

(45) Section 4, chapter 73, Laws of 1967 ex. sess., section 7, chapter 178, Laws of 1971 ex. sess. and RCW 29.72.040;

(46) Section 5, chapter 73, Laws of 1967 ex. sess., section 9, chapter 178, Laws of 1971 ex. sess., section 9, chapter 127, Laws of 1974 ex. sess. and RCW 29.72.050;

(47) Section 6, chapter 73, Laws of 1967 ex. sess., section 10, chapter 178, Laws of 1971 ex. sess., section 10, chapter 127, Laws of 1974 ex. sess. and RCW 29.72.060;

(48) Section 7, chapter 73, Laws of 1967 ex. sess., section 11, chapter 178, Laws of 1971 ex. sess., section 11, chapter 127, Laws of 1974 ex. sess. and RCW 29.72.070;

(49) Section 8, chapter 73, Laws of 1967 ex. sess., section 12, chapter 178, Laws of 1971 ex. sess. and RCW 29.72.080;

(50) Section 14, chapter 178, Laws of 1971 ex. sess. and RCW 29.72.910;

(51) Section 29.82.050, chapter 9, Laws of 1965 and RCW 29.82.050; and

(52) Section 29.82.150, chapter 9, Laws of 1965 and RCW 29.82.150.

NEW SECTION. Sec. 112. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 113. This 1977 amendatory act shall take effect January 1, 1978.

Passed the Senate June 21, 1977.

Passed the House June 10, 1977.

Approved by the Governor July 7, 1977.

Filed in Office of Secretary of State July 7, 1977.

CHAPTER 362

[Engrossed Senate Bill No. 2516]

APIARIES

AN ACT Relating to apiaries; amending section 15.60.005, chapter 11, Laws of 1961 and RCW 15.60.005; amending section 15.60.015, chapter 11, Laws of 1961 and RCW 15.60.015; amending section 15.60.030, chapter 11, Laws of 1961 as amended by section 1, chapter 44, Laws of 1965 and RCW 15.60.030; amending section 15.60.040, chapter 11, Laws of 1961 and RCW 15.60.040; amending section 15.60.050, chapter 11, Laws of 1961 and RCW 15.60.050; amending section 15.60.110, chapter 11, Laws of 1961 and RCW 15.60.110; and adding new sections to chapter 15.60 RCW.

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

Section 1. Section 15.60.005, chapter 11, Laws of 1961 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) "Apiarist" means any person who owns bees or is a keeper of bees;

(5) "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) "Bees" means honey producing insects of the species *apis* (~~(*mellifica*)~~) *mellifera* and include the adults, eggs, larvae, (~~(*pupa*)~~) 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) "Colony" or "colonies of bees" refers to any hive occupied by bees;

(8) "Disease" means American foul brood or European foul brood(;) or any other disease or any condition affecting bees (~~(*m*)~~) or their brood which may cause an epidemic;

(9) "Hive" means any receptacle or container made or prepared for the use of bees, or box or similar container taken possession of by bees;

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

(11) "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) (~~"Combless packaged bees" means bees packed for shipment into this state in packages which contain no honey, honey comb, brood comb, or appliances previously used on bees~~) "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 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 identification for bee hives.

(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 15.60.030, chapter 11, Laws of 1961 as amended by section 1, chapter 44, Laws of 1965 and RCW 15.60.030 are each amended to read as follows:

Each person owning or having bees in his possession shall register (~~(without charge)~~) with the (~~(extension agent of the county wherein the bees are located)~~) director, the location of the bee yard, name, address, and phone number of the owner, and post at the bee yard a registration number 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 34.04 RCW for the sole purpose of covering the expenses of the apiary board.

~~((Any person owning or operating over twenty-five colonies of bees in the state of Washington shall apply to the division of apiculture of the department for a permanent identification))~~ The director shall issue to each apiarist owning or operating more than twenty-five colonies in the state who is registered with the department a registration number, ((not)) transferable, which shall be posted conspicuously at the entrance of each apiary at all times, not more than one hundred fifty feet from the bees: PROVIDED, That any identification number assigned to an apiarist prior to the effective date of this 1977 amendatory act shall be assigned to such apiarist as his registration number. Bees placed in orchards for pollination shall be exempt from posting during placement: PROVIDED, That any apiarist with no more than twenty-five colonies shall, when placing bees on other than his own property, post his name and address in the apiary.

