

HOUSE BILL NO. 1236

Introduced by

Representatives Damschen, D. Johnson, Paur, Weisz

Senators Campbell, Miller

1 A BILL for an Act to create and enact a new section to chapter 4-12.1 of the North Dakota
2 Century Code or in the alternative to create and enact section 4.1-16-08.1 of the North Dakota
3 Century Code, relating to the placement or location of a hive; and to provide for the applicability
4 of a penalty.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1.** If Senate Bill No. 2025 does not become effective, a new section to chapter
7 4-12.2 of the North Dakota Century Code is created and enacted as follows:

8 **Placement or location of a hive - Limitation.**

9 1. a. A beekeeper may not place or locate a hive within two miles [3.22 kilometers] of
10 an occupied residence.

11 (1) This subdivision does not apply to a residence owned or occupied by the
12 beekeeper.

13 (2) This subdivision does not apply if the beekeeper obtains from the owner of
14 the residence a written statement providing permission for the location or
15 placement of the hive and files the statement with the commissioner. A
16 statement filed under this subdivision is valid only for the calendar year in
17 which it is filed.

18 b. A beekeeper may not place or locate a hive within 2 miles [3.22 kilometers] of a
19 residential facility, a daycare facility, or an operating school.

20 2. If the commissioner receives a complaint alleging a violation of this section, the
21 commissioner shall:

22 a. Note the date and time of the complaint;

23 b. Verify whether the placement or location cited in the complaint is in violation of
24 subsection 1; and, if so

- 1 c. (1) Contact the beekeeper, if known; and
2 (2) Direct that within forty-eight hours from the time of the complaint, as noted
3 in subdivision a, the beekeeper remove from the site all colonies, all hives
4 and their content, and all beekeeping equipment.
- 5 3. a. If the beekeeper fails to meet the requirements of paragraph 2 of subdivision c of
6 subsection 2 or if the beekeeper is unknown, the commissioner shall confiscate
7 the colonies, the hives and their content, and all beekeeping equipment present
8 at the site.
- 9 b. The colonies, hives and their content, and all beekeeping equipment must be
10 disposed of pursuant to a court order or an administrative order issued by the
11 commissioner.
- 12 4. Any costs incurred by the commissioner in enforcing this section are the responsibility
13 of the beekeeper.

14 **SECTION 2.** If Senate Bill No. 2025 becomes effective, section 4.1-16-08.1 of the North
15 Dakota Century Code is created and enacted as follows:

16 **4.1-16-08.1. Placement or location of a hive - Limitation.**

- 17 1. a. A beekeeper may not place or locate a hive within two miles [3.22 kilometers] of
18 an occupied residence.
- 19 (1) This subdivision does not apply to a residence owned or occupied by the
20 beekeeper.
- 21 (2) This subdivision does not apply if the beekeeper obtains from the owner of
22 the residence a written statement providing permission for the location or
23 placement of the hive and files the statement with the agriculture
24 commissioner. A statement filed under this subdivision is valid only for the
25 calendar year in which it is filed.
- 26 b. A beekeeper may not place or locate a hive within 2 miles [3.22 kilometers] of a
27 residential facility, a daycare facility, or an operating school.
- 28 2. If the agriculture commissioner receives a complaint alleging a violation of this section,
29 the commissioner shall:
- 30 a. Note the date and time of the complaint;

- 1 b. Verify whether the placement or location cited in the complaint is in violation of
2 subsection 1; and, if so
- 3 c. (1) Contact the beekeeper, if known; and
4 (2) Direct that within forty-eight hours from the time of the complaint, as noted
5 in subdivision a, the beekeeper remove from the site all colonies, all hives
6 and their content, and all beekeeping equipment.
- 7 3. a. If the beekeeper fails to meet the requirements of paragraph 2 of subdivision c of
8 subsection 2 or if the beekeeper is unknown, the agriculture commissioner shall
9 confiscate all colonies, the hives and their content, and all beekeeping equipment
10 present at the site.
- 11 b. The colonies, hives and their content, and all beekeeping equipment must be
12 disposed of pursuant to a court order or an administrative order issued by the
13 commissioner.
- 14 4. Any costs incurred by the agriculture commissioner in enforcing this section are the
15 responsibility of the beekeeper.