

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5552

Chapter 353, Laws of 2019

66th Legislature
2019 Regular Session

POLLINATOR HEALTH--HONEY BEES

EFFECTIVE DATE: July 28, 2019

Passed by the Senate April 22, 2019
Yeas 49 Nays 0

CYRUS HABIB

President of the Senate

Passed by the House April 15, 2019
Yeas 98 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Approved May 9, 2019 3:30 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Brad Hendrickson, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5552** as passed by the Senate and the House of Representatives on the dates hereon set forth.

BRAD HENDRICKSON

Secretary

FILED

May 13, 2019

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5552

AS AMENDED BY THE HOUSE

Passed Legislature - 2019 Regular Session

State of Washington 66th Legislature 2019 Regular Session

By Senate Agriculture, Water, Natural Resources & Parks (originally sponsored by Senators Lias, Warnick, Van De Wege, Short, Rolfes, Schoesler, Wagoner, Honeyford, Hawkins, and Hunt)

READ FIRST TIME 02/22/19.

1 AN ACT Relating to the protection of all pollinators, including
2 honey bees; amending RCW 17.10.145, 79.10.120, 79.10.200, 79.10.280,
3 79A.05.305, 47.40.040, 47.40.100, and 79A.15.060; adding a new
4 section to chapter 43.23 RCW; adding a new section to chapter 77.12
5 RCW; adding a new section to chapter 15.58 RCW; adding new sections
6 to chapter 35.21 RCW; adding new sections to chapter 35A.21 RCW;
7 adding a new section to chapter 36.34 RCW; creating new sections; and
8 providing an expiration date.

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

10 NEW SECTION. **Sec. 1.** The legislature finds that more than
11 three-fourths of the world's flowering plants and about thirty-five
12 percent of the world's food crops depend on pollinators to reproduce.
13 In Washington state, honey bees and other pollinators are responsible
14 for the production of tree fruits, small fruits, and other crops,
15 with the value in 2016 of crops pollinated by honey bees exceeding
16 three billion dollars. The legislature further finds that, beyond
17 agriculture, pollinators are keystone species in the terrestrial
18 ecosystems of Washington, with fruit and seeds derived from insect
19 pollination providing a major part of the diet of numerous bird and
20 mammal species. The state has experienced pollinator habitat loss
21 through property conversion, fragmentation, and degradation of land,

1 and with the state's population continuing to grow at a fast pace,
2 the additional loss of habitat is a significant concern.

3 Therefore, the legislature intends by this act to initiate a
4 concerted effort to protect and expand the habitat upon which
5 pollinators depend, by providing technical and financial assistance
6 to public and private landowners, and by coordinating with other
7 state agencies and local governments in promoting practices to ensure
8 sustainable, healthy populations of managed and native pollinators.

9 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.23
10 RCW to read as follows:

11 The department shall establish a program to promote and protect
12 pollinator habitat and the health and sustainability of pollinator
13 species. As funds are made available, the program must provide
14 technical and financial assistance to state agencies, local
15 governments, and private landowners to implement practices that
16 promote habitat for managed pollinators, as well as beekeeper and
17 grower best management practices. The program must be administered in
18 coordination with the apiary program established in chapter 15.60
19 RCW, the honey bee commission authorized in chapter 15.62 RCW, and
20 programs administered by the conservation commission and conservation
21 districts.

22 NEW SECTION. **Sec. 3.** (1) The department of agriculture shall
23 create and chair a pollinator health task force. The department of
24 agriculture shall appoint the members of the task force, which must
25 include but is not limited to representatives of the following
26 interests, organizations, and state agencies:

- 27 (a) The conservation commission;
- 28 (b) The department of natural resources;
- 29 (c) The department of fish and wildlife;
- 30 (d) The state parks and recreation commission;
- 31 (e) The Washington state department of transportation;
- 32 (f) The state noxious weed control board;
- 33 (g) The tree fruit industry;
- 34 (h) The seed industry;
- 35 (i) The berry industry;
- 36 (j) Other agricultural industries dependent upon pollinators;
- 37 (k) Washington State University;
- 38 (l) Pesticide distributors and applicators;

1 (m) Conservation organizations;

2 (n) Organizations representing beekeepers or apiarists;

3 (o) A member of the public from west of the crest of the Cascade
4 mountains; and

5 (p) A member of the public from east of the crest of the Cascade
6 mountains.

