



January 13, 2023

Dear Members of the 68th North Dakota Legislative Assembly,

Recently Senate Bill No. 2134, proposed on January 10, 2023, has come before your group for consideration to limit the placement of any hives "within one-quarter mile [.40 kilometer] from the nearest edge of a roadway within the county road system as provided for in chapter 24 - 05, the state highway system as provided for in chapter 24 - 01, or a federal highway within this state."

I am writing to you as a second-generation member of a beekeeping company that has caring for bees in North Dakota for over 20 years. Going into 2023, we have 234 bee locations which will be used to house the 7,500-9,000 hives we plan to bring into the state, including our own shop just off Hwy 83 near Baldwin. The proposed bill would be significantly detrimental to the beekeepers that have made North Dakota the home for their bees each year.

Each year, we rely on North Dakota's fine farmers for the ability to place our bees on their land in exchange primarily for the knowledge it benefits the State's ecosystem (cross pollination in planted and native crops/florals), some honey related goods, or possibly cash rent. Often these farmers desire that bees are placed on the edge of their property to ensure the farmers have full utilizations and access to their land for their row crops or hay pasture.

Furthermore, we must consider the ability to access the hives regardless of rain, snow, or other detrimental weather; ensure that the hives are on level ground and not at risk of flooding. This access includes the ability to drive in with feed and other nutritional supplements at times of natural dearth, and the ability to provide additional supers for space to prevent swarming in times of abundance.

In consideration of bees themselves, a bee will fly on average 3 miles in each venture it takes searching for nectar, pollens or water for its hive. As much as we would like to control nature, the bees will fly as they choose, just as grasshoppers, bumble bees, flies and other insects throughout the State do at their respective times.

In attempting to review which of our 234 yards would be affected by this potential legislation, I had difficulty finding definitive guidance regarding which roads were considered county roads and where township roads fall within the purview. The maps available stated they should not be considered official guidance, and the state codes referenced in Bill 2134 do not also address Township roads with specificity to rule whether they should be included. Our yards are all platted on GPS, so using Google Maps, we have identified the location of our hives and used the "Measure Distance" feature to ascertain the rough distance our hives are from main roads. Out of the 234 yards, 48 (20.5% of all our yards) were located ¼ mile (1320 feet) or more from the nearest road. All others were under that distance from the road, with our average distance from the road being 809.79 feet (not quite 2/3's of the proposed distance limitation).

For our corporate headquarters, the furthest distance from the inner tree row to 240th Ave NW is only 445 feet, barely over a 1/3 of the proposed requirement for placement from the edge of the road and

our Western most property edge is 1305 feet from Southbound Hwy 83 (still under the proposed limitation). Bill 2134 would make it impossible for us to have any hives on our property. Throughout the year we use this site for receiving bee loads, with odd amounts of hives staying on site until the next semi load of bees comes in; for monitoring hives in which we have seen unusual behavior, monitoring a new treatment for effectiveness, or when we have collected a swarm; and finally at the end of the season, we use our base to bring hives that are doubtful to make over-wintering so that we have time to monitor them right before making a final decision of their shipping worthiness. The inability to use our own property to conduct these activities would greatly impact our property's usefulness and such a restriction could never have been foreseen when we purchased the property in 2009 and invested nearly a million dollars in the purchase and development of the property for our operation.

I believe our operation is representative of the majority of those operating bee hives in the State, and anticipate if Bill 2134 were to pass, the State would be adversely affected by reduced revenues as the number of beekeeping companies and hives in North Dakota would be significantly reduced, thereby negatively affecting the economy of the State and causing loss in revenues of corporate income taxes, employment taxes, and sales tax revenues from the companies and additional people that these companies bring into the State each year.

Furthermore, Bill 2134 will create additional burdens on the Agricultural department as they will potentially be required to physically measure many locations (through methods generally left to surveyors) to ensure compliance with this proposed bill. The State will face additional expenses for Department members' time and mileage without additional associated revenues. Further, due to the ambiguity of the Code's language for laypersons and lack of publicly available digital maps, it is likely that many of the claims will be frivolous as there will be a lack of clarity regarding when this limitation would apply.

In closing, I would ask for your esteemed Membership to consider the impact of this legislation on all the stakeholders involved: the beekeepers, the farmers, the ecosystem, the public, and the State itself.



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Vice President