

2013 HOUSE AGRICULTURE

HB 1343

2013 HOUSE STANDING COMMITTEE MINUTES

House Agriculture Committee
Peace Garden Room, State Capitol

HB 1343
February 7, 2013
Job #18490

☐ Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to an apiary setback; and to provide an appropriation

Minutes:

Attachments #1-11

Representative Monson, Co-Sponsor: (See attached #1a & 1b)

Representative M. Nelson: (7:50) This bill would outlaw beekeeping in city limits due to the proximity to paved roads. The removal of honey bees would result in more of the yellow jackets and hornets. Why did you pick paved roads?

Rep. Monson: It is a place to start. To include any road is not realistic. We need bees. At least a paved road is where there are motorcycles. I don't think they should be in town. We have lots of places to put bees. We are the number one producer of canola. I'd welcome them to come to my land and place bees.

Representative Belter: This law would force a beekeeper to put bees almost 2,000 feet in a field. That would destroy a farmer's crop and the beekeeper would have to pay compensation. If there is a wet summer, it may limit access.

Representative Monson: This is only going to affect a paved road. I don't see it as a hardship. There are abandoned farmsteads they can use.

Representative Rust: Can you tell me why you picked the length?

Chairman Dennis Johnson: This was a number that was picked. If you want less or more it can be amended. It can be right along the trail on a gravel road. The pavement is where the majority of traffic is.

Representative Monson: Bees do fly. But they are more concentrated next to the hive. Further away from the hive they will be less.

Representative Fehr: What existing laws are not being enforced?

Representative Monson: My constituent said it is illegal registration, not putting them where they said on the registration sheet. Maybe there aren't enough people to watch the registrations.

Representative Fehr: There currently is no set back?

Representative Monson: No

Representative Fehr: The appropriation of \$900,000, do you know what that is to go toward?

Representative Monson: I believe it is to hire four new people to enforce this regulation. You can go on a highway and use a rangefinder and quickly find if it is close to the right distance off the highway.

Representative Kiefert: There might be an exemption for their primary base of operation?

Representative Monson: We have to be reasonable. That's up to the committee.

Representative Heller, District 33: Representing constituents. Received several emails.

Read emails from **Perry Voegle, Center:** in favor of the bill

Gordy Guthmiller, Beulah: in favor of the bill

Representative Haak: Were any constituents against this bill?

Representative Heller: No there wasn't.

Kevin Herrmann, Beulah: (See attached #2)

Representative M. Nelson: (31:18) Agriculture is a right in the state of North Dakota. Beekeeping is agriculture. Now we are creating a ¾ mile swath along every paved road that they can't perform this agricultural operation. Is it necessary to be that wide? It is a severe limitation.

Kevin Herrmann: When speaking with Ag. Commissioner Goehring, there are problems in the century code. Registration may be revoked of an apiary as a public nuisance. But that conflicts with the part of law that says agriculture is deemed not a nuisance.

Don Faber, President, American Bikers Aiming Toward Education (ABATE) of North Dakota: (33:30) (See attached #3)

Ashtin Freije, Senior Class of Adams-Edmore High School: (35:42) (See attached #4)

John Nienhuis, Adams-Edmore High School: (38:30) (Continued on attached #4)

Representative M. Nelson: Did you find examples of accidents or deaths from bee hives being placed close to highways?

John Nienhuis: Not deaths. But many people have been stung.

Representative Haak: Did you talk to local law enforcement to find out if they were in support of enforcing this law?

John Nienhuis: We did not talk to them but law enforcement is their job.

Representative Larson: When you add job responsibilities to a group of people, then they need to add people to do the jobs.

Representative Rust: I find it encouraging to see students take an interest in the process of government and commend you.

Representative M. Nelson: Did your biology teachers work with you to identify differences in bees?

John Nienhuis: I can tell the difference between a couple of them.

Chairman Dennis Johnson: Thank you class for coming.

Opposing:

Brian Kramer, North Dakota Beekeepers Association: (45:30) (See attached #5)

Representative Fehr: Under current law enforcement of registration, do you have any thoughts on how that would be accomplished?

Brian Kramer: The Beekeepers Association and the Ag. Dept. have worked jointly to make sure these incidents don't happen. Often they are out-of-state people that come in and may not know the law.

Representative Fehr: Do you have a sense of what size setback the Beekeepers would support?

Brian Kramer: If you are next to a highway and there is a shelterbelt and bees are on the other side of the shelter belt, that will change the flight path. Do they need to be back 660 yards?

Chairman Dennis Johnson: We have a large setup down the road from the farm. They seem to swarm over the road.

Will Nissen, President of North Dakota Beekeepers Association: (53:15)
(See attached #6)

Twenty-four hours ago I was pollinating almonds in Southern California. The decision made here has a ripple affect across the whole nation.

Since the 70s there are a lot of new paved roads. Is it a State Highway, U.S. Highway, or is it all paved roads.

I don't know what a good distance is from a paved road. Most all of ours are 150 yards from a road.

Bees on windshields or bugs on windshields are a problem in North Dakota in the summer.

There are more good beekeepers in North Dakota than there are bad ones. We take the responsibility to work with Judy. All the locations registered are mapped on the Ag. Dept. website.

Representative Headland: Would it help to limit this to federal or state highways?

Will Nissen: That is a possibility that we would entertain.

Representative Kiefert: What would be a workable distance for you?

Will Nissen: 100 yards or 150 yards

Representative Fehr: You said most beekeepers do a good job. Do you have any ideas on how to enforce those that don't do proper registration?

Will Nissen: I think it should be the Dept. of Ag. We shouldn't have the law enforce a condition like this.

Chairman Dennis Johnson: The beekeepers in our area have gone in a vacant farm yard and lined them up along the ditch line. Would you be comfortable with 100 yards?

Will Nissen: I would bring it to their attention.

Chairman Dennis Johnson: On our lands they were along the township roads.

Representative Larson: It seems you would want to have the bee hives off the road to not have them killed by passing traffic.

Will Nissen: At 150 yards they have enough time to clearance. One problem is getting trucks to deliver on solid ground. We have trouble in spring.

Randy Verhoek, Bismarck and Texas; (1:05) (See attached #7) When I started I had 750 colonies and last year I sent 22,000 hives in North Dakota.

The good beekeepers police themselves. This should be resolved in the constraints of agriculture. Beekeepers are agricultural producers. We register with the FSA office. We can put honey under government loan.

We need to have our locations named and the good beekeepers do that. There are some enforcement issues. Since 1997 there were 340,000 registered colonies in the state. Now there are over 500,000 colonies registered in North Dakota. We believe there are 10% that come in under the radar. At my 400 locations we know the landowners. We may need to have enforcement procedures put in place.

We have full time and seasonal employees. It doesn't matter where you place the hive. They will fly for miles if they need to. My honey house is less than 3/8 mile off of Highway 83. I move my hives at least 3 miles away so they are not robbing on the honey house after the flowers quit blooming.

I am also a paid member of the motorcycle group ABATE. I took a class there. I was required to wear a helmet, eye protection, full length pants, a long sleeve jacket, and over the ankle boots. There are other wild things to run into.

We bring an impact to North Dakota.

Representative Kiefert: What percentage of your operation would you have to move if this is passed?

Randy Verhoek: Only one location that stands behind spruce trees. Most are set off. We need to think of wet years when you can't get bees out. I've had to set close to a highway for a couple of weeks.