7 (2) One or more representatives of Washington tribes must also be
8 invited to participate on the task force.

9 (3) One youth representative from an organization that encourages
10 students to engage in agricultural education must also be invited to
11 participate on the task force when available.

12 (4) The task force shall build upon existing pollinator and
13 pollinator habitat plans at the national and state level including,
14 but not limited to, the state-managed pollinator plan, to develop a
15 state pollinator health strategy that includes, but is not limited
16 to, the following elements:

17 (a) A research action plan to focus state efforts on
18 understanding, preventing, and recovering from pollinator losses;

19 (b) A plan to expand and coordinate public education programs
20 outlining steps that individuals and businesses can take to help
21 address the loss of pollinators;

22 (c) A plan to expand research on and education related to varroa
23 mites and other pests and diseases that affect bees;

24 (d) Recommendations for developing public and private
25 partnerships to encourage pollinator protection and increase the
26 quality and amount of habitat and forage for pollinators;

27 (e) Specific targets and plans that state agencies should adopt
28 to enhance pollinator habitat on their managed lands and facilities;

29 (f) Recommendations for promoting seed banks and native plants
30 beneficial for pollinators;

31 (g) Recommendations for developing a plan to improve
32 communication between beekeepers, landowners, and pesticide
33 applicators, including a draft policy for the director of agriculture
34 to consider that would allow the release of contact information for
35 registered apiarists when requested by a landowner or pesticide
36 applicator in order to protect the apiary when possible; and

37 (h) Recommendations for legislative, administrative, or budgetary
38 actions necessary to implement the strategy.

1 (5) The department of agriculture shall provide the strategy to
2 the appropriate committees of the senate and house of representatives
3 by December 31, 2020, in compliance with RCW 43.01.036.

4 (6) This section expires January 1, 2021.

5 **Sec. 4.** RCW 17.10.145 and 2016 c 44 s 2 are each amended to read
6 as follows:

7 (1) All state agencies shall control noxious weeds on lands they
8 own, lease, or otherwise control through integrated pest management
9 practices. Agencies shall develop plans in cooperation with county
10 noxious weed control boards to control noxious weeds in accordance
11 with standards in this chapter.

12 (2) All state agencies' lands must comply with this chapter,
13 regardless of noxious weed control efforts on adjacent lands.

14 (3) While conducting planned projects to ensure compliance with
15 this chapter, all agencies must give preference, when deemed
16 appropriate by the acting agency for the project and targeted
17 resource management goals, to replacing (~~pollen-rich or nectar-~~
18 ~~rich~~) noxious weeds with native forage plants that are pollen-rich
19 or nectar-rich and beneficial for all pollinators, including honey
20 bees.

21 **Sec. 5.** RCW 79.10.120 and 2014 c 114 s 4 are each amended to
22 read as follows:

23 Multiple uses additional to and compatible with those basic
24 activities necessary to fulfill the financial obligations of trust
25 management may include but are not limited to:

26 (1) Recreational areas;

27 (2) Recreational trails for both vehicular and nonvehicular uses
28 developed or maintained consistent with RCW 79.10.500;

29 (3) Special educational or scientific studies;

30 (4) Experimental programs by the various public agencies;

31 (5) Special events;

32 (6) Hunting and fishing and other sports activities;

33 (7) Maintenance of pollinator habitat and habitat beneficial for
34 the feeding, nesting, and reproduction of all pollinators, including
35 honey bees;

36 (8) Nonconsumptive wildlife activities as defined by the board of
37 natural resources;

38 (~~(8)~~) (9) Maintenance of scenic areas;

- 1 ~~((9))~~ (10) Maintenance of historical sites;
- 2 ~~((10))~~ (11) Municipal or other public watershed protection;
- 3 ~~((11))~~ (12) Greenbelt areas;
- 4 ~~((12))~~ (13) Public rights-of-way;
- 5 ~~((13))~~ (14) Other uses or activities by public agencies~~((7))~~.

