By:  Hall S.B. No. 677

(In the Senate - Filed February 6, 2019; March 1, 2019, read first time and referred to Committee on Agriculture; March 14, 2019, reported adversely, with favorable Committee Substitute by the following vote: Yeas 4, Nays 0; March 14, 2019, sent to printer.)

COMMITTEE VOTE

               Yea Nay Absent  PNV

Hall            X

Rodríguez       X

Hinojosa                  X

Perry           X

Schwertner      X

COMMITTEE SUBSTITUTE FOR S.B. No. 677 By:  Perry

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of beekeeping; imposing fees and authorizing other fees; expanding the applicability of an occupational permit.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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

(3)  "Beekeeper" means a person who owns, leases, possesses, controls, or manages one or more colonies of bees for any [~~pollination or the production of honey, beeswax, or other by-products, either for~~] personal or commercial purpose [~~use~~].

(5)  "Colony" means a distinguishable localized population of bees in which one or more life stages may be present [~~the hive and its equipment and appurtenances including bees, comb, honey, pollen, and brood~~].

(6)  "Director" means the director of [~~the~~] Texas A&M AgriLife Research [~~Agricultural Experiment Station~~].

(12-a)  "Package bees" means live bees in cages without combs or honey used in forming a new colony.

SECTION 2.  Section 131.041, Agriculture Code, is amended to read as follows:

Sec. 131.041.  PERMIT FOR INTERSTATE MOVEMENT [~~IMPORTATION~~]. (a) A person may not ship or cause to be shipped bees or equipment into or out of this state unless the person has a permit issued by the chief apiary inspector authorizing the shipment.

(b)  A permit issued under this section applies to all shipments made by the beekeeper and expires on August 31 following the date the permit is issued. The term of a permit may not exceed one year.

(c)  A person may apply for a permit under this section by filing an application with the inspector. A person may apply for a permit at any time, but a person must apply for a permit before the 10th day preceding the date of a [~~the~~] shipment if the person does not hold a permit on the 10th day preceding the date of the shipment. An application for a permit must include all information required by the chief apiary inspector.

(d)  A shipment originating outside this state requires:

(1)  [~~a complete description of the shipment;~~

[~~(2)  the destination of the shipment;~~

[~~(3)  the approximate date of the shipment;~~

[~~(4)  the names and addresses of the consignor and consignee; and~~

[~~(5)~~]  a certificate of inspection signed by the official apiary inspector or entomologist of the state, territory, or country from which the bees are to be shipped before the shipment may 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.

(e)  [~~(c)~~]  A certificate of inspection for a permit required by Subsection (d)(1) [~~(b)(5) of this section~~] must 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. 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)  [~~,~~] the person shipping the bees or equipment may provide other suitable evidence that the bees and equipment are free from disease; or

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

(f)  [~~(d)~~]  If a person files an application in accordance with Subsection (c) [~~(b) of this section~~] and the inspector is satisfied that the shipment or shipments to which the permit applies do [~~does~~] not pose a threat to disease control in the beekeeping industry, the inspector shall issue a permit [~~authorizing the shipment~~].

(g)  [~~(e)~~]  This section does not apply to a shipment of package [~~live~~] bees [~~in wire cages without combs or honey~~].

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

SECTION 3.  Section 131.045, Agriculture Code, is amended to read as follows:

Sec. 131.045.  BEEKEEPER [~~APIARY~~] REGISTRATION. (a) Each beekeeper in this state may register on an annual basis with the [~~The~~] chief apiary inspector [~~may provide for the periodic registration of all apiaries in this state~~]. A registration under this section expires August 31.

(b)  A registration must include:

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

(2)  the county or counties in which the beekeeper operates [~~apiary will be located; and~~

[~~(3)  the approximate dates that the apiary will be located in each county~~].

(c)  The inspector may require a beekeeper to submit with the registration information a map showing the exact location of each of the beekeeper's apiaries. A map submitted under this section is a trade secret under Chapter 552, Government Code, and may not be disclosed.

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

(e)  The chief apiary inspector may not charge a fee for a registration made solely for the purpose of Section 1951.056, Occupations Code.

SECTION 4.  Section 131.046(a), Agriculture Code, is amended to read as follows:

(a)  Fees collected under this subchapter shall be deposited 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~~].

SECTION 5.  Section 131.121(a), Agriculture Code, is amended to read as follows:

(a)  A person commits an offense if the person:

(1)  violates a provision of Section 131.022 or 131.023 [~~of this code~~];

(2)  fails to report diseased bees in accordance with Section 131.025 [~~of this code~~];

(3)  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 of this chapter~~];

(4)  violates a rule, order, or quarantine of the chief apiary inspector adopted under this chapter;

(5)  prevents or attempts to prevent an inspection of bees, equipment, pollen, or honey under the direction of the inspector under this chapter;

(6)  prevents or attempts to prevent the discovery or treatment of diseased bees;

(7)  interferes with or attempts to interfere with the inspector in the discharge of the duties under this chapter;

(8)  as the owner or keeper of a diseased colony of bees, barters, gives away, sells, ships, or moves diseased bees, equipment, pollen, or honey or exposes other bees to the disease;

(9)  exposes honey, pollen, hives, frames, combs, bees, or appliances known to be diseased in a manner that provides access to bees; or

(10)  sells, offers for sale, barters, gives away, ships, or distributes honey or pollen taken from a colony of diseased bees.

SECTION 6.  The following provisions of the Agriculture Code are repealed:

(1)  Section 131.042; and

(2)  Section 131.043.

SECTION 7.  The changes in law made by this Act apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 8.  This Act takes effect September 1, 2019.

\* \* \* \* \*