Representative Kiefert: If the 660 yards came into play, would you have to find a location for all of your bees?

Randy Verhoek: The problem is not here. It is up in northern North Dakota where they plow right around the farmsteads. There isn't room but they do want bees on canola.

Representative Fehr: You said there is a problem with enforcing. Can you give us some idea of what that would take?

Randy Verhoek: I believe a majority get taken care of.

Representative Trottier: Has this issue ever been brought up at annual convention?

Randy Verhoek: Yes

Representative Trottier: How long would it take to work a number to satisfy both parties?

Randy Verhoek: That would be a possibility.

Cynthia Browning, Browning's Honey Company, Jamestown: (1:19) 30 employees (See Attached #8)

Representative Larson: (1:31:41) Are you aware of beestings being used to treat MS?

Cynthia Browning: Yes. I understand it has individual results. Some people do feel relief and others do not. It is used to treat arthritis as well.

Representative Kiefert: When you provide water, does that make them more productive and keep their flight pattern less?

Cynthia Browning: They will fly to the closest water. We provide water.

Bonnie Woodworth, Beekeeper from Halliday: (See attached #9) We operate about 3,800 colonies in the area. Don't bite the hand that feeds you. This bill has a vicious bite.

Bees need a lot of different pollens. Nutrition is a big problem. They like buckwheat and will go there.

Our holding yards have to be next to the highway. Our trucks cannot go off into a field to load or unload.

During the summer there is a lot of spraying of sunflowers that we have to move locations.

There are over 500,000 colonies of bees in North Dakota. Judy Carlson mentioned there were 35 complaints that came to her office last year. The beekeeper is caught in the middle if the landowner wants a location and someone else complains about it.

We wear our helmets and protective clothes when we ride our cycle. I worry more about deer on the highway than I do about bees.

Representative Rust: Do you take your bees to California? What is the ratio between dollars you get for pollination vs. honey?

Bonnie Woodworth: About 50-50. We come back in late April with the bees.

Chairman Dennis Johnson: I appreciate your passion, beekeepers. Are the ones not here the bad apples?

Bonnie Woodworth: At every convention it is brought up that it needs to be policed more. I got an email from a beekeeper from Minnesota. He said he did bring bees to North Dakota for canola to the Devils Lake area. He agreed there were too many bees close to the road. But if he left his bees in Minnesota they would have starved.

Bees will increase sunflower productions by 30%. Truck access is the problem. What happens if there is a wet year? This whole situation needs to be taken on a case by case basis. Montana has a 3-mile territorial limit and so does South Dakota. North Dakota got rid of the 2-mile limit many years ago.

Chairman Dennis Johnson: With the crop changing to corn and soybeans, that also crowds your operation.

Bonnie Woodworth: CRP is decreasing and landowners are required to keep their weeds under control. With spraying they killed all the alfalfa.

Representative Kiefert: What would you recommend for an acceptable distance?

Bonnie Woodworth: I can't say. It has to be a case-by-case basis.

Representative Kiefert: You wouldn't recommend even like a hundred yards?

Bonnie Woodworth: I am bad at judging distance. Not on a fence line. We lose our crop too when they are struck by traffic.

Representative Kiefert: Even if nothing is done, you'll bring this to your next meeting.

Bonnie Woodworth: This has come up for the third time. We will work on that with the help of the Ag. Department. An avenue might be a study resolution.

Gary Mackrill from Cathay, North Dakota: This bill relates to paved highways. When will a judge rule that a gravel road is paved with gravel? I thought that it was all public roads. I am concerned about that becoming after the fact. There are a lot more important problems like pesticide issues that are putting us out of business. I am down 1/3 of my business thanks to pesticides in North Dakota. With the excess rain in 2011, the residual chemicals on our farmland were in the water setting on the land which was killing bees, song birds, etc.

More sense is needed in staying away from the highway. I have 6 or 7 locations along the highway. There are many other insects. How are you going to regulate all the others?

Neutral:

Dane Braun, North Dakota Dept. of Agriculture: (1:58:40) (See attached #10)
The bill has the new section going into Chapter 4-12.1 which the honey promotion act and that has been repealed. It would be better placed in 4-12.2 which is the beekeeping section.

Representative M. Nelson: Is this going to affect only honey bees, etc.

Dane Braun: I think it would be just for honey bees.

Judy Carlson, Director of Plant Industries Division with the North Dakota Dept. of Agriculture: (2:02:32) Years ago we used to have seven bee inspectors during the summer. I was a full time bee inspector. The legislature directed us that we were too regulatory. "We were keeping people from doing bee business in the state." Senator Bowman was very active on the legislation. We went from 7 inspectors to 2 part time inspectors and ½ of an FTE that does support work.

Most of my salary comes out of the EARP fund through our noxious weed program.

We have a limited staff. I think we have gone into more outreach. Beekeepers have cell phones now. If I get a complaint, we get the bees moved. Conflicts that we have are when the landowner wants the hives and someone in the area doesn't.

The person Representative Monson referred to--I spent 40 hours last summer working with Janet Shill. As far as we know all locations in that area are registered now.

We came up with the appropriation as follows: if we had seven inspectors (and in the past we inspected 5% of all the bee yards) and then turned that into today's dollars. For Motorpool we are paying 75 cents per mile for travel. The two inspectors we have now are divided between the eastern half and the western half. With more inspectors there would be a smaller area.

Representative Boschee: It sounds like we have problems with outside neighbors. Is it the landowner regulating them?

Judy Carlson: They have to have written landowner permission. If they don't, it is a Class A Misdemeanor. They have to get a license every year. They apply by March 1. We do have a map on the internet showing where the yards are. We have over 10,000 bee yards registered. Much of it is complaint driven. Landowner permissions are not redone every year. They are in effect until the landowner or beekeeper changes.

Representative Headland: Can I find if I have given permission?

Judy Carlson: They get them from renters or landowners. You can see it on the website.

Representative Fehr: The 7 inspectors, is that the total or is it 7 additional?

Judy Carlson: That is 7 total. Our budget now is \$40,000 for two years. I suspect there may be litigation with this law.

Representative Fehr: If we did get a setback, could they get a waiver?

Judy Carlson: You would have to put that in the law. It would be important to have some leeway. During drought and wet years we get more complaints.

Representative Trottier: There were only 35 complaints?

Judy Carlson: I keep track of the calls. I could share that with you. (See attached #11 Bee Complaints)

Chairman Dennis Johnson: Is this something you feel should be studied?

Judy Carlson: I don't think it hurts to study.

Representative Fehr: Do you have a sense if those causing problems are members of the Beekeepers Association?

Judy Carlson: In North Dakota we have about 200 licensed beekeepers. Over 100 go to the convention.

Representative Fehr: What happens when you are aware of unlicensed beekeepers? Is there a penalty?

Judy Carlson: It is a Class A Misdemeanor. We want them to have landowner permission. We want to know where the bees are so they are on our map so when a sprayer is out spraying sunflowers they know where the bees are. We only have right of entry if there is a complaint or a request by a beekeeper.

Representative M. Nelson: The States Attorney, will they prosecute if not far enough from the highway?

Judy Carlson: It is not so good. They are investigating murders, etc. We did have one where the beekeeper got 30 days in jail and a \$40,000 fine which was at the height of the bee wars. That is one of our best beekeepers for placing bee yards in the right place.

