

Senator Luick and members of the committee,

My name is Vern Jacobson from Bottineau, ND. Some of my background- I am a US Navy and Viet Nam Veteran, a licensed motorcyclist and currently a Licensed Crop Adjuster.

I support SB 2134; however, I believe this bill is misleading in how it is written. It should be amended with concise language to address the placement of the hives placed along a paved highway. The language needs to exclude and not affect the location of the Apiary site or extraction facility. I believe that moving the hives 440 yards away only from any paved highway right-of-way would improve safety on our highways and protect our farmers, landowners and the honey industry. I also understand that bees will travel over a mile to get to where they collect pollen and nectar. I also believe having them away from the highway right-of-way would reduce the risk of a swarm leaving or returning to the hives and crossing the roadway, possibly causing a serious accident. It is not my intent to destroy the honey industry in North Dakota, but to support an amended bill for not only traffic safety, but protection for our farmers, landowners and the honey industry.

Three years ago, when traveling south on Highway 85 on an adjusting assignment, there were a group of 6 cyclists traveling roughly ½ mile in front of me. When one of the cyclists came close to losing control of

their bike, I suddenly knew why as my windshield was completely covered with bees hitting it, bee hives were located just off the highway right-of-way. The cyclists stopped along the road, and I stopped behind them. The woman operator of that motorcycle peppered with welts from bees hitting her. How she managed to keep the bike upright was incredible. The cyclists were from out of state traveling through North Dakota.

Having been raised on a farm in Benson County, still owning the farmland my grandfather homesteaded and currently making my living from the Agriculture Industry, I am very much aware of the importance and benefits of bees to the Ag industry and also the importance of Agriculture to our great state, and the world as a whole. Tourism is also a very important facet of North Dakota's economy. But this incident did indeed raise some questions in my mind as a landowner.

If the cyclist I referred to had lost control of her bike, was killed or seriously injured, chances are her family would seek legal counsel as he or she realized the value of the Apiary, and the farm on which those hives were placed- could the lawsuit be successful? This does not prohibit Legal Counsel from entertaining the party as a client.

In speaking with an attorney and presenting that scenario to him, his first remark was that North Dakota is an open range state.

I have been in the insurance industry for over 30 years both as an Agent and an Adjuster. I have seen payments made by the companies I represented, for both property and bodily injury from livestock being on the roadway causing an accident. The attorney agreed, and said to me, "It would be hard to show negligence on the farmer's part if they are not his bees, but if there has been a payment to have those hives on that property, even if that payment is in the form of honey, then that opens up a another scenario for a lawsuit. Yes, both the Apiary and the landowner could, and most likely would be named in the lawsuit."

Could that lawsuit be successful? I asked agents of insurance companies that represent some of the major insurers of farms in North Dakota if they would inquire from their companies if there would be liability coverage for the farmer in this same scenario through their farm policies. Companies that responded, responded with a "NO" as they do not provide coverage for Apiaries, and one company representative stated, "I won't go far enough to say there will never be a case that gets tried over this, but at this time there is nothing more we can do to protect the farmers that I am aware of."

Another company basically stated the same word for word, but added, "If there is any kind of payment to the landowner for the placement of the bees, this could add a whole new scenario for a lawsuit; there would be no coverage."

A homeowner policy with farmland liability attached to it would offer no coverage for this either.

I pray this never occurs, but in this "lawsuit happy era," all it would take is one to see an opportunity to enrich his client and himself over the value of today's farms- so, would a jar of honey be worth losing the farm? Please send an amended bill on with a "Do Pass" to protect our motorists, our farmers, land owners and our honey producers.

Thank you.

Respectfully Submitted,

A handwritten signature in black ink that reads "Vern Jacobson". The signature is written in a cursive style with a long, sweeping underline.

Vern Jacobson

273 N. Lake Park Rd, Bottineau, ND

(701)228-4442