

FISCAL NOTE
Requested by Legislative Council
01/13/2015

Bill/Resolution No.: HB 1236

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2013-2015 Biennium		2015-2017 Biennium		2017-2019 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$171,000	\$0	\$171,000	\$0
Expenditures	\$0	\$0	\$171,000	\$0	\$171,000	\$0
Appropriations	\$0	\$0	\$171,000	\$0	\$171,000	\$0

- 1 B. **County, city, school district and township fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

	2013-2015 Biennium	2015-2017 Biennium	2017-2019 Biennium
Counties	\$0	\$0	\$0
Cities	\$0	\$0	\$0
School Districts	\$0	\$0	\$0
Townships	\$0	\$0	\$0

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

This bill places limits on hive locations. The bill requires the department to confiscate and move hives if the beekeeper does not follow the hive siting requirements.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

We estimate the department will have to move 100 hives per biennium at a cost of \$1,000 for each move. The cost estimate for moving expenses is \$100,000. Also, the department is estimating the expense to administer this law change is .5 FTE or \$71,000 for the biennium.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

The law change provides a provision for the department to bill the beekeeper for move costs; however, the department is not provided the budget authority to retain these fees. The department is not authorized to retain the revenue and fees must be deposited in the general fund.

- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

We estimate the department will have to move 100 hives per biennium at a cost of \$1,000 for each move. The cost estimate for moving expenses is \$100,000. Also, the department is estimating the expense to administer this law change is .5 FTE or \$71,000 for the biennium.

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

The appropriation impact is \$171,000. This amount is not included in the department's base budget (SB 2009) and no appropriation is provided in this bill.

Name: Junkert/Baumiller

Agency: Agriculture

Telephone: 328-4756/328-1960

Date Prepared: 01/16/2015

2015 HOUSE AGRICULTURE

HB 1236

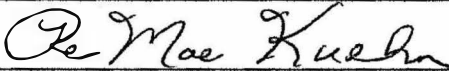
2015 HOUSE STANDING COMMITTEE MINUTES

Agriculture Committee
Peace Garden Room, State Capitol

HB 1236
1/29/2015
Job #22792

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to the placement or location of a hive and to provide for the applicability of a penalty (Fiscal Note)

Minutes:

Attachments #1-11

Representative Damschen: Sponsor of the bill

A beekeeper may not place hives within two miles of an occupied residence unless they own the residence or with permission of the owner. Also included within the two-mile limit are residential facilities, daycare facilities, or operating schools.

Then it gives conditions for the Agriculture Commissioner to deal with violations.

I believe it depends on the physical environment of the area or the crops. There might be some cases where two miles is necessary.

I believe this is addressing a small number of beekeepers. The area where I found there was a problem was in south central Cavalier County and northwestern Walsh County. There is a lot of canola grown. There was a report of 3,000 or 4,000 hives in a square mile. The canola ripens and is cut. The bees' primary grounds are no longer there. The fall is a drier time. The bees are restless and without water. After harvest they go to yards where there is water. People couldn't work out in the yard.

I believe we wouldn't need setbacks if the landowner called the beekeeper to move the bees. Communication would solve the issue.

I think the two miles is too far.

Representative Diane Larson: They can put them closer if they have permission. I don't see that as a difficult standard.

Representative Damschen: They might have to get permission from multiple landowners. There are places where it would be impossible to put hives with the two miles setback.

Representative Dwight Kiefert: I've had bees less than a ½ mile from my house. Has any research been done of what would be left in North Dakota where bees could be placed with the two-mile limit?

Representative Damschen: I am not aware of any research. I think it is dependent on conditions of the area. That is why I hate to have a rule.

Representative Craig Headland: Are people dropping off bees without permission?

Representative Damschen: I have been told that is happening. I have no evidence. It is trespassing. Some hives are not marked with a name to contact. The next option is to contact the Department of Agriculture.

Representative Tom Kading: If someone built a house within two miles of bee hives, would the homeowner be in violation of this bill?

Representative Damschen: Whoever was there first should be given preference. That could happen with whatever distance.

Representative Dwight Kiefert: I have a contract with the beekeeper. The ones that drop off hives without permission, can the hives be confiscated?

Representative Damschen: Yes. You would go through the Agriculture Department.

Representative Dwight Kiefert: We don't need more laws. We just need enforcement of present laws.

Representative Damschen: We do need to tweak the law a little.

Representative Cynthia Schreiber-Beck: I come from the aerial spraying world. Up until ten years ago there was a separation between the locations of hives. The bee industry wanted that removed. Communication seems to have gone away.

Representative Damschen: The key is communication and consideration. Nobody is trying to run the beekeepers out of state.

Representative Alan Fehr: The farmsteads overrun with bees in the yard-- were people being stung? How serious was the situation?

Representative Damschen: People were getting stung.

Representative Alan Fehr: How many reported being stung?

Representative Damschen: I don't have a count.

Representative Alan Fehr: Do you have information if people were disturbing the hives?

Representative Damschen: They were not disturbing the hive.

Chairman Dennis Johnson: There seems to be an issue. Do you think the labeling of hives and some of the provisions put into the rewrite bill will help this situation?

Representative Damschen: That is a real step towards solving the problem.