Chairman Dennis Johnson: Closed the hearing.

2013 HOUSE STANDING COMMITTEE MINUTES

House Agriculture Committee
Peace Garden Room, State Capitol

HB 1343
February 11, 2013
Job #18642

☐ Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:
(Committee Action)

Relating to an apiary setback; and to provide an appropriation

Minutes:

Representative Rust: Has an amendment 13.0702.01001

This turns it into a study.

The bee industry is #1 in North Dakota and necessary to agriculture.

We would need to change on the bill, chapter 4-12.1 to 4-12.2 in Line 1 and line 4.

Representative Rust: Moved the amendment

Representative Larson: Seconded the motion

Representative Belter: I am going to resist the motion. If we do this it probably will not get studied. The bee industry is very important in North Dakota. The right to farm is in the constitution. If we are going to study this, do we need setbacks on corn and sunflowers because they impede vision at intersections? Or do we need setbacks for feedlots because when you drive by you can smell them.

Representative Headland: I also will resist the motion. No matter what language is in there for setback, it will cause problems. I have bees and they do not have permission from me. So there are problems out there but this bill or a study resolution will not address that.

Representative Larson: I will vote for the amendment because it is less of an impact but then I will vote against the bill even as amended.

Representative Belter: We need to keep in perspective beekeepers don't want their bees killed by cars. There may be permission issues that need to be dealt with.

Representative Kiefert: I agree with Do No Pass. With only 30 complaints in the state for a year that is commendable.

A Roll Call vote was taken: Yes 4, No 6, Absent 3. (Reps. Wall, Heilman, and Haak)

Amendment failed

Representative Rust: Moved Do Not Pass

Representative Boschee: Seconded the motion

A Roll Call vote was taken: Yes 9, No 1, Absent 3. (Reps. Wall, Heilman, and Haak)

Do Not Pass carries.

Representative Kiefert will carry the bill.

February 11, 2013

7/11/13
J. B. C.

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1343

Page 1, line 1, replace "4-12.1" with "4-12.2"

Page 1, line 4, replace "4-12.1" with "4-12.2"

Renumber accordingly

Date: 2/11/13

Roll Call Vote #: 1

**2013 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1343**

House **Agriculture** Committee

Legislative Council Amendment Number 13.0702.01001

Action Taken: ☐ Do Pass ☐ Do Not Pass ☐ Amended ☐ Consent Calendar
☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Rep. Rust Seconded By Rep. Larson

Representatives	Yes	No	Representatives	Yes	No
Chairman Dennis Johnson	X		Rep. Joshua Boschee		X
Vice Chairman John Wall	AB		Rep. Jessica Haak	AB	
Rep. Wesley Belter		X	Rep. Marvin Nelson		X
Rep. Alan Fehr	X				
Rep. Craig Headland		X			
Rep. Joe Heilman	AB				
Rep. Dwight Kiefert		X			
Rep. Diane Larson	X				
Rep. David Rust	X				
Rep. Wayne Trottier		X			

Total Yes 4 No 6

Absent 3

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Hoghouse bill and turn it into a study.

*Amendment
Failed*

Date: 2/11/13

Roll Call Vote #: 2

**2013 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1343**

House **Agriculture** Committee

Legislative Council Amendment Number _____

Action Taken: ☐ Do Pass ☒ Do Not Pass ☐ Amended ☐ Consent Calendar
☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Rep. Rust Seconded By Rep. Boschee

Representatives	Yes	No	Representatives	Yes	No
Chairman Dennis Johnson		X	Rep. Joshua Boschee	X	
Vice Chairman John Wall	AB		Rep. Jessica Haak	AB	
Rep. Wesley Belter	X		Rep. Marvin Nelson	X	
Rep. Alan Fehr	X				
Rep. Craig Headland	X				
Rep. Joe Heilman	AB				
Rep. Dwight Kiefert	X				
Rep. Diane Larson	X				
Rep. David Rust	X				
Rep. Wayne Trottier	X				

Total Yes 9 No 1

Absent 3

Floor Assignment Representative Kiefert

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1343: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (9 YEAS, 1 NAYS, 3 ABSENT AND NOT VOTING). HB 1343 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "4-12.1" with "4-12.2"

Page 1, line 4, replace "4-12.1" with "4-12.2"

Renumber accordingly

2013 TESTIMONY

HB 1343

H/a
2/7/13

Testimony on HB 1343

Rep. David Monson, Dist. 10

Chairman Johnson and members of the House Agriculture Committee, I'm here in support of HB 1343. This is a bill I signed onto for several of my constituents who are allergic to bees. Since signing onto this bill, I've heard from many others who think this is long overdue. One of my constituents can't be here today and sent me her testimony to read into the record for other. She feels this bill should go much farther than it does, and I have to say after reading her testimony, I think she may be right. Someone is seriously negligent in the enforcement of the laws we already have on the books and need to be taken to task by someone.

I want to stress that as a canola grower, a person with a small orchard in my back yard, and a biology teacher with a strong background in entomology, the bee industry is essential to ND. Bees and honey are extremely important to our economy. I don't want to infringe on the bee industry, but I want to make sure that our citizens are free of the nuisance of bees in their daily lives and somewhat safe from the death threat they impose on those who are deathly allergic to bees. I know fully well that bees fly several miles in search of pollen and water, so there is no way to totally eliminate the nuisance and threat, but some restrictions are needed.

I do want to add that I have a son who is allergic to all hymenoptera stings. When you live miles from the nearest hospital, an epipen is essential at all times. There is little that can compare to the feeling that goes through a parent's mind when you see your son tearing across the field on the riding lawnmower right across the swaths making a beeline to where you are. When he gets there his throat is already swelling shut, and he can barely talk to tell you he can't breathe and was stung by a bee. Then you need to drive 35 miles to the hospital. I don't want that to happen to anyone. This bill may prevent a little of that.

I especially think this setback can help those who drive on our highways on motorcycles. I urge you to do what you can to help these people.

From: Janet Schill

Langdon, ND 58249

To: Rep. David Monson

Representative Monson:

I am writing this to express my concerns and give my support for HB Bill #1343

I am in favor of this bill but wish it also included additional regulations concerning the placement of bee apiaries. I lived in Nekoma Township my entire life. In recent years we have had up to 12 apiaries within 4 miles of our yard. We live ½ mile off a paved road. We have such an excessive amount of bees in our yard I have to be wary of being outside. I am allergic to bees. This limits my ability to comfortably mow my lawn, weed my garden, and enjoy being outdoors in our short summer season. I also am very active in our farming operation. During the summer I am the one who drives the water truck to the fields to fill the sprayer. As you may know, bees are attracted to water. Most of the time, I have to sit in the truck with the windows rolled up because the bees swarm my truck. I cannot help my husband fill the sprayer. I also have a pasture along the highway. Every year there is an apiary right across the highway from my pasture. This makes it very difficult and unnerving to me to get my horses out of the pasture to ride them. Again, the bees are attracted to water and therefore are always swarming around the horses' water tank. On several occasions we have had apiaries placed in our township without permission from the landowners or the renters. There have been occasions that the apiaries are registered with the wrong landowner's names, including ours. The landowners name listed on a parcel of land that we own was registered under an owner's name that has never owned the land. When I called the ND Department of agriculture to report this, I was told that I had to write a letter to them to get this illegal registration removed from the list. To me this total disregard of the landowner's rights is unacceptable. Also, the beekeepers are not penalized for not registering their apiaries or registering them "inaccurately".

