one hundred and twenty hours from the time of serving the notice.

(4) The owner or person in charge or in possession of any hive infected with American foul brood shall eradicate such disease by:

(a) Burning the diseased hive including bees, combs, frames, honey, and wax, and burying the ashes by means approved by the director; or

(b) Delivering the hive, comb intact, to a wax salvage plant or ~~((authorized))~~ fumigation chamber which has been authorized and designated by the director as suitable for such purposes which shall disinfect the hive by means approved by the director.

(5) Any apiary which is found ~~((to be))~~ infected with ~~((American foul brood))~~ disease and to be dangerous to the health of any apiary in this state may be summarily quarantined by the department. Notice of the quarantine shall be ~~((posted prominently on))~~ placed conspicuously in the apiary, and the owner notified of such quarantine. The quarantine shall not be removed until the department reasonably determines that no further infection exists.

During the quarantine period, no bees, honey, appliances, ~~((equipment;))~~ or other materials may be removed from the apiary without first procuring a permit from the department. ~~((However, such bees, honey, appliances, equipment, or other materials may be removed for the purpose of eradicating the disease.))~~

(6) If the inspector finds that American foulbrood disease has infected more than two hives of ninety-nine hives or fewer, or more than two percent of hives of one hundred or more, ~~((he))~~ the inspector may, if he or she deems it necessary, make a complete inspection of all hives in the apiary and the owner of the apiary shall pay the actual and necessary costs of the complete inspection.

~~(7) ((Every apiary in which American foul brood is found shall be declared a public nuisance. Whenever any such nuisance exists and the owner refuses or neglects to abate it within the time specified in the notice issued under subsection (2) of this section, the inspector shall abate said nuisance. The owner shall pay the actual and necessary costs of abatement.~~

~~(8))~~ The owner or operator of any colony of bees found to be infected with American foulbrood shall upon his or her request be entitled to a scientific analysis of such colony before it is declared a public nuisance by the director. The results of such analysis shall be conclusive as to whether the colony is diseased. The costs of such scientific analysis shall be paid by the apiarist owning or operating the colonies being analyzed if it is found to be diseased. In case the colony is found not to be diseased, the department shall pay the cost of the scientific analysis. The laboratory performing such scientific analysis shall be approved by the director.

A person who has inspected an infected apiary or knowingly comes in contact with any diseased bees, shall, before proceeding to another apiary, thoroughly disinfect his or her person, clothing, tools, and appliances that have come in contact with any infected bees or material.

NEW SECTION. Sec. 7. A new section is added to chapter 15.60 RCW to read as follows:

(1) The following are declared a public nuisance and in violation of this chapter:

- (a) Any apiary in which American foulbrood is found;
- (b) Any hives wherein the combs or frames are immovable or which are so constructed as to impede or hinder inspection;
- (c) Any abandoned apiary; and
- (d) Any colony of *apis mellifera scutellata* or hybrid of that subspecies.

(2) The inspector shall give notice of such violation in the manner provided in RCW 15.60.040. Whenever any such nuisance exists and the owner refuses or fails to abate it within the time specified in the notice, the department shall abate the nuisance. The owner shall pay the actual and necessary costs of abatement, with the proceeds to be placed in the apiary inspection fund of the department.

(3) Whenever the director finds that an apiary has been abandoned and that the apiary constitutes a threat of disease to bees, the director may seize and destroy the abandoned apiary. Before doing so, however, the director shall make a reasonable effort to identify the owner of the apiary and provide the owner with notice of the director's intent to seize and destroy the apiary and with opportunity to take possession of the apiary and eliminate the threat of disease. If ownership cannot be readily ascertained and if the apiary is considered to have value, then the director shall provide for notice by publication. However, notice by publication need not be provided if the value is less than the publication costs. Whenever an owner reclaims an abandoned apiary, the owner shall be liable for all costs of the department resulting from the abandonment.

Sec. 8. Section 9, chapter 362, Laws of 1977 ex. sess. as amended by section 9, chapter 296, Laws of 1981 and RCW 15.60.043 are each amended to read as follows:

An ~~((owner of bees))~~ apiarist or his or her pollination customer may request the director to make a colony strength inspection of any colony of bees. The director, subject to the availability of qualified personnel, shall make such inspection but shall provide the apiarist with advance notice, when possible, of the inspection date. ~~((The director shall charge the person requesting such inspection the costs of such inspection, including per diem and travel expenses of the inspector.))~~ A copy of the inspection certificate ~~((report))~~ shall be sent to the person ~~((or persons owning the bees))~~ requesting the inspection and the apiarist within forty-eight hours of the colony strength inspection.