Tom Borgen, Farmer from the Cavalier area: I've grown canola since 1981. The Agriculture Department has the teeth that it needs. They have staff to address that concentration of bees. If they don't register, they should have to pull out and not come back to the state for a year.

In our county our road crew was filling the cracks with oil. The bee truck went by. That is when the crew was stung.

When it is dry in the fall, they will look for sources of moisture. Regular bees can sting also. The state Agriculture Department has the authority to get hives moved.

Representative Craig Headland: If there is an over concentration in an area that means somebody is dropping off hives where they don't have permission. Could every hive location have a sign with the name of the company, phone number, and include the Department of Agriculture. Most of us want the bees.

Tom Borgen: Yes. Just put the names on. Cavalier County had 190,000 acres of canola last year. I drove all the districts and checked the location of hives.

Representative Cynthia Schreiber-Beck: You are one of the first growers to become involved. It is in the law to be registered. The only thing missing is to have the Department of Agriculture's name.

Tom Borgen: When we had a meeting with 35 people, the Department of Agriculture had 2 people there. The department also came and addressed the concerns at a farmstead.

Gary Knutson, ND Ag. Association: Parts of this bill need to be incorporated into the agency rewrite. I don't know if we have enough teeth in the law. The out-of-state beekeepers don't always follow the law.

Representative Diane Larson: If beekeepers have the permission, the only thing to keep it back two miles is a residential facility, daycare or a school. They can be wherever they want to be as long as they have permission. The big change would only be with the school, daycare, etc.

Opposition:

Jesse Gifford, Beekeeper: I live 1 ½ miles north of Mandan. Not everybody is breaking the law. I have 76 registered bee yards. Of the 76 yards, 60 of them would not be in compliance with this law. I have bees in five states--Oklahoma, Texas, Louisiana, California, and North Dakota. In Louisiana I have bees 150 feet away from houses. I don't have a problem unless someone has a swimming pool. There must be a chemical in there that they want.

This law is going to hurt the bee industry. If I would have to talk to all the residents in the Mandan area where my hives are, they would all say "no." I am not a fan of dogs. That doesn't mean that I don't want my neighbors to have dogs.

Research from Canada handout. (Attachment #1) Bees are a help. They take off about three days of flowering time on canola. It is a \$67 million benefit to the state.

I do have some landowners that will not sign the registration. They want the bees. The way it is written they think they can't change beekeepers. I try to address my problems.

Representative Craig Headland: Would you object to having to post the phone number for the Department of Agriculture along with yours?

Jesse Gifford: I don't have a problem with that but I would rather they call me.

Representative Jessica Haak: How do other states handle the bad actors?

Jesse Gifford: Louisiana has a law that you cannot set bees within 100 feet of a property line.

Representative Dwight Kiefert: North Dakota is the #1 producer of honey in the U.S. for the last six years. Last session the Agriculture Department received only 35 complaints in a year.

Jesse Gifford: The beekeepers didn't handle it right and that is why this bill is here.

Vice Chair Wayne Trottier: What do they pollinate in Louisiana?

Jesse Gifford: Orange trees

Vice Chair Wayne Trottier: Do bees require salt?

Jesse Gifford: They want the chemical in the pool

Vice Chair Wayne Trottier: If you are required to put your phone number and the ND Agriculture Department phone number that could create a problem as you go to other states.

Jesse Gifford: Louisiana furnishes a plaque that is taped on the entrance at every location. They don't give a phone number. It just lists the bee license.

Representative Alan Fehr: When are bees a danger to people?

Jesse Gifford: Swarming happens in the spring. The biggest problem is when the beekeepers work on them. I tell my landowners to not go in for two days especially within the first 100 to 150 feet of the field.

Representative Alan Fehr: When you talk about flight patterns, are bees a danger if they are just flying through?

Jesse Gifford: Bees send out scout bees to look for water or food. I try to set them on the same side of the road as the alfalfa field and make sure they have water.

Representative Dwight Kiefert: Do you have recommendations for a solution?

Jesse Gifford: I don't agree with a big fine. Maybe there should be something that if they are a legitimate nuisance, it should be addressed that they have to move them.

Chairman Dennis Johnson: In our area for the last three years there are so many bees in the yard that there are black clouds of swarms. The beekeeper says it is not his bees.

Jesse Gifford: It could be wasps that look like a bee.

Representative Cynthia Schreiber-Beck: Do you register all your hives?

Jesse Gifford: I don't have my name on all of them. I will work on it. Some landowners won't sign the registrations. They don't like the wording of it.

Samantha Brunner, State Apiary Inspector, ND Department of Agriculture: (Attachment #2)

(1:04:32)

Chairman Dennis Johnson: Are the complaints statewide or is there a concentration in a part of the state?

Samantha Brunner: I received 24 complaints this year. Considering we have over 500,000 hives in the state, 24 is minor. A lot of them aren't coming

from that Cavalier area. The north central seems to be more of a complaint zone.

Representative Dwight Kiefert: The complaints have gone down since the last session. Is it the same person?

Samantha Brunner: There are a few that are the same.

Representative Dwight Kiefert: We are the highest producer in the nation and we only have 24 complaints.