6 If such additional uses are not compatible with the financial
7 obligations in the management of trust land they may be permitted
8 only if there is compensation from such uses satisfying the financial
9 obligations.

10 **Sec. 6.** RCW 79.10.200 and 2003 c 334 s 542 are each amended to
11 read as follows:

12 The department may adopt a multiple use land resource allocation
13 plan for all or portions of the lands under its jurisdiction
14 providing for the identification and establishment of areas of land
15 uses and identifying those uses which are best suited to achieve the
16 purposes of RCW 79.10.060, 79.10.070, 79.10.100 through 79.10.120,
17 79.10.130, 79.10.200 through 79.10.330, 79.44.003, and ~~((79.90.456))~~
18 79.105.050. Such plans shall take into consideration the various
19 ecological conditions, elevations, soils, natural features,
20 vegetative cover, pollinator habitat, climate, geographical location,
21 values, public use potential, accessibility, economic uses,
22 recreational potentials, local and regional land use plans or zones,
23 local, regional, state, and federal comprehensive land use plans or
24 studies, and all other factors necessary to achieve the purposes of
25 RCW 79.10.060, 79.10.070, 79.10.100 through 79.10.120, 79.10.130,
26 79.10.200 through 79.10.330, 79.44.003, and ~~((79.90.456))~~ 79.105.050.

27 **Sec. 7.** RCW 79.10.280 and 2003 c 334 s 545 are each amended to
28 read as follows:

29 (1) The department shall design expansion of its land use data
30 bank to include additional information that will assist in the
31 formulation, evaluation, and updating of intermediate and long-range
32 goals and policies for land use, population growth and distribution,
33 urban expansion, open space, resource preservation and utilization,
34 and other factors which shape statewide development patterns and
35 significantly influence the quality of the state's environment. The
36 system shall be designed to permit inclusion of other lands in the
37 state and will do so as financing and time permit.

1 (2) Such data bank shall contain any information relevant to the
2 future growth of agriculture, forestry, industry, business,
3 residential communities, and recreation; the wise use of land and
4 other natural resources which are in accordance with their character
5 and adaptability; the conservation and protection of the soil, air,
6 water, pollinator habitat, and forest resources; the protection of
7 the beauty of the landscape; and the promotion of the efficient and
8 economical uses of public resources.

9 The information shall be assembled from all possible sources,
10 including but not limited to, the federal government and its
11 agencies, all state agencies, all political subdivisions of the
12 state, all state operated universities and colleges, and any source
13 in the private sector. All state agencies, all political subdivisions
14 of the state, and all state universities and colleges are directed to
15 cooperate to the fullest extent in the collection of data in their
16 possession. Information shall be collected on all areas of the state
17 but collection may emphasize one region at a time.

18 (3) The data bank shall make maximum use of computerized or other
19 advanced data storage and retrieval methods. The department is
20 authorized to engage consultants in data processing to ensure that
21 the data bank will be as complete and efficient as possible.

22 (4) The data shall be made available for use by any governmental
23 agency, research organization, university or college, private
24 organization, or private person as a tool to evaluate the range of
25 alternatives in land and resource planning in the state.

26 NEW SECTION. **Sec. 8.** A new section is added to chapter 77.12
27 RCW to read as follows:

28 The department must implement practices necessary to maintain
29 pollinator habitat on department-owned and managed agricultural and
30 grazing lands where practicable. For the purposes of this section,
31 "pollinator habitat" means an area of land that is or may be
32 developed as habitat beneficial for the feeding, nesting, and
33 reproduction of all pollinators, including honey bees, as determined
34 by the department.