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HB 1343

In conclusion, I do support this bill but urge you, our lawmakers, to consider putting in place stiffer restrictions on the placement of these apiaries that they cannot be within 2 miles of an occupied residence without the written permission of the resident and all landowners and that permission must be renewed annually.

Thank you so much for your attention to this matter.

Janet Schill

#2
2/2/13
HB1343

Chairman Johnson and House Ag committee members, my name is Kevin Herrmann from Beulah, North Dakota. I want to come forward to say that I support House Bill 1343. I wish the setback would be more than 660 yards plus the bill would address 4-12.2-25-Beekeeping considered agricultural enterprise and 42-04-02-Agriculture operation deemed not nuisance. I have talked to many individuals about the House Bill 1343 with majority of the public stating this bill is a good start.

In 1989, 1995 and 1997, there was a bill introduced about a setback of bee apiary unfortunately with results of the bill failed.

I would like too give this committee some information. It has been since 2006 that I have been sending in complaints about the bee apiaries to North Dakota Department of Agriculture. The individual in the North Dakota Agriculture who is in charge of Beekeeping is Judy Carlson. At first, I was just like the general public in which I do not know the North Dakota Department of Agriculture go by county plats for location of bee apiary. I was giving mile markers and mileage. I do have some county plats now. The general public does not realize that the North Dakota Department of Agriculture does not have many Bee Inspectors so the general public who file a complaint(s) get frustrated of seeing no result of improvement about the bee apiary too close to paved road. I have requested in my complaint the name of Beekeeper at the bee apiary location if it was not registered with the North Dakota Department of Agriculture. Sometimes I would get the information depending if the bee inspector was able to check it out.

There is a problem with the Beekeepers not following Chapter 4-12.2-14 Identification of Colonies. According to this part of Century Code, I have not seen any Beekeeper providing any board or weatherproof placard to tell the public the beekeepers name, address and phone number at main entrance of each apiary or beehive. The question is how is the general public able to know the Beekeeper's apiary in order to give Judy Carlson the information in their complaint? I did ask Judy Carlson why this part of Century Code was not enforced. The way I understood Ms. Carlson, the department has tried in the past with no results with Beekeepers willing to follow 4-12.2-14, so the department has not been enforcing. Why does the Beekeepers do not want the public to know? This part of Century Code needs some stronger wording for violation of 4-12.2-14.

In 2010, I did send a letter to North Dakota Ag Commissioner Doug Goehring. Commissioner Doug Goehring talked to me on the phone and replied to my letter. (I have provided a copy with my testimony) In Chapter 4-12.2-08.1-Renovcation of registration of an apiary, the agriculture commissioner may cancel the registration of an apiary when the bees located on the apiary site are causing a nuisance as defined in Chapter 42-01. I was trying to get Commissioner Doug Goehring to use this part of Century Code to get these bee apiaries away from the paved highways because they are a public nuisance. As you read Commissioner Doug Goehring letter, there is conflicts with different parts of Century Code of Chapter 42-01-Nuisances and Chapter 4-12.2-Beekeeping. Chapter 42-04-02 Agriculture operation deemed not a nuisance- needs to be repealed because bee apiaries setting to close too paved highways are a public nuisance. Also, Chapter 4-12.2-25 Beekeeping considered agricultural enterprise- needs to be repealed because it is not an agriculture product. The definition of Bee is an insect, not a grain, cattle or seed.

I was raised on a farm north of Zap. My Dad did not have any bee apiaries on his property which the grain and hay land grew just fine as long their was timely moisture.

This committee will probably hear about how the bees fly for long distance up to many miles. The general public understands but where is the highest concentration. It will always be by the bee apiary. I have seen some bee apiaries not close to any pool of water. It was mentioned to me of the population of bees is down so it is hard to believe this is true. In 2012, I saw more bee apiaries than any past years. There is plenty of land on gravel roads to place the bee apiary instead of placing bee apiaries by high traveled paved highway. It seems to be all about easy access close to paved road without any regard to public safety.

In the summer of 2012, I did meet with Judy Carlson in person. Judy Carlson did show the amount of complaints received in your office. One of the items I want to mention, Judy Carlson did show me a draft bill for the Sixty-first Legislative Assembly at the request of the North Dakota Department of Agriculture

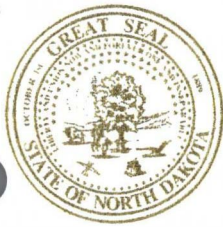
Office dealing with apiaries and nuisances. It was not introduced because the Beekeepers at the Bee Association meeting were not in favor of the draft bill so it was dropped.

The complaints are not from all motorcyclists. I hate driving my vehicles when the windshield get slammed with the bees. What is the first human reaction? The driver turns on the windshield wiper and fluid which makes looking out of the windshield harder to see through. How many drivers keep soap-water in their vehicle to clean the windshield? I bet nobody. This is a public safety issue for driving vehicles and motorcycles. Some of the two-lane paved roads have no safe shoulders to get off the road in a timely matter. I did, in 2012, send a letter to a few Beekeepers asking to move their bee apiary farther away from paved highway. I only received one reply back stating they would try to make it in 2013 to set the bee apiary farther away.

As you can see there are more issues involved, House Bill 1343 is a good start. Appropriation in Section 2 of this bill needs to be there in order to enforce the requirements. I was surprised with the effective date because the general public will have too put up with bee apiaries in summer of 2013. I do realize January 1, 2014 is a fair compromise for the Beekeepers. The public is not trying to ruin the bee industry.

Chairman Johnson and House Agriculture Committee members give a Do Pass on House Bill 1343 with no amendments to lower the distance from paved road and keep the appropriation as needed.

Thank you for allowing to speak. And I stand before this committee for any questions.



STATE OF NORTH DAKOTA
DEPARTMENT OF AGRICULTURE
600 E BOULEVARD AVE, DEPT 602
BISMARCK, ND 58505-0020

DOUG GOEHRING
COMMISSIONER

August 25, 2010

Mr. Kevin Herrmann
300 Fair St. SW
Beulah, ND 58523

Dear Mr. Herrmann:

Since receiving your letter of July 30, 2010 I have been in contact with Judy Carlson, Plant Industries Director, who assured me an investigation is underway on each of the highway mile marker locations in North Dakota where you encountered bees while motorcycling.

Today I received your follow-up letter and I hope you will forgive my delay in responding. I was hoping to be able to include the findings of the investigation in the response letter, but as it turns out it takes more time to hunt down apiary locations using highway mile markers rather than when we are given exact street addresses or township and range designations.

Regardless of the outcome of the investigations, I have read Ms. Carlson's July 20, 2010 letter to you in which, among others, the following points were addressed and detailed:

- The history of unsuccessful state legislative efforts to restrict locations of apiaries to a specific distance from roads; and,
- The ambivalence and inconsistency in state law on how nuisance causing apiaries are to be dealt with. Specifically--

4-12.2-08.1. Revocation of registration of an apiary.

The agriculture commissioner may cancel the registration of an apiary when the bees located on the apiary site are causing a nuisance as defined in chapter 42-01.

However, also according to ND Century Code, beekeeping is considered an agricultural enterprise:

4-12.2-25. Beekeeping considered agricultural enterprise.