The colony strength requirement shall be decided on a yearly basis by the director, in cooperation with the apiary advisory board created by RCW 15.60.025.

Sec. 9. Section 15.60.050, chapter 11, Laws of 1961 as amended by section 5, chapter 362, Laws of 1977 ex. sess. and RCW 15.60.050 are each amended to read as follows:

Inspectors shall have access to all apiaries and places where bees, hives, or ~~((other related equipment))~~ appliances are kept, and it shall be unlawful to resist, impede, or hinder such ~~((officers))~~ inspectors in the discharge of their duties.

Sec. 10. Section 15.60.100, chapter 11, Laws of 1961 as last amended by section 10, chapter 296, Laws of 1981 and RCW 15.60.100 are each amended to read as follows:

(1) It shall be unlawful for any person ~~((, or any railroad or transportation company,))~~ or ~~((other))~~ common carrier ~~((;))~~ to bring into this state for any purpose any bees or used appliances, except empty used package bee cages, without first having secured an official certificate, ~~((certified))~~ which shall be based on an inspection performed no more than sixty days prior to

movement (except by special permission from the department) by the state bee inspector of the state of origin ((that such bees and appliances are not infected with disease)) and an import permit issued by the department. The import permit with specific requirements may be obtained by mailing the original copy of the state of origin certificate and a request for a permit to the apiary inspection division of the department. ((Written notice shall be given by the owner to the director within three days after the date of arrival, giving the date of arrival, destination and/or location of bees or used appliances, and a copy of the inspection certificate issued by the state of origin)) Queen and package producers shall provide a list of Washington destination shipments with names and addresses at the end of the shipping season.

(2) The certificate shall contain, but not be limited to, a statement that the shipment is not infected with American foulbrood or other diseases regulated by the department and the state of origin and shall specify all diseases noted at the time of inspection and the number of colonies in the shipment. It shall also indicate the destination of the apiary, giving the name and complete address or phone number of the apiarist in charge of the apiary location at destination.

(3) A copy of the import permit shall accompany the shipment into Washington. Bees and appliances found to have been imported without compliance with this section may be summarily quarantined and inspected by the department. Inspection costs, including per diem and travel expenses, shall be charged to the apiarist in charge of the colonies. Fees collected shall be placed in the apiary inspection fund of the department.

(4) Nets or other devices approved by the director shall be required on all loads of hives containing bee colonies entering or leaving the state to prevent the escape of bees during transit.

(5) Each apiary or location shall be marked for identification by placing the name and address of the person importing the bees, hives, or used appliances in letters at least one inch in height so as to be conspicuous to anyone approaching the apiary location.

(6) If evidence of any disease is found, such imported bees or appliances shall be subject to the same provisions as local Washington bees or appliances. ((Each person who brings colonies of bees into this state shall register such colonies, as provided by RCW 15.60.030, within three days.))

(7) A resident beekeeper of Washington state who obtains a valid inspection certificate and moves his or her bees out of state for wintering ((shall)) may not be required to obtain an inspection certificate from the state from which they are being returned, provided that the bees are returned to the state prior to May 15th each year.

(8) A resident beekeeper of Washington state who moves his or her bees out of state for summer pasture shall be required to obtain an inspection certificate from that state prior to returning to Washington, even

though the bees may winter in a third state prior to returning to Washington.

Sec. 11. Section 15.60.110, chapter 11, Laws of 1961 as amended by section 6, chapter 362, Laws of 1977 ex. sess. and RCW 15.60.110 are each amended to read as follows:

No person shall knowingly import into this state any bees of the subspecies *apis mellifera* (~~(adonsonii)~~) scutellata, or (~~(African)~~) Africanized honey bees, except for research purposes under permit from the director and under conditions as set forth by the director.