35 **Sec. 9.** RCW 79A.05.305 and 1984 c 82 s 2 are each amended to
36 read as follows:

37 The legislature declares that it is the continuing policy of the
38 state of Washington to set aside and manage certain lands within the

1 state for public park purposes. To comply with public park purposes,
2 these lands shall be acquired and managed to:

3 (1) Maintain and enhance ecological, aesthetic, and recreational
4 purposes;

5 (2) Preserve and maintain mature and old-growth forests
6 containing trees of over ninety years and other unusual ecosystems as
7 natural forests or natural areas, which may also be used for
8 interpretive purposes;

9 (3) Protect cultural and historical resources, locations, and
10 artifacts, which may also be used for interpretive purposes;

11 (4) Provide a variety of recreational opportunities to the
12 public, including but not limited to use of developed recreation
13 areas, trails, and natural areas;

14 (5) Preserve and maintain habitat which will protect and promote
15 endangered, threatened, and sensitive plants, (~~and~~) endangered,
16 threatened, and sensitive animal species, and habitat beneficial for
17 the feeding, nesting, and reproduction of all pollinators, including
18 honey bees; and

19 (6) Encourage public participation in the formulation and
20 implementation of park policies and programs.

21 **Sec. 10.** RCW 47.40.040 and 1961 c 13 s 47.40.040 are each
22 amended to read as follows:

23 Each application for a permit to plant, cultivate and grow any
24 hedge, shade or ornamental trees or shrubbery along or upon the
25 right-of-way of any state highway or improve such right-of-way shall
26 be in writing, signed by the applicant, and shall describe the state
27 highway or portion thereof along or upon the right-of-way of which
28 permit to plant, cultivate, grow or improve is sought, by name,
29 number, or other reasonable description, and the lands bordering
30 thereon by governmental subdivisions, and shall state the names,
31 places or residence and post office addresses of the applicant or
32 applicants owning the land abutting upon such state highway or the
33 name of the person, firm, corporation, association or organization
34 applying for the permit and the names of its officers and their
35 places of residence and their post office addresses, and shall state
36 definitely the purpose for which the permit is sought, giving a
37 description of the kind of hedge, or variety of shrubbery or trees
38 desired to be planted or the kinds of crops to be grown, or
39 improvement to be made, with a diagram illustrating the location and

1 number of hedges, trees or shrubs or the area of cultivation desired
2 or plans of the improvement proposed to be made. Whenever possible,
3 applicants should use native forage plants that are pollen-rich or
4 nectar-rich and beneficial for all pollinators, including honey bees,
5 in order to develop habitat beneficial for the feeding, nesting, and
6 reproduction of pollinators.

7 **Sec. 11.** RCW 47.40.100 and 1995 c 106 s 1 are each amended to
8 read as follows:

9 (1) (a) The department of transportation shall establish a
10 statewide adopt-a-highway program. The purpose of the program is to
11 provide volunteers and businesses an opportunity to contribute to a
12 cleaner environment, enhanced roadsides, and protection of wildlife
13 habitats. Participating volunteers and businesses shall adopt
14 department-designated sections of state highways, rest areas, park
15 and ride lots, intermodal facilities, and any other facilities the
16 department deems appropriate, in accordance with rules adopted by the
17 department. The department may elect to coordinate a consortium of
18 participants for adopt-a-highway projects.

19 (b) The adopt-a-highway program shall include, at a minimum,
20 litter control for the adopted section, and may include additional
21 responsibilities such as planting and maintaining vegetation,
22 controlling weeds, graffiti removal, and any other roadside
23 improvement or clean-up activities the department deems appropriate.
24 Whenever possible, when planting and maintaining vegetation,
25 volunteers and businesses should use native forage plants that are
26 pollen-rich or nectar-rich and beneficial for all pollinators,
27 including honey bees, in order to develop habitat beneficial for the
28 feeding, nesting, and reproduction of pollinators. The department
29 shall not accept adopt-a-highway proposals that would have the effect
30 of terminating classified employees or classified employee positions.

31 (2) A volunteer group or business choosing to participate in the
32 adopt-a-highway program must submit a proposal to the department. The
33 department shall review the proposal for consistency with
34 departmental policy and rules. The department may accept, reject, or
35 modify an applicant's proposal.