Beekeeping is an agricultural enterprise for all purposes under the laws of this state.

And, as an agricultural operation, beekeeping is deemed not nuisance:

42-04-02. Agricultural operation deemed not nuisance.

An agricultural operation is not, nor shall it become, a private or public nuisance by any changed conditions in or about the locality of such operation after it has been in operation for more than one year, if such operation was not a nuisance at the time the operation began, except that the provisions of this section shall not apply when a nuisance results from the negligent or improper operation of any such agricultural operation.

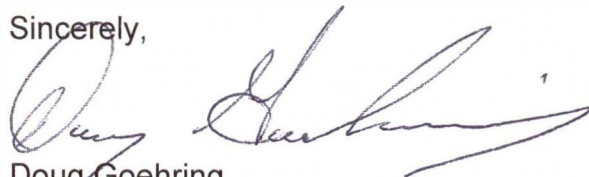
Clearing up this inconsistency in state law and/or enacting an apiary setback will take legislative action. I encourage you as a concerned citizen to contact your district's legislators before the 2011 legislative assembly organizes on December 6-8, 2010. Their contact information is listed below:

North Dakota District 33 Legislators (Beulah)			
Senator	401 Third Avenue NE,	rchristmann@nd.gov	701-748-5420
Randel Christmann	Hazen, ND 58545-4429		
Representative	1661 60 th Avenue SE,	bheller@nd.gov	701-873-7791
Brenda Heller	Beulah, ND 58523-9170		
Representative	3892 County Road 86,	gkreidt@nd.gov	701-843-7074
Gary Kreidt	New Salem, ND 58563-9406		

In the meantime, I expect you will soon be hearing from Ms. Carlson regarding the conclusion of the investigation on your complaint.

I wish you the best of luck in your endeavor and thank you for taking the time to write. Again, I apologize for the delay in responding to you.

Sincerely,



Doug Goehring
Agriculture Commissioner

#3

ABATE (AMERICAN BIKERS AIMING TOWARD EDUCATION) OF ND TESTIMONY ON HB 1343
FEBRUARY 7, 2013, 9:00 A.M.
AGRICULTURE COMMITTEE
PEACE GARDEN ROOM
REPRESENTATIVE DENNIS JOHNSON, CHAIRMAN

DON FABER –PRESIDENT, ABATE (AMERICAN BIKERS AIMING TOWARD EDUCATION) OF ND

Mr. Chairman, and members of the committee. My name is Don Faber, and I am President of ABATE of North Dakota. I am here before you today on behalf of our 2,000 plus members to ask for your support of House Bill 1343.

House Bill 1343 addresses the concern we have with the bee apiaries being so close to paved highways. The current distance of the bee apiaries is a public safety concern to all drivers, whether they drive automobiles or motorcycles. The concentration of bees is closer to the bee apiary, which is currently too close to the paved highways in North Dakota. When automobiles travel these highways, the bees are splattered on their windshields, impairing their vision. Motorcyclists also share this same impairment when there is bee splatter on their windshields or eye gear. Impaired vision is a public safety concern that affects everyone who drives the paved highways.

The setback as proposed in House Bill 1343, while not as far back from the paved highways as we would like, is a good start to addressing this issue.

Thank you for your time and attention. I will be happy to respond to any questions.

2/7/13
H/B 1343

#4

Chairman Johnson, members of the House Ag Committee, my name is Ashtin Fruije and I am a part of the senior class from Adams-Edmore High School and we are in support of House Bill 13-43.

On behalf of my classmates and I, we would like to thank you for the opportunity to travel to Bismarck and speak to you today. We understand that this bill is controversial within our state. However, this is something we feel strongly about and are glad we have the chance to pursue it. We are not trying to ruin the honey bee industry, but rather, looking for a compromise.

We proposed this bill because we feel strongly about the safety of the citizens in North Dakota. We know many people who enjoy riding motorcycles and running on paved roads. We also understand that these are not the only two things that you can do where you could be affected by a bee sting but we feel they are the most influential, especially the motorcyclists.

The reactions to getting stung by a bee can be very painful and in some cases, fatal. Sometimes, people don't even know they are allergic to bees and this is where we feel our bill could minimize the chances of those who don't know of their allergy, from getting stung. Not only would this bill allow those who are allergic and like to do things near, or on, paved roads to feel more comfortable doing so, but it would also minimize the chances of unaware individuals from being stung.

Our research has shown us that the honey bee population has been steadily decreasing and bee keepers are looking for many ways to keep their colonies alive and healthy. One way to assure the safety of the bees could be to pass House Bill No. 1343, which suggests the

movement of the apiaries further off the highway to reduce the concentration of the honey bees as they cross the paved roads. Not only do vehicles hurt the bee population, but it is also an inconvenience for the drivers as well.

This brings us to why we chose the exact distance of 660 meters. We chose this distance to reduce the concentration of the bees as they are in flight. As bees fly out of the hive, we have learned that they tend to disperse over longer distances from roads versus being very close to them. Our bill would eliminate large amounts of bee traffic close to the paved roads because the bees would be able to travel more freely before they came to the limits of the road.

Also, this distance of 660 meters will still allow the bee keepers to keep their bees on the quarter section of land they already occupy. We thought this would be adequate because a quarter section of land is a half a mile long and by only going $3/8^{\text{th}}$ -mile from the paved roads, the section of land the bee keepers already occupy would still be able to have bees on it without having to make additional contracts for more quarters of land to place their bees on.

John Nienhuis

Another issue that was brought to our attention was how big of an affect this bill will have on the farmers of North Dakota. Yes, bees help pollination especially with almonds, and fruit trees, however...these are not North Dakota crops. To be effective pollinators there needs to be several hives dispersed evenly throughout a field. In several of the e-mails we have received, bee keepers are concerned that this new legislation will harm farmers. It is true that bees can be very effective pollinators for crops, especially almonds and fruit trees. However, these are not crops grown in North Dakota. Canola, a North Dakota grown crop, can benefit

from bees, but the bee hives would have to be spread evenly throughout the field. Also, there would have to be many more hives per field than there currently are to achieve the dramatic benefits many bee keepers keep talking about.

This is supported by one study done in Australia. Researchers there discovered that seed production, within a distance of 1,000 meters, decreased by 16 percent. This means that apiaries placed in one corner of a field will not affect production in the other corner of the field. This, coupled with the fact that canola fields will produce good crops without bee pollination, disproves the bee keeper's claims.

So, what bee keepers are claiming in defense for themselves and farmers is not quite accurate for our region. Bee pollination is good, but it will not harm the canola, sunflower, or other flowering crops in North Dakota because wind pollination is sufficient.

We don't think that an appropriation of \$900,000 dollars is necessary due to the fact that local law enforcement travel paved roads quit regularly. We think that while the law enforcement is patrolling, they will be able to notice hives that are located too close to paved roads and take the necessary actions to have the issue resolved along with cooperation by the bee industry.

If the law does go into effect we hope that beekeepers would be cooperative and move the bees so they are not within 660 meters of paved roads. This law would also reduce the amount of issues with bees that currently take place. If this law goes into effect many of the complaints that currently come in about bees would be reduced because many of the issues

that people have with beekeepers occurred due to the fact that many hives are located too close to the paved roads.

This bill is not meant to get rid of or ruin North Dakota's honey bee industry. We are just trying to reduce the concentration of bees near the highway to increase the safety of North Dakota citizens. Also, this could protect the population of bees while bettering relations between beekeepers and citizens.

