

1-1 By: Hall S.B. No. 677
 1-2 (In the Senate - Filed February 6, 2019; March 1, 2019, read
 1-3 first time and referred to Committee on Agriculture;
 1-4 March 14, 2019, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 4, Nays 0; March 14, 2019,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8	X			
1-9	X			
1-10				
1-11			X	
1-12	X			
1-13	X			

1-14 COMMITTEE SUBSTITUTE FOR S.B. No. 677 By: Perry

1-15 A BILL TO BE ENTITLED
 1-16 AN ACT

1-17 relating to the regulation of beekeeping; imposing fees and
 1-18 authorizing other fees; expanding the applicability of an
 1-19 occupational permit.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. Section 131.001, Agriculture Code, is amended by
 1-22 amending Subdivisions (3), (5), and (6) and adding Subdivision
 1-23 (12-a) to read as follows:

1-24 (3) "Beekeeper" means a person who owns, leases,
 1-25 possesses, controls, or manages one or more colonies of bees for any
 1-26 ~~[pollination or the production of honey, beeswax, or other~~
 1-27 ~~by-products, either for]~~ personal or commercial purpose ~~[use]~~.

1-28 (5) "Colony" means a distinguishable localized
 1-29 population of bees in which one or more life stages may be present
 1-30 ~~[the hive and its equipment and appurtenances including bees, comb,~~
 1-31 ~~honey, pollen, and brood].~~

1-32 (6) "Director" means the director of ~~[the]~~ Texas A&M
 1-33 AgriLife Research ~~[Agricultural Experiment Station]~~.

1-34 (12-a) "Package bees" means live bees in cages without
 1-35 combs or honey used in forming a new colony.

1-36 SECTION 2. Section 131.041, Agriculture Code, is amended to
 1-37 read as follows:

1-38 Sec. 131.041. PERMIT FOR INTERSTATE MOVEMENT
 1-39 ~~[IMPORTATION]~~. (a) A person may not ship or cause to be shipped
 1-40 bees or equipment into or out of this state unless the person has a
 1-41 permit issued by the chief apiary inspector authorizing the
 1-42 shipment.

1-43 (b) A permit issued under this section applies to all
 1-44 shipments made by the beekeeper and expires on August 31 following
 1-45 the date the permit is issued. The term of a permit may not exceed
 1-46 one year.

1-47 (c) A person may apply for a permit under this section by
 1-48 filing an application with the inspector. A person may apply for a
 1-49 permit at any time, but a person must apply for a permit before the
 1-50 10th day preceding the date of a [the] shipment if the person does
 1-51 not hold a permit on the 10th day preceding the date of the
 1-52 shipment. An application for a permit must include all information
 1-53 required by the chief apiary inspector.

1-54 (d) A shipment originating outside this state requires:

- 1-55 (1) ~~[a complete description of the shipment,~~
- 1-56 ~~[(2) the destination of the shipment,~~
- 1-57 ~~[(3) the approximate date of the shipment,~~
- 1-58 ~~[(4) the names and addresses of the consignor and~~
- 1-59 ~~consignee, and~~
- 1-60 ~~[(5)]~~ a certificate of inspection signed by the

2-1 official apiary inspector or entomologist of the state, territory,
 2-2 or country from which the bees are to be shipped before the shipment
 2-3 may enter the state; or

2-4 (2) an inspection of the shipment by the chief apiary
 2-5 inspector of Texas not more than 12 months before the date of the
 2-6 shipment.

2-7 (e) [(c)] A certificate of inspection for a permit
 2-8 required by Subsection (d)(1) [(b)(5) of this section] must certify
 2-9 that the bees or equipment are apparently free from disease based
 2-10 on an actual inspection conducted not more than 12 months before the
 2-11 date of the shipment. If the bees or equipment are to be shipped
 2-12 into this state from a state, territory, or country that does not
 2-13 have an official apiary inspector or entomologist:

2-14 (1) [7] the person shipping the bees or equipment may
 2-15 provide other suitable evidence that the bees and equipment are
 2-16 free from disease; or

2-17 (2) the bees may be shipped into this state under
 2-18 quarantine and the person receiving the shipment shall have the
 2-19 bees inspected not later than the 30th day after the date the bees
 2-20 enter this state.

2-21 (f) [(d)] If a person files an application in accordance
 2-22 with Subsection (c) [(b) of this section] and the inspector is
 2-23 satisfied that the shipment or shipments to which the permit
 2-24 applies do [does] not pose a threat to disease control in the
 2-25 beekeeping industry, the inspector shall issue a permit
 2-26 [authorizing the shipment].