Sec. 4. Section 15.60.040, chapter 11, Laws of 1961 and RCW 15.60.040 are each amended to read as follows:

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

(2) Whenever a disease exists in any apiary, the inspector making the inspection 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 within a specified time. When the owner or person in charge or possession of any apiary is not known, the notice shall be served by posting in a conspicuous place 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 must eradicate such disease within the time specified in the notice. If the disease is American foul brood, 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. ~~((Eradication of American foul brood shall be by burning the diseased colonies, including the bees, combs, brood, frames, honey and wax, and by burying the ashes and disinfecting the hive by means approved by the director.))~~

(4) The owner or person in charge or 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 which has been 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 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 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) (a) If the inspector finds that American foul brood 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 may, if he 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.

(b) 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 by burning the condemned hive and its contents, including bees, hive bodies, frames and wax, bottom boards, and covers, within forty-eight hours after the time specified in the notice. The owner shall pay the actual and necessary costs of abatement.

(7) The owner or operator of any colony of bees found to be infected with American foul brood shall upon his 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.

Sec. 5. Section 15.60.050, chapter 11, Laws of 1961 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 are kept, and it shall be unlawful to resist, impede, or hinder such officers in the discharge of their duties.

Sec. 6. Section 15.60.110, chapter 11, Laws of 1961 and RCW 15.60.110 are each amended to read as follows:

No person shall knowingly import into this state any ((used bee supplies, used honey house equipment, or other used apiary equipment, or bees in hives)) bees of the subspecies *apis mellifera adonsonii*, or African honey bee, except for research purposes under permit from the director and under conditions as set forth by the director.

Sec. 7. Section 15.60.100, chapter 11, Laws of 1961 and RCW 15.60.100 are each amended to read as follows:

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 without first having secured an official certificate, certified by the state bee inspector of the state of origin that such bees and appliances are not infected with disease ((and without having obtained a permit so to do from the director: PROVIDED, That a permit shall not be necessary if bees are brought into this state as "Combless Packages of Bees". All bees and appliances imported into this state under permit shall be placed in quarantine for at least thirty days after arrival and)). Written notice shall be given by the owner to the director within three days

after ~~((such))~~ 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. Each ~~((hive or colony))~~ apiary or location shall be marked for identification by placing the name or recognized abbreviation of the state of origin, and the initials of the person importing the bees, hives, or used appliances in letters at least one inch in height. If evidence of any disease is found such imported bees or appliances shall be subject to the same provisions as local 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.

A resident beekeeper of Washington state who obtains a valid inspection certificate and moves his bees out of state for wintering shall 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.

NEW SECTION. Sec. 8. There is added to chapter 15.60 RCW a new section to read as follows:

There is created in the department the apiary 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 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.

NEW SECTION. Sec. 9. There is added to chapter 15.60 RCW a new section to read as follows:

An owner of bees or his 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, in writing, 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 certificate report shall be sent to the person or persons owning the bees 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 board created by section 8 of this 1977 amendatory act.

NEW SECTION. Sec. 10. There is added to chapter 15.60 RCW a new section to read as follows:

Any colony, hive, bees, or any appliances found by the director to be both abandoned and contaminated with disease shall be seized and destroyed by the director in a manner which will prevent the spread of disease.

NEW SECTION. Sec. 11. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the Senate June 17, 1977.

Passed the House June 17, 1977.

Approved by the Governor July 14, 1977.

Filed in Office of Secretary of State July 14, 1977.

CHAPTER 363

[Engrossed Senate Bill No. 2419]

PRIVACY

AN ACT Relating to privacy; amending section 1, chapter 93, Laws of 1967 ex. sess. and RCW 9.73-.030; amending section 4, chapter 93, Laws of 1967 ex. sess. and RCW 9.73.060; amending section 1, chapter 48, Laws of 1970 ex. sess. and RCW 9.73.090; and adding new sections to chapter 9.73 RCW.

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

Section 1. Section 1, chapter 93, Laws of 1967 ex. sess. and RCW 9.73.030 are each amended to read as follows:

(1) Except as otherwise provided in this chapter, it shall be unlawful for any individual, partnership, corporation, association, or the state of Washington, its agencies, and political subdivisions to intercept, ~~((record or divulge))~~ or record any:

~~((1))~~ (a) Private communication transmitted by telephone, telegraph, radio, or other device between two or more individuals between points within or without the state by any device electronic or otherwise designed to record and/or transmit said communication regardless how such device is powered or actuated, without first obtaining the consent of all the participants in the communication;

~~((2))~~ (b) Private conversation, by any device electronic or otherwise designed to record or transmit such conversation regardless how the device is powered or actuated without first obtaining the consent of all the persons engaged in the conversation.

(2) Notwithstanding the provisions of subsection (1) of this section, wire communications or conversations (a) of an emergency nature, such as the reporting of a fire, crime, or other disaster, or (b) which convey threats of extortion, blackmail,