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**SUBSTITUTE SENATE BILL 5552**

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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.

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