

## Overview of Substantive Proposed Changes to Chapter 131

Other than a couple of definitions and administrative changes, the substantive proposed changes to Chapter 131 of the Texas Agriculture Code in the 2019 legislative session are focused on **Subchapter C – Permits and Registration**.

Subchapter C contains the following sections:

- Section 131.041 Permit for Importation
- Section 131.042 Permit for Exportation
- Section 131.043 Permits for Intrastate Shipment
- Section 131.044 Certificate of Inspection [**no proposed changes**]
- Section 131.045 Registration of an Apiary
- Section 131.046 Disposition and Use of Fees

### **Section 131.041 Permit for Importation**

### **Section 131.042 Permit for Exportation**

#### **Current Statute:**

Separate permits from the Texas Apiary Inspection Service (TAIS) are required for importing and exporting bees and equipment across state lines. Separate applications are required for each state bees are imported from or exported to. Many beekeepers in this state must obtain numerous permits throughout the year, creating an unnecessary burden on beekeepers and unnecessary work for TAIS. The importation permit is currently \$100 and the exportation permit is currently \$75.

#### **Proposed Changes:**

Sections 131.041 and 131.042 will be merged into one Section. The new 131.041 will be titled “Permit for Interstate Movement.” Section 131.042 will be repealed.

Under this change beekeepers will need only one (1) annual permit for any and all import and export of bees and equipment during the state fiscal year ending August 31. There are no new requirements in addition to what is currently required of the beekeeper. Fees will be adjusted by TAIS for the annual permit. Based on early analysis, the fee for this permit will not significantly increase costs for most beekeepers.

These changes greatly simplify the permitting process for beekeepers and bring efficiencies to the permitting process within TAIS, while continuing to provide necessary safeguards for the Texas beekeeping industry.

### **Section 131.043 Permits for Intrastate Shipment**

#### **Current Statute:**

A permit must be obtained to transport bees across county lines within Texas. The Statute currently exempts beekeepers who are transporting fewer than twelve hives from the permit fee.

Two applications are used for this permit: the Intrastate Application and the Bee Removal Transportation Application. Last fiscal year TAIS issued approximately 75 permits under the

Intrastate Application and 241 permits under the Bee Removal Transportation Application. These numbers have been consistent over the past several years.

As an added service to both the beekeeper and the general public, TAIS posts the list of beekeepers (updated monthly, by county) who have obtained the Bee Removal Transportation permit on the TAIS website (<https://txbeeinspection.tamu.edu/bee-removal/>) under the tab for the general public. TBA also publishes the same monthly updated list via a locator map on the TBA website (<https://texasbeekeepers.org/swarms/>). Many local association websites publish links to these sites as well.

### **Proposed Changes:**

Section 131.043 will be repealed. There is broad consensus for repeal of the Intrastate Permit. Two bills have been filed this session that repeal Section 131.043. TBA's proposed bill language for repeal of the Intrastate Permit will not conflict with either of those bills. However, several consequences arise related to the repeal of 131.043, that we believe must be addressed.

As we understand it, fees generated from the Intrastate Permit represent approximately 25%-30% of the revenue generated by TAIS. These fees go into the Texas general fund. This will create an issue for some legislators that may hinder passage of a repeal. Additionally, there is no other avenue currently available to TAIS to maintain an updated bee removal list. Given the widespread use of this list, it is important to maintain this service. Mitigation of both issues is addressed in the following section.

### **Section 131.045 Apiary Registration**

#### **Current Statute:**

The Chief Apiary Inspector may provide for the periodic registration of all apiaries in Texas. Currently, this is a voluntary, one-time, no-fee registration. Registration under this section is required to comply with Chapter 1951.056 of the Texas Occupations Code for beekeepers doing bee removals. Additionally, registration is required to participate in the Master Beekeeper Program administered by TAIS and to participation in the Real Texas Honey Program. Some central appraisal districts also require registration with TAIS when applying for agricultural valuations and this registration is used for that purpose.

#### **Proposed Changes:**

Beekeepers may voluntarily register with TAIS, annually. Registration under this section would comply with Section 1951 of the Texas Occupations Code. There would be a fee for registration and TAIS would continue to publish the master list of beekeepers doing bee removals discussed above. Early assessment is that the annual registration fee would be less than the fee for the Intrastate Permit. Provision is made for TAIS to establish separate categories of registrant for fee assessment purposes. This would allow the flexibility for TAIS to maintain a non-fee registration for certain categories.

Benefits of a voluntary beekeeper registry have been discussed for some time. This was thoroughly reviewed in discussions related to pollinator protection plans several years ago. Legislation is expected to be introduced this session that would require pesticide applicators to notify registered beekeepers with respect to applications of neonicotinoids within a certain

radius. Measures like this have been passed in other states. Whether this notification bill will pass this session is uncertain, but it is likely at some point in the near future, Texas beekeepers will benefit by having the infrastructure in place to maintain an updated registry of beekeepers.

### **Draft of Proposed Changes Sent to Legislative Council**

The following pages are the draft of proposed changes drawn up with the assistance of the law students working with TBA through the Legislative Lawyering Clinic at the UT Law School. The basis of the document is existing Chapter 131. Underlining indicates additions to the current statute, ~~strikethroughs indicate deletions~~ from the current statute. Legislative Council in Austin has been given these proposed changes to put them in the form of a bill. The final bill will not look exactly like this draft.

The column on the right side of the page offers a brief explanation of the change next to the section being amended. We hope this will be helpful to you in assessing proposed changes.

The following text is **existing Chapter 131 sections** that contain proposed changes. Underlined text indicates an addition to the existing language. ~~Strikethrough text~~ indicates deletion from the existing language.