On behalf of the Adams Edmore senior class, we thank you for this opportunity to speak today.

5
2/7/13

**North Dakota Beekeepers Association
Testimony on
House Bill 1343**

Presented By
Brian Kramer

Good morning Chairman Johnson and members of the House Agriculture Committee. My name is Brian Kramer. I am here representing the North Dakota Beekeepers Association. The beekeepers of this state commend the students and their teacher for their interest in the legislative process but oppose House Bill 1343.

In recent sessions, getting a bill introduced on behalf of students has become a creative, hands-on tool for educating students on the complexities of enacting laws in North Dakota. Students have successfully introduced and passed legislation pertaining to a state insect, a state shrub, a state rock, etc. These bills have been innocuous and have not caused harm while at the same time they have provided young people the experience of testifying before the legislature. Therefore, the bills have been enacted.

House Bill 1343 oversteps the boundaries of an educational experience as it affects the livelihoods of many independent business people in the state by restricting the placement of hives. This restriction **will cause harm**, financial and otherwise, to many beekeepers in the state. Beekeepers site their hives not necessarily for convenience, but also to maximize honey production and crop pollination.

HB 1343 could have unintended consequences for the landowner by infringing on the private property rights of that landowner – that is – the ability to manage their land as they deem fit. A landowner may want hives placed in a certain location to ensure pollination of a particular crop in a timely fashion.

The landowner may want the hives placed where they will not obstruct or interfere with farm operations.

The concept of this law is not even logical; it would not prevent bees from crossing paved roads. Bees will fly vast distances to collect nectar and pollinate crops. They need water to produce honey and will seek it wherever they can find it. If they must travel great distances to find the resources needed, productivity drops along with potential profits.

North Dakota is the number one honey producing state in the union. The beekeeping industry in North Dakota represents approximately \$100 million in total revenue brought into the state each year and easily 1000 jobs. That is not quite like the oil economy in the Bakken, but it is significant. Placing this restrictive burden on beekeeping and will assuredly reduce economic activity and lower the number of available jobs in this industry.

While we commend the class for the educational experience, the experience of having bad legislation defeated is also a valuable lesson. HB 1343 is bad legislation. Please recommend a **“Do Not Pass”** on this bill.

Thank you for your time and attention. I would try to answer any questions you may have.

In response to HB 1343:

#6
2/7/13

It bothers me that the word "can't" gets written almost in everything that we do anymore. This bill starts at the grass roots of landowners rights. Do we really need more regulations? I think of all the implications of making HB 1343 a Law.

The locations of honey houses in our area are almost all located right off the pavement. The main reason for close location to the road is for year round access. Urban beekeeping, which is the fastest growing kind of beekeeping, is when a beekeeper puts his bee hives in urban areas usually on roof tops. Hobbieist beekeeping is when a beekeeper has bee hives in his back yard which many commercial beekeepers started out as. Lastly, there are commercial beekeepers, like myself, who represent the largest group in North Dakota and probably in the whole nation. I work closely with our State Bee Inspector, Judy Carlson. She knows she can call me on any bee problem in the Minot area and the surrounding ten counties.

In closing, 660 yards off of any paved road would devastate the bee industry in North Dakota. I ask you as my Representative to consider the negative impact HB 1343 would have on the North Dakota bee industry. We have had bee locations in North Dakota before there were even a lot of these county paved roads, but even so, this would affect approximately 30% of our bee locations. With the fate of the bee industry in your hands, I strongly oppose HB 1343.

Thank you.

Will Nissen
President NDBA

Respectfully submitted by Randy Verhoek, Bismarck, ND

#7
2/7/13

Chairman Johnson, and Members of the House Agriculture Committee, thank you for allowing me to testify in opposition to House Bill 1343.

I am proud to be a migratory beekeeper from North Dakota. Honey bees have been an important part of North Dakota agriculture for many years. It is unfair in my opinion to limit the right to farm. ND farmers rely on our honeybees for enhanced crop yields, especially for buckwheat, canola, and sunflowers. The landowners have a right to use their land and place bees where they see fit for the benefit of their crops.

Honeybees are so important that they are responsible for one out of every three bites of food in the U.S. diet. There is even a beehive on the lawn at the White House to pollinate the First Ladies garden. Therefore, it is simply wrong to place unnecessary restrictions on such vital stewards of our nation's food supply.

Consider the following:

Here is part of the Right to Farm language from the Century Code that North Dakota Voters added to our state constitution this past November.

CHAPTER 42-04

AGRICULTURAL OPERATIONS AS NUISANCES

42-04-01. Agricultural operation defined. As used in this chapter, "agricultural operation" means the science and art of producing plants and animals useful to people, by a corporation or a limited liability company as allowed under chapter 10-06.1, or by a corporation or limited liability company, a partnership, or a proprietorship, and includes the preparation of these products for people's use and the disposal of these products by marketing or other means. The term includes livestock auction markets and horticulture, floriculture, viticulture, forestry, dairy, livestock, poultry, bee, and any and all forms of farm products, and farm production.

42-04-02. Agricultural operation deemed not nuisance. An agricultural operation is not, nor shall it become, a private or public nuisance by any changed conditions in or about the locality of such operation after it has been in operation for more than one year, if such operation was not a nuisance at the time the operation began, except that the provisions of this section shall not apply when a nuisance results from the negligent or improper operation of any such agricultural operation.

42-04-03. Recovery for water pollution, condition, or overflow. The provisions of

section 42-04-02 shall not affect or defeat the right of any person to recover damages for any injury or damage sustained by the person on account of any pollution of or change in the condition of the waters of any stream or on account of any overflow of lands of any such person.

42-04-04. Effect on local ordinances. Any ordinance or resolution of any unit of local government that makes the operation of any agricultural operation a nuisance or provides for the abatement thereof as a nuisance under the circumstances set forth in this chapter is void, except that the provisions of this section shall not apply when a nuisance results from the negligent or improper operation of any such agricultural operation or from an agricultural operation located within the corporate limits of any city as of July 1, 1981.

42-04-05. Effect on contracts. This chapter shall not be construed to invalidate any contracts made prior to the enactment of this chapter, but, insofar as contracts are concerned, it is only applicable to contracts and agreements to be made on or after July 1, 1981.

This law would be unconstitutional (HB 1343).

Also as honey bees fly more than 3/8 of a mile they will still be flying across hi ways to pollinate the crops that are growing on the other side of the road. With 500,000 colonies coming to North Dakota to produce honey and pollinate crops for North Dakota farmers, House Bill 1343 will not stop bees from flying over roadways. Besides honey bees, there are bumble bees, hornets and other species of stinging insects that nest and fly where they will.

This unnecessary House Bill 1343 will also have an unfair negative impact on the locations of beekeepers honey houses where many are located within 3/8 of a mile of a paved road.

I understand there are complaints from motorcyclists. As a motorcycle enthusiast myself, it is prudent to wear protective gear for the mitigation of stings from bumble bees, honey bees, hornets, wasps, horseflies and other stinging insects. There are many hazards to consider when operating a motorcycle and insects are only one of them. I recently took a motorcycle safety course from A.B.A.T.E. We were required to wear a helmet, eye protection, full length pants, a long sleeve jacket and over the ankle boots.

