

## **BILL ANALYSIS**

Senate Research Center  
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C.S.S.B. 677  
By: Hall  
Agriculture  
3/13/2019  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Intrastate permits required to transport bees across county lines were instituted in 1983 to prevent the spread of diseases and Africanized bees in Texas hives. Inspection of hives, intrastate permit administration, and apiary research is conducted through the Texas A&M AgriLife Research division.

In spite of these requirements, Africanized bees have taken residence in Texas and several diseases have additionally infected Texas hives. The intrastate permits were not effective in fulfilling their original purpose. Wild bees routinely travel across county lines without permits.

In fiscal year 2017–2018, seventy-five intrastate permits were issued in Texas for county-to-county transport of bees. Additionally, 241 intrastate permits were issued specifically for Bee Removal Transportation purposes.

S.B. 677 would repeal the section of the Agriculture code that requires intrastate permits for anyone who transports bees across county lines. S.B. 677 would ease the burden of regulations on apiary businesses. This bill would make government smaller by eliminating a permit that no longer serves its purpose. (Original Author's/Sponsor's Statement of Intent)

C.S.S.B. 677 amends current law relating to the regulation of beekeeping; imposes fees and authorizes other fees; and expands the applicability of an occupational permit.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 131.001, Agriculture Code, by amending Subdivisions (3), (5), and (6) and adding Subdivision (12-a), as follows:

(3) Amends the definition of "beekeeper" to mean a person who owns, leases, possesses, controls, or manages one or more colonies of bees for any personal or commercial purpose, rather than meaning a person who owns, leases, or manages one more colonies of bees for pollination or the production of honey, beeswax, or other by-products either for person or commercial use.

(5) Amends the definition of "colony" to mean a distinguishable localized population of bees in which one or more life stages may be present, rather than meaning the hive and its equipment and the appurtenances including bees, comb, honey, pollen, and brood.

(6) Amends the definition of "director" to mean the director of Texas A&M AgriLife Research, rather than the director of the Texas Agricultural Experiment Station.

(12-a) Defines "package bees" to mean live bees in cages without combs or honey used in forming a new colony.

SECTION 2. Amends Section 131.041, Agriculture Code, as follows:

Sec. 131.041. New heading: PERMIT FOR INTERSTATE MOVEMENT. (a) Prohibits a person from shipping or causing to be shipped bees or equipment into or out of this state, rather than into this state, unless person has a permit issued by the chief apiary inspector authorizing the shipment.

(b) Provides that a permit issued under this section applies to all shipments made by the beekeeper and expires August 31 following the date the permit is issued. Prohibits the term of a permit from exceeding one year.

(c) Creates this subsection from existing Subsection (b). Authorizes a person to apply for a permit at any time, but requires the person to apply for a permit before the 10th day preceding day of a shipment if the person does not hold a permit on the 10th day preceding the date of the shipment. Requires an application for a permit to include all information required by the chief apiary inspector. Makes nonsubstantive changes.

(d) Creates this subsection from existing text. Provides that a shipment originating outside this state requires:

(1) a certificate of inspection signed by the official apiary inspector or entomologist of the state, territory, or county from which the bees are to be shipped before the shipment is authorized to enter the state; or

(2) an inspection of the shipment by the chief apiary inspector of Texas not more than 12 months before the date of the shipment, rather than requiring an application for a permit to include certain information.

Deletes existing Subdivisions (1)–(4) relating to certain requirements, redesignates existing Subdivision (5) as Subdivision (1) and creates a new Subdivision (2).

(e) Redesignates existing Subsection (c) as Subsection (e). Requires a certificate of inspection for a permit required by Subsection (d)(1), rather than by Subsection (b)(5) of this section, to certify that the bees or equipment are apparently free from disease based on an actual inspection conducted not more than 12 months before the date of the shipment. Provides that if the bees or equipment are to be shipped into this state from a state, territory, or country that does not have an official apiary inspector or entomologist:

(1) creates this subdivision from existing text and makes nonsubstantive changes; or

(2) the bees may be shipped into the state under quarantine and the person receiving the shipment is required to have the bees inspected not later than the 30th day after the date the bees enter this state.

(f) Redesignates existing Subsection (d) as Subsection (f). Requires the inspector, if a person files an application in accordance with Subsection (c), rather than Subsection (b) of this section, and the inspector is satisfied that the shipment or shipments to which the permit applies do not, rather than the shipment does not, pose a threat to disease control in the beekeeping industry, to issue a permit, rather than issuing a permit authorizing the shipment.

(g) Redesignates existing Subsection (e) as Subsection (g). Provides that this section does apply to a shipment of package bees, rather than does not apply to a shipment of live bees in wire cages without combs or honey.

(h) Requires the inspector to charge a fee for each permit issued under this section. Requires the inspector to set the fee at an amount that is reasonable in relation to the costs of administering this section.

SECTION 3. Amends Section 131.045, Agriculture Code, as follows:

Sec. 131.045. New heading: BEEKEEPER REGISTRATION. (a) Authorizes each beekeeper in this state to register on an annual basis with the chief apiary inspector, rather than authorizing the chief apiary inspector to provide for the periodic registration of all apiaries in this state. Provides that a registration under this section expires August 31.

(b) Requires a registration to include:

(1) information required by the chief apiary inspector, rather than the beekeeper's name, address, and telephone number; and

(2) the county or counties in which the beekeeper operates, rather than the county or counties in which the apiary will be located.

(3) Deletes this subdivision relating to requiring a registration to include the approximate dates that the apiary will be located in each county.

(c) Makes no changes to this subsection.

(d) Authorizes the chief apiary inspector, except as provided by Subsection (e), to charge a fee for each registration issued under this section. Requires the inspector to set the fee at an amount that is reasonable in relation to the costs of administering this section. Authorizes the chief apiary inspector to establish separate registration categories for purposes of setting and collection fees under this section.

(e) Prohibits the chief apiary inspector from charging a fee for a registration made solely for the purpose of Section 1951.056 (Beekeepers), Occupations Code.

SECTION 4. Amends Section 131.046(a), Agriculture Code, to require fees collected under this subchapter (Permits and Registration) to be deposited in the State Treasury, rather than in the State Treasury to the credit of a special fund to be known as the bee disease control fund to be used only to defray the costs of administering and enforcing this chapter (Bees and Honey).

SECTION 5. Amends Section 131.121(a), Agriculture Code, as follows:

(a) Provides that a person commits an offense if the person:

(1)–(2) makes nonsubstantive changes to these subdivisions;

(3) ships or causes bees or equipment to be shipped into this state without the permit required by Section 131.041 (Permits for Importation), rather than ships or causes bees or equipment to be shipped into this state or between counties in this state without the permit required by Section 131.041 or 131.043 (Permits for Intrastate Shipment) of this chapter; or

(4)–(10) makes no changes to these subdivisions.

SECTION 6. Repealer: Section 131.042 (Permit for Exportation), Agriculture Code.

Repealer: Section 131.043 (Permits for Intrastate Shipment), Agriculture Code.

SECTION 7. Makes application of this Act prospective.

SECTION 8. Effective date: September 1, 2019.