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

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

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

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

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

22 (12-a) "Package" means live bees

### Section 131.001 Definitions

Three definitions from existing 131.001 are amended and one definition is added.

(3) The definition of "beekeeper" is amended to simplify and eliminate the unnecessary parenthetical listing of products.

(5) The definition of "colony" is revised to differentiate from other defined terms such as "equipment."

(6) Agriculture Experiment Station no longer exists.

(12-a) "Package" is made a defined term. (131.041)

1 in cages without combs or honey used in  
2 forming a new colony.

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

5 Sec. 131.041. PERMIT FOR INTERSTATE  
6 MOVEMENT [~~IMPORTATION~~].

7 (a) A person may not ship or cause to be  
8 shipped bees or equipment into or out of this  
9 state unless the person has a permit issued by  
10 the chief apiary inspector authorizing the  
11 shipment.

12 (b) A permit issued under this section  
13 applies to all interstate shipments made by  
14 the beekeeper and expires on August 31  
15 following the date the permit is issued, with  
16 a maximum permit duration of 1 year.

17 (c) A person may apply for a permit  
18 under this section by filing an application  
19 with the inspector. A person may apply for a  
20 permit at any time, but a person must apply  
21 for a permit before the 10th day preceding the  
22 date of the shipment if the person does not  
23 hold a permit before the 10th day preceding

**Current Section 131.041-  
Permit for Importation  
and Section 131.042-  
Permit for Exportation  
are merged into one  
section. Section 131.042  
will be deleted.**

This creates one annual permit that covers all shipments of bees and equipment into and out of Texas, eliminating the need for multiple permits throughout the year.

There are no additional requirements imposed beyond what is in the current sections.

1 the date of the shipment. An application for  
2 a permit must include all information required  
3 by the chief apiary inspector.

4 (1) [~~a complete description of the~~  
5 ~~shipment,~~

6 [~~(2) the destination of the~~  
7 ~~shipment,~~

8 [~~(3) the approximate date of the~~  
9 ~~shipment,~~

10 [~~(4) the names and addresses of the~~  
11 ~~consignor and consignee, and~~

12 [~~(5)] A shipment originating  
13 outside this state requires:~~

14 (A) a certificate of  
15 inspection signed by the official apiary  
16 inspector or entomologist of the state,  
17 territory, or country from which the bees are  
18 to be shipped before the shipment enters the  
19 state; OR

20 (B) the chief apiary inspector  
21 of Texas must have inspected the shipment not  
22 more than 12 months before the date of the  
23 shipment.

Information required is expected to be similar to what is required now: shipment date, state of origin, # of colonies being moved, what county in Texas they will be located in, and beekeeper contact information.

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

12            (A) [~~r~~] the person shipping the  
13 bees or equipment may provide other suitable  
14 evidence that the bees and equipment are free  
15 from disease; OR

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

21            (d) If a person files an application in  
22 accordance with Subsection (c) [~~of this~~  
23 ~~section~~] and the inspector is satisfied that

1 the shipment does not pose a threat to disease  
2 control in the beekeeping industry, the  
3 inspector shall issue a permit authorizing the  
4 shipment.

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

8 (f) The inspector may charge a fee for  
9 each permit issued under this section. The  
10 inspector shall set such a fee at an amount  
11 that is reasonable in relation to the costs of  
12 administering this section.

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

15 Sec. 131.045. BEEKEEPER [~~APIARY~~]  
16 REGISTRATION.

17 (a) Each beekeeper in this state may  
18 register on an annual basis with the [~~The~~]  
19 ~~chief apiary inspector~~ [~~may provide for the~~  
20 ~~periodic registration of all apiaries in this~~  
21 ~~state~~]. A registration under this section  
22 expires August 31.

23 (b) A registration must include:

(f) This standard language mandates that fees must be reasonable in relation to the cost of issuing the permit. Based on early analysis the fee for this permit will not significantly increase costs for most beekeepers.

#### **Section 131.045**

Current statute provides only for voluntary registration of an apiary. This is a one-time registration and there is no process for updating the information. No fee is assessed.

This change will provide for an annual, voluntary registration of a beekeeper, allowing information to be kept current.

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

4           (2) the county or counties in which  
5 the beekeeper operates [~~apiary will be~~  
6 ~~located, and~~

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

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

16           (d) The chief apiary inspector may  
17 charge a fee for each registration issued  
18 under this section. The inspector shall set  
19 such a fee at an amount that is reasonable in  
20 relation to the costs of administering this  
21 section.

22           (1) the chief apiary inspector may  
23 establish separate categories of registrant

The information required is similar to what is currently required for the registration of an apiary.

(d) Allows for a fee to be assessed for the voluntary registration. Mandates the fees be reasonable in relation to cost of administering. It is expected that this fee will be less than the current fee for an Intrastate Permit.

(d)(1) Allows for fees to vary depending on categories established by TAIS.

1 for fee assessment purposes.

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

5 (a) Fees collected under this  
6 subchapter shall be deposited in the State  
7 Treasury [~~to the credit of a special fund to~~  
8 ~~be known as the bee disease control fund to be~~  
9 ~~used only to defray the costs of administering~~  
10 ~~and enforcing this chapter~~].

11 SECTION 5. The following provisions of  
12 the Agriculture  
13 Code are repealed:

- 14 (1) Section 131.042;  
15 (2) Section 131.043.

**Section 131.046(a)**  
The "bee disease control fund" was discontinued a long time ago. All fees now go into the Texas general fund.

**Section 131.042 – Permit for Exportation is repealed.**

**Section 131.043 – Permit for Intrastate Shipment is repealed.**

All references to these repealed sections in other parts of the statute, including under Penalties, will be deleted in final bill language.