Samantha Brunner: Of the 12,000 plus locations we feel that 90 to 95% would need at least one landowner signature if not multiple. Where I live in rural Mandan that beekeeper would have to get permission from around nine residences.

Representative Alan Fehr: Some landowners won't sign the permission forms.

Samantha Brunner: Current law says we have to obtain a lease agreement from the beekeeper and the landowner. With the rewrite for SB 2025, it is being removed. They still have to obtain permission from the landowner but we are not going to get involved with their contracts.

Cynthia Browning, Browning's Honey Company, Jamestown:
(Attachment #3)

(1:13)

Representative Alan Fehr: You are allergic to bees and yet it doesn't restrict your activities. How do you live your life normally?

Cynthia Browning: I've adjusted to it.

Jakob Browning, Browning's Honey Company: (Attachment #4)

(1:17)

Ryan Lamb, Lambs Honey Farm, Beekeeper north of Minot:

Getting rid of the signature part of the permission form would get all the bee yards registered. There is resistance to signing. If we make this easier, we can get rid of the unused yards. I would never unregister a yard for the chance that I am able to go back in a year or two. That clogs the system for spraying and complaint calls. They don't know if there are bees there or not.

The signatures are to protect the beekeepers. We are willing to get rid of that to make this easier.

I run about 3,000 hives. I would only be able to get about 1/3 of them within the two miles.

Let's enforce the laws we have. I have offered my trucks to the Agriculture Department to move problem hives.

I don't have a problem with the Agriculture Department phone number placed along with mine. The sign should be placed on the bee hive.

Representative Cynthia Schreiber-Beck: You keep your yards registered. But you don't have bees at that yard. How can that be cleared up?

Ryan Lamb: With making the signature optional.

Representative Dwight Kiefert: Where are the people that want this regulation? When someone puts bees on your land without permission they are trespassing. Don't farmers have the right to move them now?

Ryan Lamb: Yes. Let the beekeeper know. If they don't have them moved in 48 hours you can get them moved.

Vice Chair Wayne Trottier: What is the current price of honey?

Ryan Lamb: \$2.05 per pound.

Refers to additional testimony of beekeepers that were not able to attend.
(Attachments #5-11)

Chairman Dennis Johnson: Closed the hearing.

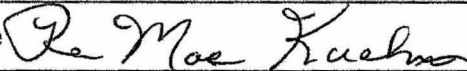
2015 HOUSE STANDING COMMITTEE MINUTES

Agriculture Committee
Peace Garden Room, State Capitol

HB 1236
1/29/2015
Job #22835

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to the placement or location of a hive and to provide for the applicability of a penalty
(Committee Work)

Minutes:

Representative Alex Looyen: We heard from a lot of people that are concerned with this bill. It is also concerning that most of these people would leave the state and the harm it would have on our crops.

Representative Alex Looyen: Moved Do Not Pass.

Representative Joshua Boschee: Seconded the motion

Chairman Dennis Johnson: I am from that part of the state like Representative Damschen. We had a meeting with about 40 people. Representative Damschen comes to Bismarck and there is nobody behind him to support him.

Representative Craig Headland: They are supposed to have their phone number and the name of their business. On the other piece of legislation we could insert the phone number to the Agriculture Department. If they are frustrated they have someone to call.

Representative Alan Fehr: Is the other bill coming from the Senate for sure?

Chairman Dennis Johnson: Yes. It is the rewrite bill.

A Roll Call vote was taken: Yes 12, No 0, Absent 1.

Do Not Pass carries.

Representative Larson will carry the bill.

**2015 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1236**

House Agriculture Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation

- : Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
Other Actions: Reconsider _____

Motion Made By Rep. Looyen Seconded By Rep. Boschee

Representatives	Yes	No	Representatives	Yes	No
Chairman Dennis Johnson	X		Rep. Joshua Boschee	X	
Vice Chairman Wayne Trottier	X		Rep. Jessica Haak	X	
Rep. Bert Anderson	X		Rep. Alisa Mitskog	X	
Rep. Alan Fehr	X				
Rep. Craig Headland	X				
Rep. Tom Kading	AB				
Rep. Dwight Kiefert	X				
Rep. Diane Larson	X				
Rep. Alex Looyen	X				
Rep. Cynthia Schreiber Beck	X				

Total (Yes) 12 No 0

Absent 1

Floor Assignment Rep. Larson

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

REPORT OF STANDING COMMITTEE

HB 1236: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **DO NOT PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1236 was placed on the Eleventh order on the calendar.

2015 TESTIMONY

HB 1236

1/29/15

HB 1236

#1

Pest Management Facts

Prepared by: **John Gavloski**, Entomologist, Manitoba Agriculture, Food & Rural Initiatives,
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Jesse Gifford

July 2012

Bees on Canola – What are the Benefits?

A close look through a canola field that is flowering will reveal many insects that have come to collect the nectar and pollen from the flowers, including many species of bees. Even if there are no bee hives near the canola field, there will likely still be honey bees in the field, sometimes at quite high levels, and at least several species of wild bees. Many species of flies will feed on the nectar as well. But is there any benefit to having these pollinators in the field? And what is at risk if insecticide applications reduce their abundance in the field? There are several benefits that honey bees and other pollinators can produce in canola, and these benefits need to be considered when deciding if and how other insects are going to be managed in canola that is flowering.