North Dakota has been the number one honey producing state in the nation for many years. Therefore the positive economic impact for North Dakota is substantial, especially in rural areas where it is needed the most. We spend millions of dollars per year in ND for fuel, tires, and repairs at local shops. We buy vehicles and have them serviced at local dealers. These are just a few examples of how our beekeeping operations benefit our local communities. In addition to our local communities, the North Dakota beekeeping operations require literally thousands of 18 wheeler truck loads to freight the bees and equipment in and out of North Dakota on a yearly basis. This also brings a significant economic boost to North Dakota.

I strongly urge a no pass for House Bill 1343.

#8
2/2/13

**Testimony on
House Bill 1343**

Chairman Johnson and Ag committee members: My name is Cynthia Browning. Thank you for the opportunity to speak in opposition to house bill 1343.

I come before you today representing my family's beekeeping business Browning's Honey Co., Inc. in Jamestown. I have been involved in beekeeping with my husband, Zac Browning for over 20 years. Our business employs over 30 people in North Dakota. Our bees are located on some 300 plus farms each year for honey production, while some hives are also rented to farmers and seed companies for pollination work here in North Dakota. Many of these sites would become illegal if this bill were passed.

I cannot understand the logic and reasoning behind this proposed law. One of my jobs for our business is public relations. I handle calls from landowners, neighbor farms, utility companies, aerial applicators, other beekeepers, and the general public every day. Don't get me wrong, there is occasionally a nuisance call or two, but most are easily resolved, often it is as easy explaining the difference between honey bees and yellow jackets (most complaints turn out to be yellow jackets and not honey bees at all) or maybe sending someone out with a water tank to the bee yard to entice the bees away from a livestock tank. Never can I recall a request to move the bees further away from a road! We take great pride in our relationships with landowners and our community. Our entire livelihood is dependent upon landowners allowing us to place hives on their land. We receive far more requests for bees than we ever receive complaints.

Bees not only produce honey, nature's "perfect food". Bi-products of honey production, such as wax, pollen, and propolis, are used in many skin and health care products, such as vitamins, makeup, and lotions. Bees provide pollination services that are directly or indirectly responsible for every third bite of food we eat. Bees are a vital part of our existence; in fact Albert Einstein once said "If the bee disappears from the surface of the earth, man would have no more than four years to live. No more bees, no more pollination ... no more men!" Yet, unfortunately, many people are afraid of bees. Bees are not generally aggressive and only become so when provoked or defense of the hive and are not defensive beyond about 50 feet from their hives. It is not likely, that bees crossing or foraging near roadways are ever aggressive. Even if this law were passed, it would

not prevent honey bees from flying across roads. Honey bees forage for miles and do not recognize borders, barriers, or roadways.

It is my understanding that this bill is being presented as a result of the fear of bee sting allergies. Nobody is more attuned to safety issues related to bee sting allergies than beekeepers. Why is this you ask? Because the rate of allergies to bee stings are 30% higher in families of beekeepers than that of the general population. This I can personally attest to, as I myself am allergic to bee stings. I am often asked why I work in the profession that I do, or why I am married to a beekeeper, if doing so puts me at risk of being stung. The fact of the matter is that changing my profession or my marital status does not change the fact that I am allergic to bees. I still come in contact with bees when performing functions that are in no way related to my job at Browning's Honey or due to the fact that my husband is a beekeeper. I am not afraid of bees; I take safety precautions, I never go bare foot (it is said that 90% of bee stings are on the foot), I take antihistamines on a daily basis, and I carry epi-pens at all times so that in the event of a bee sting I am prepared. Fatalities to bee stings are rare. In fact, severe allergies to bee stings are rare. It is said that less than 3% of the adult population would ever suffer an anaphylaxis reaction. An average adult can withstand more than 1,000 stings. According to the World Health Organization, 54 deaths were attributed to bee stings, in a population of 281 million people. Now, please don't misinterpret my message. Even one death is tragic, but let me put this into perspective, more than 100 people died from peanut allergies in the same time period. 90 people die annually from being struck by lightning, 150 people from automobile accidents involving deer, and 600 people die annually from hypothermia alone. The risk of being stung is often greatly exaggerated. Even, if you pass this law, it wouldn't change the fact that people with allergies must always be prepared to treat that allergy. You never know when you may come in contact with that allergen.

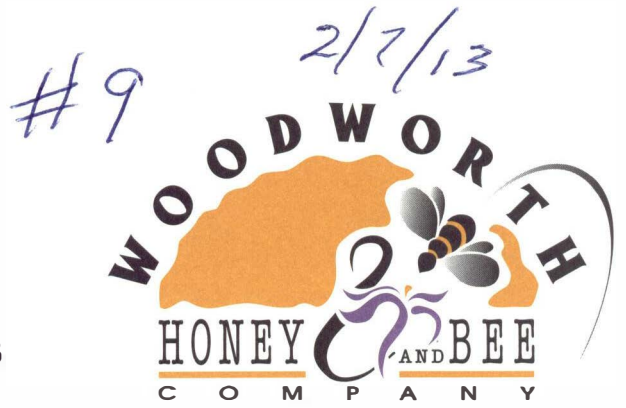
There is no need for this law. There are already restrictions within the apiary code restricting bees from road ditches, right-of-ways, and section lines, thus already providing buffer zone. The apiary laws also provide for the cancellation of an apiary site, by the AG Commissioner, in the case of an unresolvable nuisance situation. So, I see no situation that could exist, that current law could not address, if it were serious enough. Furthermore, this law is in direct violation of the State of North Dakota's Constitution. This past November voters, with 2/3 majority, voted to reaffirm the Right to Farm language that has long been incorporated in the Century Code to the State Constitution dealing with this very issue.

I do empathize with those who are annoyed when they have to clean a few bees off their windshields in the summer. If we could control that, then we would do so; after all, that is our profit getting splattered, but we can't control that any more than a dairyman can control the foul odor emitted by his cows or which way the wind carries it. Unfortunately, we must endure a few minor "annoyances" that seem to accompany agriculture in order to enjoy the abundance of products agriculture is able to produce, food does not merely originate in the grocery store, as some people believe. We can't confine or bees to certain fields or sections any better than the Game and Fish can control the wandering deer and pheasants. If North Dakota wants a honey bee industry, then there are a few minor annoyances that come with it

I have done a little homework, and found it interesting, that while most states have far more people and many, many more miles of paved roads, none have any apiary law similar to what is being proposed today. In fact, many States are recognizing the benefits of honey bees and are adopting "back yard" or urban beekeeping ordinances. You can even find bee hives on the rooftops in New York City and on the lawn of the White House. So why, in a state that is known for being the number one honey producer and that is so largely rural, would such an imposing apiary restriction even be considered? This much I do know, if this law is passed, or even a watered down version, then this states beekeepers will suffer immense strain at a time when bees and beekeepers are already struggling to overcome losses from drought, disease, pests, habitat loss, and pesticide exposure. If this law is passed, then many property owners would lose their right to keep bees on their property. If this law is passed, some farmers who need bees for crop pollination no longer have legal access. If this law is passed, hundreds of bee locations in the state, most of which have never caused anyone a problem, would be eliminated. In our own operations we stand to lose about 60 locations or 20% of our sites.

Jobs, livelihoods, property rights, and freedoms will be hurt by this bill. Please do not allow this to go further.

Thank you Chairman Johnson and Committee Members.



