



Texas Beekeepers Association

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Ms. Joy A. Davis
Via Email

Joy,

Thank you for sending us the proposed additional language related to qualification of land for agricultural appraisal based on beekeeping. It appears that the language is intended to codify selected, specific uniform “standards” in all 254 Texas counties related to the qualification for beekeeping. We have concerns about the specific proposed language as well as taking this approach in general.

I. Concerns specific to the proposed language.

A. **Section 23.526.** We believe this may be an error as this section already exists to address a completely unrelated topic.

B. **“Land must be used for bee pollination or production...”** This language seems unnecessary since Section 23.51 clearly states “...land to raise or keep bees for pollination or for the production of human food or other tangible products having a commercial value...” We are concerned that this “re-statement” of clearly stated language in Section 23.51 may cause confusion and lead to conflicting interpretations being applied to the language in the new proposed section.

C. **“...and must have hives on the land 9 months of the year.”** CADs have the ability to set the length of time hives must be on the land in their county guidelines, and many have done just that. We have no objection to CAD’s specifying the time hives must be on the land. However, given the vastly different environmental regions of the state, we believe this decision is better left to the CADs in each county. What is appropriate for East Texas may not be appropriate in the Trans-Pecos region of Texas. This diversity has been recognized in qualification of land for agricultural valuation for many years. Beekeeping should not be an exception.

If the concern is that landowners are not complying with the time limits set by the CAD guidelines, or that CADs are not able to monitor their imposed time requirements sufficiently, it seems naïve to think that codifying this language in the statute will adequately address those concerns.

D. **Universal minimum degree of intensity standards.** We have several concerns with this language.

1. Setting degree of intensity standards based on a definition in Chapter 131 of the Texas Agriculture Code is a potential problem. Chapter 131 is very outdated and in need of substantial revision to address the needs of the beekeeping industry today. The last substantive review and update of Chapter 131 was in 1983. We have been working to update this statute for several years. In fact, last session an interim charge was given to the House Agriculture Committee to review Chapter 131 and we expect that changes may be proposed again this session. These changes are likely to include changes to some of the definitions, including “apiary” and “colony.” In 1983, defining an “apiary” as a “place where six or more colonies of bees or nuclei of bees are kept” may have had a basis related to the purpose of the Chapter that is not valid today. We would caution against using Chapter 131 as a reference.

2. While many counties in Texas have set a minimum of 6 hives for 5 acres, statutorily tying a minimum standard for degree of intensity to the definition of an “apiary” under a statute whose primary emphasis is disease monitoring, control, and mitigation in the beekeeping industry, is not appropriate. We have confirmed with the Apiary Inspection Service that the definition of an “apiary” under Chapter 131 is not intended to imply any relationship to degree of intensity standards for beekeeping. We also believe that making this association could create potential obstacles to enforcement of the language.

3. Like every other agricultural industry, determination of the minimum degree of intensity for keeping bees would not be uniform throughout the state. Given the different environmental conditions in the various regions of Texas, CADs need to be able to take into consideration the rainfall, soils, temperatures, growing season, forage resources, etc., for keeping bees just as they do for other agricultural industries. Again, setting statutory standards for beekeeping, in a manner that is not done for other agricultural industries, raises potential issues for enforcement. Additionally, setting a statutory, universal standard would seem to raise potential precedent issues which could be detrimental to other agricultural industries in Texas.

II. General concerns with codifying these specific standards in statute.

CADs have broad discretion in setting and enforcing their county guidelines, including implementing all the standards in the proposed language. In fact, the proposed language is essentially, and for all practical purposes, consistent with what the majority of CADs are now following and have been following for a number of years. We do not see where any of the concerns raised during discussions with Representative Shine’s group or Carla Pope-Osborn would be addressed by codifying the proposed standards in the statute. In fact, we see more issues being raised by including this proposed language, some of which we discussed above, and would not be in favor of including the language.

Perceived abuses of the statute by a few can be addressed in more productive ways than the proposed language. There is a vast amount of knowledge and experience in agencies and organizations such as the Ag Extension Service, Texas A&M, NRCS, Texas Wildlife Association and Texas Beekeepers Association that could be of value in assisting some of the CADs who may be having localized issues related to the beekeeping qualification. TBA and some of its members have offered to work with the Comptroller’s office, CADs and other interested individuals to help address their concerns.

The addition of beekeeping to Section 23.51, in 2011 has been a great success in promoting beekeeping and the beekeeping industry, and in accomplishing the statute's goal of spreading bees across the Texas landscape, increasing honey bee populations and benefiting the agricultural economy. We believe the group wants to see this continue and we stand ready to help find appropriate ways to address concerns.

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