Effect on yield

The effect of pollinators on yield of canola will likely depend on the density of the pollinators in the field, the weather conditions during the blooming period of canola, and possibly the type of canola that is grown. As might be expected, the results of studies looking at the effect of bees on the yield of canola are quite variable. Research in Quebec showed an improvement in seed yield of 46% in the presence of three honey bee hives per hectare, compared with the absence of hives (Sabbahi et al. 2005). This is a fairly high density of bees that was used in the study, but does show the potential yield improvements that can exist when there is good pollination. In an earlier study on oilseed rape (*B. napus*) there was a 13% seed yield increase in plots with bees compared to those without bees, although the authors did state that oilseed rape gives good yields without insect pollination (Free & Nuttall, 1968).



A study in Australia looked at the effect that distance from an apiary can have on pod yield in canola. The number of pods/plant decreased as distance from the apiary increased (Manning & Boland, 2000). Their regression analysis predicted a pod loss of about 15.3 pods/plant over a distance of 1000 m from an apiary. This was equivalent to a 16% loss.

Reduced time in bloom

In addition to potentially enhancing yield of canola, pollinators can also contribute to uniform and early pod setting (Abrol 2007). Research in Quebec found that three honeybee colonies per hectare reduced the blooming period of Argentine canola (*B. napus*) by 3.8 days, or 17% compared to the absence of pollinators. Because of the efficient pollen transfer, the honeybees resulted in the flowers living for a shorter period of time, and also reduced the number of flowers the plant had to produce to reach its carrying capacity (Sabbahi et al., 2006).

The reduced flowering period and fewer flowers the plant needs to produce to reach its carrying capacity could have implications for disease management. For example, the risk of sclerotinia may theoretically be reduced by a

Bees on Canola – What are the Benefits?

shorter flowering period and fewer petals being produced. This association between increased pollination and decreased risk of sclerotinia has never been directly tested however, and there would be other factors such as weather conditions that would also factor in.

Germination of the seeds

The presence of pollinators can increase the germination of canola seed. A study from the University of Guelph found that the presence of pollinators on *B. napus* (cv. O.A.C. Triton) increased the germination of resulting seeds from 83% to 96%, compared to where pollinators were excluded from plants using either tents or sleeves (Kevan and Eisikowitch, 1990).

Spreading biological controls?

Researchers in Ontario looked at using honey bees to spread the fungus *Beauveria bassiana*, which can help reduce the level of *Lygus* bugs (Al Mazra'awi et al. 2006). In studies in 2002 and 2003, honey bees were used to spread the fungus into canola fields, which resulted in increased kill of *Lygus* bugs. The highest level of *Lygus* mortality was 56%. So this would not be a means of totally eliminating a *Lygus* population, but if the technology gets registration and is affordable it could be a means to help keep *Lygus* populations under the economic threshold. The researchers noted in their paper that “the benefits are better pollination, reduction in pest pressure of *Lygus lineolaris*, and reduced reliance on insecticides”.

What about the effect of wild bees and other pollinators?

Although honey bees can be an abundant pollinator in canola field, there are also many species of wild bees that can be present. A study in Manitoba found that 15 species of bumble bees were inadvertently captured in traps baited with a bertha armyworm (*Mamestra configurata*) attractant and placed in canola fields (Turnock et al., 2006). Many species of wild bees will live in uncultivated land, and a study by researchers from Simon Fraser University in British Columbia found that bee abundance was greatest in canola fields that had more uncultivated land within 750 m of field edges and seed set was greater in fields with higher bee abundance (Morandin & Winston, 2006). Some species of hover flies (Syrphidae) may also significantly increase seed set and yield in canola (Jauker & Wolters 2008).

Conclusions

Although canola may still produce good yields in the absence of pollinators, the impact of pollinators on maximizing yields and the economic value of this should not be ignored. Canola growers do gain from having bees pollinating canola, and this gain needs to be factored in when making management decisions in canola that may have potential negative impacts on bees. Efforts should be made to avoid using insecticides in canola when it is flowering. Should insecticide use be deemed necessary during the flowering period of canola, it is in the economic interest of canola growers, as well as apiarists, to ensure that insecticides and timing of applications are chosen to minimize losses to bees. If possible, spray as late in the day as possible, or very early in the morning, when bees will not be foraging in the canola, and communicate with nearby beekeepers so that harm to the bees can be minimized.

Literature Cited

Abrol, D.P. 2007. Honeybees and rapeseed: A pollinator-plant interaction. *Advances in Botanical Research*. 45: 337-367.

Bees on Canola – What are the Benefits?

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COMMISSIONER
DOUG GOEHRING



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**NORTH DAKOTA
DEPARTMENT OF AGRICULTURE**
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Testimony of Samantha Brunner
State Apiary Inspector
House Bill 1236
House Agriculture Committee
Peace Garden Room
January 29, 2015

Chairman Johnson and members of the House Agriculture Committee, I am Samantha Brunner, State Apiary Inspector for the North Dakota Department of Agriculture (NDDA) here representing Agriculture Commissioner Doug Goehring. I am here today in opposition of HB 1236, which will place restrictions on the placement of hives near residences.