36 (3) The department shall seek partnerships with volunteer groups
37 and businesses to facilitate the goals of this section. The
38 department may solicit funding for the adopt-a-highway program that
39 allows private entities to undertake all or a portion of financing

1 for the initiatives. The department shall develop guidelines
2 regarding the cash, labor, and in-kind contributions to be performed
3 by the participants.

4 (4) An organization whose name: (a) Endorses or opposes a
5 particular candidate for public office, (b) advocates a position on a
6 specific political issue, initiative, referendum, or piece of
7 legislation, or (c) includes a reference to a political party shall
8 not be eligible to participate in the adopt-a-highway program.

9 (5) In administering the adopt-a-highway program, the department
10 shall:

11 (a) Provide a standardized application form, registration form,
12 and contractual agreement for all participating groups. The forms
13 shall notify the prospective participants of the risks and
14 responsibilities to be assumed by the department and the
15 participants;

16 (b) Require all participants to be at least fifteen years of age;

17 (c) Require parental consent for all minors;

18 (d) Require at least one adult supervisor for every eight minors;

19 (e) Require one designated leader for each participating
20 organization, unless the department chooses to coordinate a
21 consortium of participants;

22 (f) Assign each participating organization a section or sections
23 of state highway, or other state-owned transportation facilities, for
24 a specified period of time;

25 (g) Recognize the efforts of a participating organization by
26 erecting and maintaining signs with the organization's name on both
27 ends of the organization's section of highway;

28 (h) Provide appropriate safety equipment. Safety equipment issued
29 to participating groups must be returned to the department upon
30 termination of the applicable adopt-a-highway agreement;

31 (i) Provide safety training for all participants;

32 (j) Pay any and all premiums or assessments required under RCW
33 51.12.035 to secure medical aid benefits under chapter 51.36 RCW for
34 all volunteers participating in the program;

35 (k) Require participating businesses to pay all employer premiums
36 or assessments required to secure medical aid benefits under chapter
37 51.36 RCW for all employees or agents participating in the program;

38 (l) Maintain records of all injuries and accidents that occur;

1 (m) Adopt rules that establish a process to resolve any question
2 of an organization's eligibility to participate in the adopt-a-
3 highway program;

4 (n) Obtain permission from property owners who lease right-of-way
5 before allowing an organization to adopt a section of highway on such
6 leased property; and

7 (o) Establish procedures and guidelines for the adopt-a-highway
8 program.

9 (6) Nothing in this section affects the rights or activities of,
10 or agreements with, adjacent landowners, including the use of rights-
11 of-way and crossings, nor impairs these rights and uses by the
12 placement of signs.

13 **Sec. 12.** RCW 79A.15.060 and 2016 c 149 s 6 are each amended to
14 read as follows:

15 (1) The board may adopt rules establishing acquisition policies
16 and priorities for distributions from the habitat conservation
17 account.

18 (2) Except as provided in RCW 79A.15.030(8), moneys appropriated
19 for this chapter may not be used by the board to fund staff positions
20 or other overhead expenses, or by a state, regional, or local agency
21 to fund operation or maintenance of areas acquired under this
22 chapter.

23 (3) Moneys appropriated for this chapter may be used by grant
24 recipients for costs incidental to acquisition, including, but not
25 limited to, surveying expenses, fencing, noxious weed control, and
26 signing.

27 (4) The board may not approve a local project where the local
28 agency share is less than the amount to be awarded from the habitat
29 conservation account.

30 (5) In determining acquisition priorities with respect to the
31 habitat conservation account, the board shall consider, at a minimum,
32 the following criteria:

33 (a) For critical habitat and natural areas proposals:

34 (i) Multiple benefits for the project;

35 (ii) Whether, and the extent to which, a conservation easement
36 can be used to meet the purposes for the project;

37 (iii) Community support for the project based on input from, but
38 not limited to, local citizens, local organizations, and local
39 elected officials;

1 (iv) The project proposal's ongoing stewardship program that
2 includes estimated costs of maintaining and operating the project
3 including, but not limited to, control of noxious weeds and
4 detrimental invasive species, and that identifies the source of the
5 funds from which the stewardship program will be funded;