Sec. 12. Section 15.60.120, chapter 11, Laws of 1961 as amended by section 11, chapter 296, Laws of 1981 and RCW 15.60.120 are each amended to read as follows:

Every person rearing queen bees for sale shall (~~(have)~~) request each queen rearing apiary be inspected (~~((whenever necessary and))~~) when conditions are favorable for inspection. If the inspection discloses any contagious or infectious disease in any apiary, the (~~(owner, lessee, or person in charge of such apiary)~~) apiarist shall not ship any queen bees therefrom until he or she receives a certificate in writing from the inspector that such apiary is apparently free from disease.

No person rearing queen bees for sale may use honey in making candy for use in mailing cages unless the honey has been boiled for at least thirty minutes.

Sec. 13. Section 15.60.140, chapter 11, Laws of 1961 as amended by section 12, chapter 296, Laws of 1981 and RCW 15.60.140 are each amended to read as follows:

Any person who violates any provisions of this chapter shall (~~(be guilty of a misdemeanor. Upon a second and subsequent violation and conviction, the same shall constitute a gross misdemeanor)~~) have committed a class I civil infraction as provided in chapter 7.80 RCW.

NEW SECTION. Sec. 14. A new section is added to chapter 15.60 RCW to read as follows:

The apiary inspection fund shall be part of the agricultural local fund. No appropriation is required for disbursements from the apiary inspection fund.

NEW SECTION. Sec. 15. The following acts or parts of acts are each repealed:

(1) Section 10, chapter 362, Laws of 1977 ex. sess. and RCW 15.60-.045;

(2) Section 15.60.060, chapter 11, Laws of 1961 and RCW 15.60.060;

(3) Section 15.60.080, chapter 11, Laws of 1961, section 22, chapter 3, Laws of 1983 and RCW 15.60.080;

(4) Section 15.60.115, chapter 11, Laws of 1961 and RCW 15.60.115; and

(5) Section 15.60.130, chapter 11, Laws of 1961 and RCW 15.60.130.

Passed the House February 3, 1988.

Passed the Senate February 29, 1988.

Approved by the Governor March 9, 1988.

Filed in Office of Secretary of State March 9, 1988.

CHAPTER 5

[Substitute House Bill No. 1473]

FOOD PROCESSORS

AN ACT Relating to food processors; amending RCW 69.07.040, 69.07.050, 19.02.110, 69.07.100, and 69.08.045; and repealing RCW 69.12.010, 69.12.020, 69.12.030, 69.12.040, 69.12.050, 69.12.060, 69.12.070, 69.12.080, 69.12.110, 69.12.120, 69.16.010, 69.16.015, 69.16.020, 69.16.021, 69.16.022, 69.16.023, 69.16.030, 69.16.040, 69.16.050, 69.16.060, 69.16.070, 69.16.080, 69.16.090, 69.16.100, 69.16.110, 69.16.115, 69.16.120, 69.16.130, 69.16.160, 69.16.170, 69.16.900, 69.20.005, 69.20.007, 69.20.010, 69.20.011, 69.20.012, 69.20.013, 69.20.014, 69.20.020, 69.20.030, 69.20.040, 69.20.050, 69.20.060, 69.20.070, 69.20.080, 69.20.090, 69.20.110, 69.20.120, 69.20.150, and 69.20.900.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 4, chapter 121, Laws of 1967 ex. sess. as amended by section 2, chapter 68, Laws of 1969 and RCW 69.07.040 are each amended to read as follows:

It shall be unlawful for any person to operate a food processing plant or process foods without first having obtained an annual license from the department, which shall expire on the 31st day of March following issuance. A separate license shall be required for each food processing plant. Application for a license shall be on a form prescribed by the director and accompanied by a ((ten)) twenty-five dollar annual license fee. Such application shall include the full name of the applicant for the license and the location of the food processing plant he intends to operate. If such applicant is an individual, receiver, trustee, firm, partnership, association or corporation, the full name of each member of the firm or partnership, or names of the officers of the association or corporation shall be given on the application. Such application shall further state the principal business address of the applicant in the state and elsewhere and the name of a person domiciled in this state authorized to receive and accept service of summons of legal notices of all kinds for the applicant, and any other necessary information prescribed by the director. Upon the approval of the application by the director and compliance with the provisions of this chapter, including the applicable regulations adopted hereunder by the department, the applicant shall be issued a license or renewal thereof.

Sec. 2. Section 5, chapter 121, Laws of 1967 ex. sess. and RCW 69.07.050 are each amended to read as follows:

If the application for renewal of any license provided for under this chapter is not filed prior to April 1st in any year, an additional fee of