The NDDA regulates all beekeepers in the state through licensing and registration of beekeepers and apiary (hive) locations.

Under current law, there are no restrictions on the placement of hives in relation to residences, residential facilities, daycares or schools. This bill would require a beekeeper to obtain permission from all residences within a two mile distance from the location. Currently, beekeepers must obtain permission from the person who owns the land on which the apiary resides.

Enforcing this bill's two mile notification zone would prove challenging to the department. To review all known apiaries, the department would have to either wait for a homeowner complaint or go on-site and review over 12,000 locations. These reviews would have to determine how many residences are within two miles of the location and make sure that all of the individuals in

that radius sign the proper forms to make the location viable. This system would place the burden back on the landowner to report hive locations and would require an increase in staff to properly monitor all sites.

The NDIDA has questions about the impacts of this proposed law change:

- If the beekeeper resides at the location do they still need to obtain permission from any other residence within 2 miles?
- What happens if the beekeeper is the landowner but does not reside on the property?
- If a residence refuses to sign the paperwork approving a location but the landowner where the bees are to be placed wants bees there to pollinate a crop what action can that landowner take?
- Most honey houses are located within two miles of a town, what are beekeepers supposed to do with those locations? Chances are there will be a daycare, residential facility or operating school within the 2 mile zone.
 - There are honey houses near Garrison, Bismarck, Coleharbor, Langdon, Gackle, Halliday, and Minot just to name a few.
- What qualifies as a residential facility?
- If a school is closed for the summer is it still considered operating?

We understand the intent behind this bill however passing HB 1236 would create further issues for our important apiary industry. We feel that there are areas in SB 2025 that would allow us to address some of the intent behind this bill without putting as much regulatory pressure on the industry. Recently amendments have been introduced to SB 2025 that would allow the commissioner to step in if an individual's health or welfare is at risk due to the proximity of an

apiary to their residence. We feel that this language would allow some protection for homeowners when there is a legitimate reason for needing hives moved.

Chairman Johnson and committee members, I urge a do not pass on HB 1236. I would be happy to answer any questions you may have.

**Testimony of Cynthia Browning
In Opposition to House Bill 1236
January 29, 2015**

Chairman Johnson and Ag committee members: My name is Cynthia Browning. Thank you for the opportunity to speak in opposition to house bill 1236.

I come before you today representing my family's beekeeping business Browning's Honey Company, Inc. in Jamestown. I have been involved in beekeeping with my husband, Zac Browning for over 20 years. Browning's Honey was founded in 1921 by Zac's great-grandfather. Our business employs over 30 people in North Dakota. Our bees are located on some 450 plus farms each year for honey production, while some hives are also rented to farmers and seed companies for pollination work in North Dakota. Many of these sites would potentially 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. 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.

Even if this law were passed, it would not prevent honey bees from flying across roads or visiting farms sites and dwellings in their search for blossoms. Honey bees forage for miles and do not recognize borders, barriers, roadways, or private property signs.

Bees not only produce honey, nature's "perfect food"; bees are directly or indirectly responsible for every third bite of food we enjoy. Bi-products of honey production, such as wax, pollen, and propolis, are used in many of the skin and health care products we enjoy such as vitamins, makeup, lotions, and moisturizers. Yet, unfortunately, many people are afraid of bees. Bees are not generally aggressive and only become so when provoked or in defense of the hive. Bees are not normally defensive beyond about 50 feet from their hives. It is not likely, that bees crossing or foraging near roadways, or even residences, would be aggressive.

I am much attuned to concerns about stinging bees. The rate of allergies to bee stings are 30% higher in families of beekeepers than 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 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 in no way related to my job 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 always carry epi-pens at all times so that in the event of a bee sting I am prepared. Fatalities to bee stings are rare. An average adult can withstand more than 1,000 stings. Bees are not dangerous and in fact rarely hurt anyone. In a nation of more than 281 million people, 54 deaths were attributed to bee stings according to the World Health Organization. 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. You're more likely to die as a result of being struck by lightning, than a bee sting.

There is no need for this law. The apiary laws provide for the cancellation of an apiary site, by the Ag Commissioner, in the case of an irresolvable 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 which guarantees the right to farm in chapter 42-04.

I do empathize with those who are annoyed when they have to clean a few bees off their windshields in the summer, or who fear the buzz of the bees working the blossoms of their apple tree or perhaps their garden vegetables. 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 food 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 to allow the practice in densely populated cities. 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, that is 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 is passed; then this state's 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, thousands of bee locations in the state,

most of which have never caused anyone a problem, would be potentially eliminated. In our own operations we stand to lose about 250 locations or 60% of our sites.

Jobs, livelihoods, property rights, and freedoms will be hurt by this bill. I urge a Do Not Pass on HB 1236.

Thank you Chairman Johnson and Committee members.

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4

Testimony of Jakob Browning In Opposition to House Bill 1236

January 29, 2015

Chairman Johnson and members of the House Ag Committee, my name is Jakob Browning. Thank you for the opportunity to speak in opposition to House Bill 1236.