6 (v) Recommendations as part of a watershed plan or habitat
7 conservation plan, or a coordinated regionwide prioritization effort,
8 and for projects primarily intended to benefit salmon, limiting
9 factors, or critical pathways analysis;

10 (vi) Immediacy of threat to the site;

11 (vii) Uniqueness of the site;

12 (viii) Diversity of species using the site;

13 (ix) Quality of the habitat;

14 (x) Long-term viability of the site;

15 (xi) Presence of endangered, threatened, or sensitive species;

16 (xii) Enhancement of existing public property;

17 (xiii) Consistency with a local land use plan, or a regional or
18 statewide recreational or resource plan, including projects that
19 assist in the implementation of local shoreline master plans updated
20 according to RCW 90.58.080 or local comprehensive plans updated
21 according to RCW 36.70A.130;

22 (xiv) Educational and scientific value of the site;

23 (xv) Integration with recovery efforts for endangered,
24 threatened, or sensitive species;

25 (xvi) The statewide significance of the site;

26 (xvii) Habitat benefits for the feeding, nesting, and
27 reproduction of all pollinators, including honey bees.

28 (b) For urban wildlife habitat proposals, in addition to the
29 criteria of (a) of this subsection:

30 (i) Population of, and distance from, the nearest urban area;

31 (ii) Proximity to other wildlife habitat;

32 (iii) Potential for public use; and

33 (iv) Potential for use by special needs populations.

34 (c) For riparian protection proposals, the board must consider,
35 at a minimum, the following criteria:

36 (i) Whether the project continues the conservation reserve
37 enhancement program. Applications that extend the duration of leases
38 of riparian areas that are currently enrolled in the conservation
39 reserve enhancement program are eligible. These applications are

1 eligible for a conservation lease extension of at least twenty-five
2 years of duration;

3 (ii) Whether the projects are identified or recommended in a
4 watershed plan, salmon recovery plan, or other local plans, such as
5 habitat conservation plans, and these must be highly considered in
6 the process;

7 (iii) Whether there is community support for the project;

8 (iv) Whether the proposal includes an ongoing stewardship program
9 that includes control of noxious weeds, detrimental invasive species,
10 and that identifies the source of the funds from which the
11 stewardship program will be funded;

12 (v) Whether there is an immediate threat to the site;

13 (vi) Whether the quality of the habitat is improved or, for
14 projects including restoration or enhancement, the potential for
15 restoring quality habitat including linkage of the site to other high
16 quality habitat;

17 (vii) Whether the project is consistent with a local land use
18 plan or a regional or statewide recreational or resource plan. The
19 projects that assist in the implementation of local shoreline master
20 plans updated according to RCW 90.58.080 or local comprehensive plans
21 updated according to RCW 36.70A.130 must be highly considered in the
22 process;

23 (viii) Whether the site has educational or scientific value;
24 ((and))

25 (ix) Whether the site has passive recreational values for walking
26 trails, wildlife viewing, the observation of natural settings, or
27 other multiple benefits; and

28 (x) Whether the project provides habitat benefits for the
29 feeding, nesting, and reproduction of all pollinators, including
30 honey bees.

31 (d) Moneys appropriated for this chapter to riparian protection
32 projects must be distributed for the acquisition or enhancement or
33 restoration of riparian habitat. All enhancement or restoration
34 projects, except those qualifying under (c)(i) of this subsection,
35 must include the acquisition of a real property interest in order to
36 be eligible.

37 (6) Before November 1st of each even-numbered year, the board
38 shall recommend to the governor a prioritized list of all projects to
39 be funded under RCW 79A.15.040. The governor may remove projects from
40 the list recommended by the board and shall submit this amended list

1 in the capital budget request to the legislature. The list shall
2 include, but not be limited to, a description of each project and any
3 particular match requirement, and describe for each project any
4 anticipated restrictions upon recreational activities allowed prior
5 to the project.