Testimony in opposition to House Bill 1343

Respectfully submitted by Bonnie Woodworth

Chairman Johnson and Members of the House Agriculture Committee, thank you for allowing me to testify in opposition to House Bill 1343.

I am sure you have heard the phrase many times “Don’t Bite the Hand That Feeds You”. Well, I feel this proposed Bill has a pretty vicious bite.

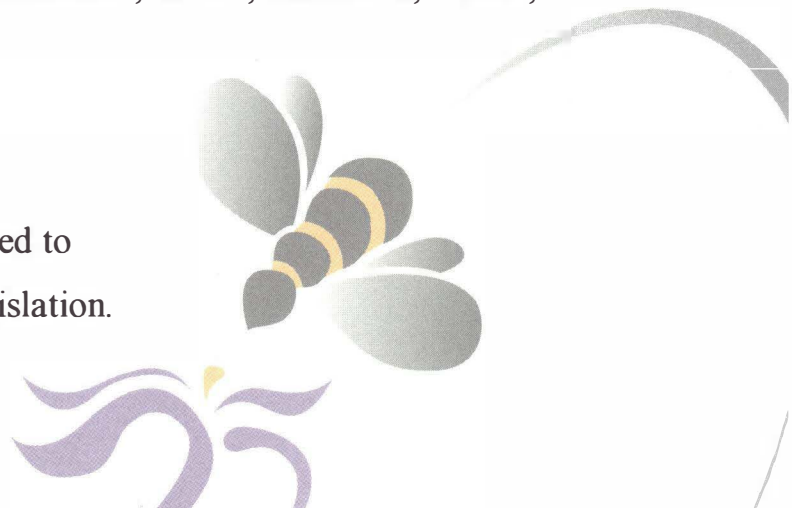
Beekeepers are probably the most underappreciated members of the agriculture community. In reality, your food supply depends on them.

More beekeepers would have liked to attend this hearing, but they are in California moving bees into almond orchards. Almonds are a crop totally dependent on honey bees for pollination. Over 1,500,000 colonies of honey bees are needed to ensure the trees cross pollinate and set nuts.

Can we live without almonds? I’m sure we can. But wait! Those honey bee colonies go on to pollinate oranges, pomegranates, avocados, plums, cherries, apples, melons, blueberries, cranberries, alfalfa, sunflower, canola, buckwheat, and countless other crops.

Well, hopefully, you get the picture.

This is an important issue and we all need to recognize the severe impacts of this legislation.





Beekeepers are having a very difficult time keeping their bees alive and healthy. This year there are massive losses of honey bees, many beekeepers have lost 50 to 60 percent of their colonies. If this would be happening to the cattle industry, the outcry would be deafening.

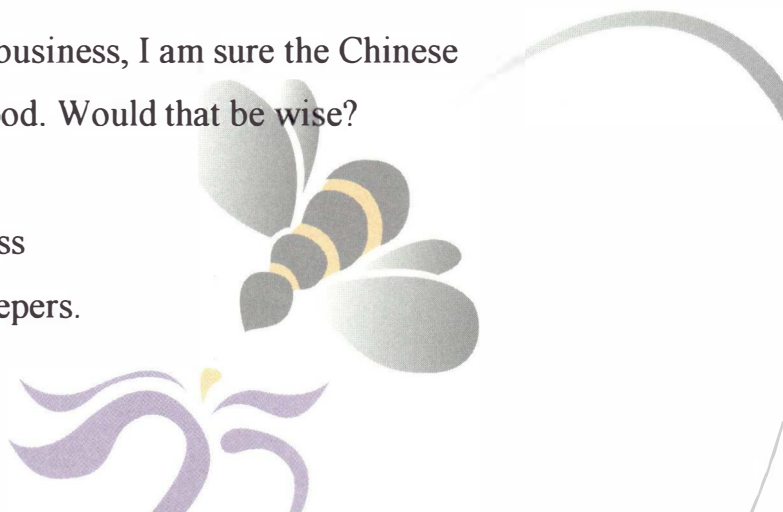
I understand that one of the issues here is allergies to bee venom. In reality, there are more people allergic to honey bees in beekeeper's families than in the general population. We know the concern. There is a medical solution to venom allergies, which is very successful for most people.

Beekeepers are the ones who are called when there are problems with hornets, wasps and yellow jackets. We get more calls about problems with hornet nests than honey bees.

And I know, beekeepers are not too popular with motorcycle riders, we own a Harley ourselves. But we all know, with proper protective clothing and a helmet the rider can travel safer. Actually, deer and other animals on roads pose a more serious threat to motorcycle riders than insects.

If we choose to drive beekeepers out of business, I am sure the Chinese would pick up the slack and grow our food. Would that be wise?

Let's hope the Edmore High School Class chooses to appreciate the work of beekeepers.



COMMISSIONER
DOUG GOEHRING



#10
ndda@nd.gov
www.nd.gov/ndda

**NORTH DAKOTA
DEPARTMENT OF AGRICULTURE**
STATE CAPITOL
600 E BOULEVARD AVE DEPT 602
BISMARCK ND 58505-0020

**Testimony of Dane Braun, Policy Analyst
North Dakota Department of Agriculture
House Bill 1343
House Agriculture Committee
Peace Garden Room
9:00am, February 7, 2013**

Chairman Johnson and members of the House Agriculture Committee, I am Dane Braun, policy analyst at the North Dakota Department of Agriculture (NDDA). I am here today on behalf of Agriculture Commissioner Doug Goehring to provide information on HB 1343, which will create a new section to chapter 4-12.1 relating to set back distances for apiaries from paved highways.

At the national level, pollinators have gained greater attention in recent years. The United States Department of Agriculture (USDA) has made it a priority to work on issues surrounding pollinators especially honey bees. Bayer CropScience has done research for 25 years through their Bee Care Program that has dedicated centers in the U.S. and Europe to do ongoing bee health research and foster discussion with beekeepers, growers, and others interested in bee health. Additionally, our department is involved with the Environmental Protection Agency's (EPA) pollinator protection work group that looks specifically at the interaction of pesticides and bees.

I mention these initiatives by USDA, EPA, and Bayer CropScience because they recognize the importance of pollinators and honey bees to our food supply. Approximately one-third of our diets contain insect-pollinated plants. Of that one-third, honey bees provide 80% of the pollination. It is also important to note that North Dakota is the largest honey producing state with 32 million pounds of honey produced in 2011.

Because of the large size of the apiary industry in North Dakota, our department is mindful of the concerns that the public has raised. We have communicated those concerns to beekeepers in order for the industry to address those issues.

In finding a solution, the commissioner is mindful of the public concerns and recognizes the impacts to agriculture while acknowledging the rights of individuals and landowners. Chairman Johnson and committee members, thank you for the opportunity to provide you this information. I would be happy to answer any questions you may have.

Thank you.

Judy Carlson

11
HB 1343
2/7/13

Bee Complaints 2008-2012

Type of Complaint	2008	2009	2010	2011	2012
Stings/Nuisance/Swarms	4	4	3	3	7 *
Hives too close to home/road	9	1	1	8	5
Whose Bees?	1	2	2	2	2
Unregistered	0	3	0	3	4
Landowner didn't give permission	4	4	0	3	2
Miscellaneous	16	9	6	10	12
Total Complaints	34	23	12	29	32

* Many are related to drought and bees looking for water