I am here today representing my family business, Browning's Honey Co., Inc. in Jamestown. I am currently a junior at Jamestown High School. I've worked the last four summers full time with my Dad, however he's been taking me to bee yards as long as I can remember. I plan to follow in his footsteps after graduation in 2016. However, if you pass this bill the future of beekeeping in North Dakota, my future as a fifth generation beekeeper, would be destroyed.

One thing I have learned while working with my Dad is how important it is to maintain a positive relationship with landowners; after all we are guests on their land. I have found that landowners understand the value of the honeybee and are glad to have them on their property. Implementing this law would infringe on landowners' rights; especially landowners who require honeybees for pollination.

I have also learned that honeybees go where they can find nectar. They do not recognize where one property line ends and another begins. The honeybee will fly as far as they have to for forage. Implementing this law will not stop honeybees from foraging. It will only make it impossible to find places to put our bees, effectively eliminating beekeeping in North Dakota.

I still have a lot to learn about keeping bees. I hope that you give me the opportunity to continue my education and carry on my family legacy.

I urge a Do Not Pass on HB 1236. Thank you.

Testimony of Dusty and Pat Backer
In Opposition of HB 1236
January 29, 2015

Chairman Johnson and members of the House Ag Committee, we are Dusty and Pat Backer. We own and operate Backer Bees of Center, North Dakota which is 35 miles northwest of Bismarck. We run approximately 1,600 hives in the Center area and also participate in the almond pollination process in California during the winter months.

We are honored to work with around 50 landowners in the area and in the past 5 years have focused on educating the public with presentations to schools and special interest groups about the Bee Industry. We are quite proud that North Dakota is the top honey producing state and have high hopes that future regulations will allow the state to retain this title even though bee populations continue to decline.

Currently we have eight bee yards located within a 2 mile radius from Center. The benefits of bee pollination is enormous and asking that hives be placed outside a 2 mile radius, in our case of a rural town, affects a large area of vegetation that depends on pollination as well as the many resident's backyard gardens and fruit trees. Our bee yard locations were specifically picked by the land owners. Requiring us to move them to be in compliance with this bill would cause suffering to the land owners' vegetation, residents' gardens and yards; and to us as bee keepers.

One-hundred percent of our land owners select the area they want the hives placed. Landowners too are affected by these laws and we personally feel they are forgotten in the bee keeping business as regulations are imposed. Without the landowner, we could not provide pollination and honey producing services. Landowners have generously allowed our hives on their land, documented the required paperwork, and selected the specific spot for hives. We have worked diligently on building and maintaining these relationships as they are imperative to our livelihood.

If the legislation in HB 1236 were imposed, locations to place hives in North Dakota would become scarce. Pollination in areas would become affected; owners of small backyard gardens, and fruit trees and shrubs would definitely notice the absence of our pollinators.

Approximately 25% of our land owners that contact us to request hive placement on their property, making it clear that they are interested in this specific pollination. Retrieving written permission from **all** town residents would be virtually impossible and therefore hurt the garden growers and the farming area surrounding the community of Center.

We currently have residents and landowners contacting us in the spring each year to inquire about the arrival of the hives. They are sharing with us that their trees, gardens and fields are showing signs of bloom and are anxious to have the hives on location. As we continue with our public speaking engagements about the bee industry, we consistently hear stories from community residents that they notice the difference in their gardens when hives are placed nearby. In addition to their concerns, our business would definitely suffer from the requirements of this bill. We would be hard-pressed to find acceptable locations to meet our contractual obligations; we would lose the good will of the community that we have worked so hard to build and lose much of the economic benefits of being the largest honey producing state in the nation.

We urge you to defeat HB 1236.

Testimony of Kerstin Cochran

In Opposition to HB 1236

January 29, 2015

Chairman Johnson and Ag Committee members, my name is Kerstin Cochran.

I STRONGLY urge you to vote a DO NOT PASS on HB 1236!

Reasons for DO NOT PASS vote:

1. It places undue burden on the beekeeper to get written permission of all residences within 2 miles of a hive, every year.
2. It only allows for a 48 hour compliance, with notice that is unverifiable (i.e. certified mail), incurring unspecified costs, without right to an appeal. Even if contact is made, it is highly improbable that any beekeeper that lived across state, out of state, or were out of contact (vacation, work trip, family emergency, etc.) could actually be there in time to comply. Who is to pay for the beekeepers time off work, extra child care expenses, mileage, etc., in order that they comply?
3. It would put an end to urban beekeeping, as most are within a 2 mile radius of a school, daycare facility, or residential facility. Bees are pollinators and, therefore, are a great asset to our FARMERS. We should encourage more responsible beekeeping, not hinder it!

Thank you for your consideration.

Kerstin Cochran

District 24

#7

Testimony
In Opposition to HB 1236
James Dufty
January 29, 2015

Chairman Johnson and Ag Committee members: My name is James Dufty and I live 11 miles northeast of Bottineau. I have 4 bee hives and just started beekeeping in 2013. I live on an old farm stead site which has 7 acres. If HB1236, which requires permission from residents within 2 miles of a hive and bans hives from being located within 2 miles of schools, etc. would happen to pass, it would be impossible for me to keep bees at my home. For one thing my neighbor 1/4 mile to the north who has a cabin and uses the cabin about a week out of the year, would never approve making it impossible for me. And it would just take all the fun out of bee keeping if I would have drive miles and miles to do so. So please! Do not pass this bill.