6 NEW SECTION. **Sec. 13.** A new section is added to chapter 15.58
7 RCW to read as follows:

8 The department must develop educational materials regarding the
9 best practices for avoiding adverse effects from pesticides on
10 populations of bees, honey bees, and other pollinating insects. The
11 educational materials must include, but not be limited to, measures
12 that anyone applying pesticides can take to protect bees, honey bees,
13 and other pollinating insects. The department must design
14 requirements to ensure that any pesticide applicator applying or
15 supervising the application of a restricted-use pesticide is highly
16 knowledgeable regarding alternatives to, the appropriateness of, and
17 precautions for, the use of restricted-use pesticides that may be
18 injurious to the health of bees, honey bees, and other pollinating
19 insects.

20 NEW SECTION. **Sec. 14.** A new section is added to chapter 35.21
21 RCW to read as follows:

22 (1) A city or town may, by ordinance, establish an urban
23 agriculture zone within the boundaries of the city or town.

24 (2) To establish an urban agriculture zone, the city or town must
25 conduct at least one public hearing on the question of whether to
26 establish the urban agriculture zone.

27 (3) An ordinance adopted pursuant to this section must not
28 prohibit the use of structures that support agricultural activity
29 including, without limitation, apiaries, toolsheds, greenhouses,
30 produce stands, and instructional spaces.

31 NEW SECTION. **Sec. 15.** A new section is added to chapter 35.21
32 RCW to read as follows:

33 A city or town may authorize, by ordinance, the use of vacant or
34 blighted city land for the purpose of community gardening under the
35 terms and conditions established for the use of the city land set
36 forth by the ordinance. The ordinance may establish fees for the use
37 of the city land, provide requirements for liability insurance, and

1 provide requirements for a deposit to use the city land, which may be
2 refunded. The ordinance must require that a portion of the community
3 garden include habitat beneficial for the feeding, nesting, and
4 reproduction of all pollinators, including honey bees.

5 NEW SECTION. **Sec. 16.** A new section is added to chapter 35A.21
6 RCW to read as follows:

7 (1) A code city may, by ordinance, establish an urban agriculture
8 zone within the boundaries of the code city.

9 (2) To establish an urban agriculture zone, the code city must
10 conduct at least one public hearing on the question of whether to
11 establish the urban agriculture zone.

12 (3) An ordinance adopted pursuant to this section must not
13 prohibit the use of structures that support agricultural activity
14 including, without limitation, apiaries, toolsheds, greenhouses,
15 produce stands, and instructional spaces.

16 NEW SECTION. **Sec. 17.** A new section is added to chapter 35A.21
17 RCW to read as follows:

18 A code city may authorize, by ordinance, the use of vacant or
19 blighted city land for the purpose of community gardening under the
20 terms and conditions established for the use of the city land set
21 forth by the ordinance. The ordinance may establish fees for the use
22 of the city land, provide requirements for liability insurance, and
23 provide requirements for a deposit to use the city land, which may be
24 refunded. The ordinance must require that a portion of the community
25 garden include habitat beneficial for the feeding, nesting, and
26 reproduction of all pollinators, including honey bees.

27 NEW SECTION. **Sec. 18.** A new section is added to chapter 36.34
28 RCW to read as follows:

29 A county may, by ordinance, authorize the use of vacant or
30 blighted county land for the purpose of community gardening under the
31 terms and conditions established for the use of the county land set
32 forth by the ordinance. The ordinance may establish fees for the use
33 of the county land, provide requirements for liability insurance, and
34 provide requirements for a deposit to use the county land, which may
35 be refunded. The ordinance must require that a portion of the
36 community garden include habitat beneficial for the feeding, nesting,
37 and reproduction of all pollinators, including honey bees.

1 NEW SECTION. **Sec. 19.** If specific funding for the purposes of
2 this act, referencing this act by bill or chapter number, is not
3 provided by June 30, 2019, in the omnibus appropriations act, this
4 act is null and void.

Passed by the Senate April 22, 2019.

Passed by the House April 15, 2019.

Approved by the Governor May 9, 2019.

Filed in Office of Secretary of State May 13, 2019.

--- **END** ---