2-27 (g) [(e)] This section does not apply to a shipment of
 2-28 package [live] bees [in wire cages without combs or honey].

2-29 (h) The inspector shall charge a fee for each permit issued
 2-30 under this section. The inspector shall set the fee at an amount
 2-31 that is reasonable in relation to the costs of administering this
 2-32 section.

2-33 SECTION 3. Section 131.045, Agriculture Code, is amended to
 2-34 read as follows:

2-35 Sec. 131.045. BEEKEEPER [APIARY] REGISTRATION. (a) Each
 2-36 beekeeper in this state may register on an annual basis with the
 2-37 [The] chief apiary inspector [may provide for the periodic
 2-38 registration of all apiaries in this state]. A registration under
 2-39 this section expires August 31.

2-40 (b) A registration must include:

2-41 (1) information required by the chief apiary
 2-42 inspector [the beekeeper's name, address, and telephone number];
 2-43 and

2-44 (2) the county or counties in which the beekeeper
 2-45 operates [apiary will be located; and

2-46 [(3) the approximate dates that the apiary will be
 2-47 located in each county].

2-48 (c) The inspector may require a beekeeper to submit with the
 2-49 registration information a map showing the exact location of each
 2-50 of the beekeeper's apiaries. A map submitted under this section is
 2-51 a trade secret under Chapter 552, Government Code, and may not be
 2-52 disclosed.

2-53 (d) Except as provided by Subsection (e), the chief apiary
 2-54 inspector may charge a fee for each registration issued under this
 2-55 section. The inspector shall set the fee at an amount that is
 2-56 reasonable in relation to the costs of administering this section.
 2-57 The chief apiary inspector may establish separate registration
 2-58 categories for purposes of setting and collecting fees under this
 2-59 section.

2-60 (e) The chief apiary inspector may not charge a fee for a
 2-61 registration made solely for the purpose of Section 1951.056,
 2-62 Occupations Code.

2-63 SECTION 4. Section 131.046(a), Agriculture Code, is amended
 2-64 to read as follows:

2-65 (a) Fees collected under this subchapter shall be deposited
 2-66 in the State Treasury [to the credit of a special fund to be known as
 2-67 the bee disease control fund to be used only to defray the costs of
 2-68 administering and enforcing this chapter].

2-69 SECTION 5. Section 131.121(a), Agriculture Code, is amended

3-1 to read as follows:

3-2 (a) A person commits an offense if the person:

3-3 (1) violates a provision of Section 131.022 or 131.023
3-4 ~~[of this code];~~

3-5 (2) fails to report diseased bees in accordance with
3-6 Section 131.025 ~~[of this code];~~

3-7 (3) ships or causes bees or equipment to be shipped
3-8 into this state ~~[or between counties in this state]~~ without the
3-9 permit required by Section 131.041 ~~[or 131.043 of this chapter];~~

3-10 (4) violates a rule, order, or quarantine of the chief
3-11 apiary inspector adopted under this chapter;

3-12 (5) prevents or attempts to prevent an inspection of
3-13 bees, equipment, pollen, or honey under the direction of the
3-14 inspector under this chapter;

3-15 (6) prevents or attempts to prevent the discovery or
3-16 treatment of diseased bees;

3-17 (7) interferes with or attempts to interfere with the
3-18 inspector in the discharge of the duties under this chapter;

3-19 (8) as the owner or keeper of a diseased colony of
3-20 bees, barter, gives away, sells, ships, or moves diseased bees,
3-21 equipment, pollen, or honey or exposes other bees to the disease;

3-22 (9) exposes honey, pollen, hives, frames, combs, bees,
3-23 or appliances known to be diseased in a manner that provides access
3-24 to bees; or

3-25 (10) sells, offers for sale, barter, gives away,
3-26 ships, or distributes honey or pollen taken from a colony of
3-27 diseased bees.

3-28 SECTION 6. The following provisions of the Agriculture Code
3-29 are repealed:

3-30 (1) Section 131.042; and

3-31 (2) Section 131.043.

3-32 SECTION 7. The changes in law made by this Act apply only to
3-33 an offense committed on or after the effective date of this Act. An
3-34 offense committed before the effective date of this Act is governed
3-35 by the law in effect on the date the offense was committed, and the
3-36 former law is continued in effect for that purpose. For purposes of
3-37 this section, an offense was committed before the effective date of
3-38 this Act if any element of the offense occurred before that date.

3-39 SECTION 8. This Act takes effect September 1, 2019.

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