Just a bit of information, I have a friend who lives in the city of Phoenix Arizona where you are allowed to keep bees if your next door neighbors (we are talking only 100 feet or so) don't mind and the bees do not become a nuisance.

Respectfully submitted,

James Dufty
Bottineau ND
701-263-5760

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Testimony of Dana Evans

In Opposition to HB 1236

January 29, 2015

Chairman Johnson and Ag Committee members, my name is Dana Evans. I am writing to you today as a beekeeper in North Dakota who is concerned about HB 1236 being heard today.

Beekeeping in North Dakota is a major industry. For the past decade, we've been the top honey producer in the country, with our yields accounting for more than a fifth of the nation's honey.

HB1236 is a bill that would require beekeepers to obtain permission from every resident within two miles of their hives, and additionally would ban hives from being placed within two miles of certain types of facilities, such as schools.

Until recently, I lived near downtown Fargo, just blocks from Hawthorne Elementary. On our corner lot, I kept anywhere from one to three hives in any given year. I kept them on my own property, and as per the law, only needed to obtain my own permission. Our bees thrived in town. My little apiary produced enough honey to keep my family and friends in honey. We, as a courtesy, talked to our closest neighbors before getting our first package of bees and they were all comfortable with it. The neighborhood kids still played in the back yard, and some would go right up to the hive entrance and watch the activity, asking questions as they thought of them.

No one was ever stung in our yard, and we never heard reports of stings nearby. The greater number of bees wasn't even noticed just 8 feet from the entrances to the hives. Properly managed hives are not a risk to the general population. If you were to have looked at a two mile radius around our hives, you'd have found several schools and daycares, as well as countless homes and apartments. It would not have been feasible to contact all of the residents and owners to obtain permission for the hives, and even if it was, the schools and daycares would make the effort moot anyhow, under this new

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Testimony of Dana Evans

In Opposition to HB 1236

January 29, 2015

bill. Effectively, this bill would put an end to the urban beekeeping movement in North Dakota.

You may not care much about protecting urban beekeeping, given that most of our state is rural. Well, this bill would also affect the rural beekeepers too. I moved out to 14 acres in Richland County a little over a year ago, and I brought my bees along. We currently have three hives and plan to expand this spring. From my current hive location, I'd need to obtain permission from nearly 20 residents. That seems like an undue amount of paperwork for keeping a few hives out in the country. This bill would saddle North Dakota's beekeepers with a mountain of paperwork, combined with the unpredictability of people who don't have a solid understanding of the nature of bees. All it would take is one person who is misinformed or too busy to deal with it to close down an entire beeyard.

I understand that this bill was brought forth with good intentions. We don't want school children getting stung by them during recess. The problem with this bill is that the proposed solutions will only bring more problems and undue hardship. The risk of getting stung by a bee exists regardless of if the bees are living in a tree or a managed hive. It's a risk in life. Responsible beekeepers do everything that can be done to keep only the most gentle of bees. There really is nothing more we can do to protect people from the realities of life.

I can't see that kind of regulation working to the benefit of farmers, beekeepers, or even the government in charge of regulating them. Please, consider the broader impact of these bills. Don't put an end to urban beekeeping in North Dakota. Don't regulate all of the beekeepers out of the state. Vote against HB 1236.

Dana Evans

Kindred, ND

Testimony of John Miller
In Opposition to HB 1236
January 29, 2015

Chairman Johnson and Members of the House Agriculture Committee, my name is John R. Miller, owner of Miller's Honey Farms in Gackle, ND. My family has kept bees for 121 years; and in North Dakota for 46 years. I have kept bees in numerous states, in many jurisdictions. I have served as Chairman of the National Honey Board; President of California State Beekeepers Association; Secretary of the North Dakota Beekeepers Association; and several Farm Bureau positions.

There are numerous problems with HB No. 1236. It discriminates against the keeping of bees. It fails to address issues with native populations of pollinators. Its intent is to legislate against beneficial pollinators.

North Dakota is approximately 70,762 square miles. Forbidding placement of a hive within two miles of a residence, given that 287,000 residences exist in the 2013 Census, HB No. 1236 is a proposal that will eliminate an agricultural industry in North Dakota.

Many questions are unanswered by HB 1236. What remedies does the Legislature envision for the existing 12,000 registered apiary locations? Will the Beekeepers good faith payments and state accepted revenue be repudiated? What provisions are contemplated for long-established grandfather provisions in agricultural law?

Beekeepers own hundreds of parcels of property in North Dakota. I myself own ten pieces of North Dakota property. HB 1236 cannot repudiate property rights.

Beekeepers will be joined by other agricultural interests litigating against this legislation should it become law.

I urge the committee to reject HB 1236.

A10

Testimony of Ryan Thomas
In Opposition to HB 1236
January 29, 2015

Chairman Johnson and Members of the House Agriculture Committee, my name is Ryan Thomas and I'm a 2nd generation beekeeper whose family has kept bees since 1970; our sole family income is from bees. We keep bees in Cavalier, Towner, Ramsey, and Walsh counties and have been doing so since 1998.

Beekeeping in our area enhances the canola yields and also sunflower yield. I have attached an article in which Bayer Crop Science states that bees increase canola's yield from 5 to 40%. When farmers in our area are made aware of this yield increase with the help of bees, the demand for bees grows.

HB# 1236 as proposed will end beekeeping in North Dakota for our family and the other beekeeping families in North Dakota. Thank you for your time and I urge the committee to reject HB 1236.

Respectfully submitted,

Ryan Thomas

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candyry@yahoo.com

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BROWSE » HOME NEWS BENEDA OUTLINES AWARENESS OF CLUBROOT

Beneda outlines awareness of clubroot

Published on December 14, 2013 | 0 Comment

The 17th Annual Canola Expo, sponsored by the Northern Canola Growers Association, was held Wednesday at the Langdon Activity Center.

Posted on 12/14/13

By Lee Coleman

While the Expo Center had rows of vendors representing numerous aspects of the farming industry, the Masonic Lodge served as the setting for several speeches during the day.

Murray Belyk of Bayer Crop Science spoke to the gathering about canola and bees.

"Canola will self or wind pollinate but it is not 100 percent efficient," Belyk said. "There are pollination gaps where honey bees and leaf cutter bees pollination actually increases the crop yield five to 40 percent.

"Research has shown this is the cause and that is quite beneficial to all of us."

Hybrid canola has become a staple of the Bayer business model.

"Our company has created hybrid canola and the only way the hybrid can be generated is by using pollinators like honey bees and leaf cutter bees," Belyk explained. "They are very important to our business so that we can provide commercial canola growers with high quality canola seed that will yield to meet their expectations."

When asked to address the mountain of complaints from citizens about swarming bees and unregistered bee farmers in the county, Belyk said he wasn't aware of any problems until Tuesday.

"It is a difficult situation," he answered. "It is possible to change those behaviors through good communications with the bee farmers. The canola farmers know the bees are present on their fields.

"Respectful relationships are built on that. It is important that communication is part of the process or you will run into problems.

"Honey bees not only produce honey, they are critical for our pollination services. In the U.S., they will be pollinating trees, tree nuts, vegetables, fruit and canola."

Belyk said it is estimated honey bees contribute about \$15 billion in production, representing a significant amount to the economy.

In other canola news, Langdon Extension Office Director Ron Beneda had disturbing news about a new canola disease that was detected for the first time in Cavalier County this year.

The disease, known as clubroot, or plasmodiophora brassicae, is a pathogen that survives in the soil and infects the roots of canola and other Brassicae plants such as broccoli, cauliflower, Shepherd's purse and wild mustard.

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Art

Anything that moves soil can move the pathogen. The pathogen likely moved into North Dakota through movement of soil on farm equipment, wind erosion or flooding.

Damage from clubroot often starts in small patches in fields. Plants may look stunted, yellow and generally unhealthy looking. Roots in those plants will be swollen and shaped like clubs.

"The biggest concern is keeping rotations recent so we don't have blackleg explode in a few fields like it did last year," said Beneda. "We are making sure guys are aware of the symptoms so if they have them, they can select varieties that are somewhat resistant to them."

Beneda said there were about 200,000 acres of canola fields in Cavalier County this year, down from 320,000 acres in 2012.

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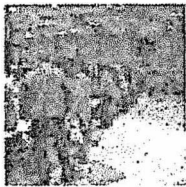
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18th Annual Canola Expo held at Langdon Activity Center

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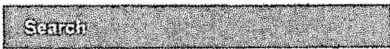
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#11

Testimony of Bonnie Woodworth

In Opposition of HB 1236

January 29, 2015

Chairman Johnson and members of the House Ag Committee, my name is Bonnie Woodworth. My husband, Brent and I manage 3600 colonies of honey bees in the Halliday, North Dakota area. I am the past president of the North Dakota Beekeeper's Association and currently serve as Director-at-Large for the organization.

I am here today to oppose HB 1236. With all due respect to the sponsors of this proposed legislation, it may have been well meaning, but it would destroy the beekeeping industry in North Dakota. As the number one producer of honey in the nation, this is not a constructive path.

Where there are flowers, there are bees. That is the way it should be. That is the sign of a healthy environment. If you serve on the Ag Committee or are involved in agriculture in any way, or even if you like to eat, you understand that fact. One-third of the food you eat depends on it.

There are close to 12,000 bee locations in North Dakota in the summer, 600,000 colonies of bees. I don't hear about a large number of complaints. I do hear a lot about a very vocal few.

I feel beekeepers in this state do a good job of responding to issues when they arise. Certainly, beekeepers are not perfect, but we are guests on the land in most cases, and we understand that. This is a mutually beneficial arrangement. We are all benefiting from the bees, love them or hate them.

If there are local issues that need to be responded to, we need to try to keep it local. Passing a broad law that impacts the entire state is destructive to an industry, it is not the answer to a local problem.

I believe the Department of Agriculture is making a supreme effort to work with all sides involved. The goal is communication, education, compliance, and bee-ing good neighbors. That is the spirit of living in North Dakota. I urge you to defeat HB 1236.