

2023 SENATE AGRICULTURE AND VETERANS AFFAIRS

SB 2134

2023 SENATE STANDING COMMITTEE MINUTES

Agriculture and Veterans Affairs Committee Fort Union Room, State Capitol

SB 2134
1/13/2023

A bill relating to the placement of beehives; and to provide a penalty.

10:38 AM Chairman Luick opened the meeting.

Members present: Chairman Luick, Vice Chairman Myrdal, Senator Lemm, Senator Weber, Senator Weston, Senator Hogan.

Discussion Topics:

- Beehive placement
- Motorists' safety

10:38 AM Senator Vedaa introduced SB 2134 and testified in favor. #13191

10:42 AM Vern Jacobson, Veteran and licensed motorist, crop adjuster, testified in favor of SB 2134. #13117

10:47 AM Gregory Johnson, Federal Crop Insurance adjuster, testified in favor. #13101

10:55 AM Pete Hanebutt, Director of Public Policy, ND Farm Bureau, testified (verbally) in opposition of SB 2134.

11:02 AM John Miller, President, ND Beekeepers Association, testified in opposition. #13205

11:11 AM Zach Browning, Co-Owner, Brownings Honey Co. testified in opposition. #12996

11:16 AM Josh Freeman, Managing Partner of Noyes Apiaries and Vice President of the ND Beekeepers Association, testified in opposition. #13098

11:27 AM Damaris Lorenz, Beekeeper, Stutsman Co., testified in opposition. #13137

11:30 AM Dusty Backer, owner and operator, Backer Bees, Center, ND, testified in opposition of SB 2134. #12965

11:35 AM Jeremiah Kuhnhenh, Owner, Bulldog Honey Farms, testified in opposition. #13220

11:38 AM Samantha Brunner, State Apiary Inspector, ND Dept. of Agriculture, testified neutral. #13108

Additional written testimony:

Jason Conrad, testified in opposition #12667

Nick Jensen, testified in opposition #12747

Grady O'Neil, testified in opposition #12755

Jessica Patino, testified in opposition #12757

Pat Backer, testified in opposition #12767
Kelly Gustafson, testified in opposition #12783
Rick Arrowsmith, testified in opposition #12831
Wes Arrowsmith, testified in opposition #12854
Lonnie Thompson, testified in opposition #12862
Nathan Larimore, testified in opposition #12887
William Klett, testified in opposition #12910
Richard Underhill, testified in opposition #12932
Joseph Schmitt, testified in opposition #12954
Timothy Buoye, testified in opposition #12963
Brian Buoye, testified in opposition #12966
Ryan Thomas, testified in opposition #12997
Jesse Gifford, testified in opposition #12999
Nicholas Roeder, testified in opposition #13003
Will Nissen, testified in opposition #13005
Travis Dietzler, testified in opposition #13012
Jody Wallace, testified in opposition #13019
Victor Seppi, testified in opposition #13040
Steven Hanna, testified in opposition #13046
James Teixeira, testified in opposition #13050
Peggy Niseen, testified in opposition #13051
James Gardiner, testified in opposition #13052
Alan Timm, testified in opposition #13053
Shannon Wallace, testified in opposition #13056
Troy Southam, testified in opposition #13061
Tim Hiatt, testified in opposition #13065
Eric Andress, testified in opposition #13071
Kathy Monda, testified in opposition #13080
Lonnie Bertsch, testified in opposition #13102
Doug Ruby, testified in opposition #13104
Bob Morlock, testified in opposition #13111
Macauley Haag, testified in opposition #13113
Nancy Kiefat, testified in opposition #13129
Doug Perkins, testified in opposition #13132
Mason Maxwell, testified in opposition #13138
Ron Spears, testified in opposition #13143
Chris Hiatt, testified in opposition #13146
Austin Monda, testified in opposition #13151
Kevin Herrmann, testified in opposition #13153
Jerod Monda, testified in opposition #13157
Jay Miller, testified in opposition #13162
Aaron Bennett, testified in opposition #13169
Ronald Klemin, testified in opposition #13170
Daniel Bennett, testified in opposition #13184
Benjamen Duben, testified in opposition #13198
Rochelle Lazo, testified in opposition #13206

11:47 AM Chairman Luick closed the meeting.

Brenda Cook, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

Agriculture and Veterans Affairs Committee Fort Union Room, State Capitol

SB 2134
1/19/2023

A bill for an act relating to the placement or location of a beehive; and to provide a penalty.

10:03 AM Chairman Luick called the meeting to order.

Members present: Chairman Luick, Vice Chairman Myrdal, Senator Lemm, Senator Hogan, Senator Weston, Senator Weber.

Discussion Topics:

- Beehive placement
- Committee action

10:03 AM Senator Myrdal moved to DO NOT PASS on SB 2134.

Senator Lemm seconded the motion to DO NOT PASS on SB 2134.

Roll Call Vote:

Senators	Vote
Senator Larry Luick	Y
Senator Janne Myrdal	Y
Senator Kathy Hogan	Y
Senator Randy D. Lemm	Y
Senator Mark F. Weber	Y
Senator Kent Weston	Y

Vote 6-0-0. Motion on DO NOT PASS recommendation passed.

Senator Myrdal will carry the bill.

Committee voted again on SB 2134 on 1/26/2023.

10:03 AM Chairman Luick closed the meeting.

Brenda Cook, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

Agriculture and Veterans Affairs Committee Fort Union Room, State Capitol

SB 2134
1/26/2023

A BILL for an Act relating to the placement or location of a beehive; and to provide a penalty

9:42 AM Chairman Luick called the committee work to order. Senators Hogan, Weston, Weber, Luick, Myrdal, Lemm were all present.

Discussion Topics:

- Committee action

9:43 AM Chairman Luick re-opened the roll call vote for SB 2134

Roll Call Vote – DO NOT PASS SB 2134

Senators	Vote
Senator Larry Luick	Y
Senator Janne Myrdal	Y
Senator Kathy Hogan	Y
Senator Randy D. Lemm	Y
Senator Mark F. Weber	Y
Senator Kent Weston	Y

Motion Passed, DO NOT PASS SB 2134, 6-0-0
Senate Myrdal will carry.

9:43 AM Chairman Luick ended the committee work.

Dave Owen, Committee Clerk

REPORT OF STANDING COMMITTEE

SB 2134: Agriculture and Veterans Affairs Committee (Sen. Luick, Chairman) recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2134 was placed on the Eleventh order on the calendar. This bill does not affect workforce development.

TESTIMONY

SB 2134

Honorable senators,

My Name is Jason Conrad. I have a 4,000 hive Beekeeping business, in Thompson Nd this is my 18th year and like all agricultural enterprises it has its ups and downs. This bill would be a notice of bankruptcy for not only me but for the entire ND. Beekeeping industry. The assumption that we can simply move our bees 1/4 mile from any county road is made in gross ignorance.

The reason we put our bees where we do has to do with access and availability from the land owner not laziness . If I am pollinating a crop or producing honey I put the bees in a location that best suits the farmer upon who's land I place my bees.

I would estimate conservatively, that 80% of the states bee locations would no longer be usable. Not just no longer usable but also irreplaceable. That being said, if magically there was a way we could move all the bees 1/4 of a mile away from the road it would not guarantee that there would be no bees in the roadways or flying around and places that might bother people, anymore than moving a farm 1/4 of a mile away from the road with eliminate dust or smells or noise or any of the other things that people complain about farms.

This bill is completely unnecessary , discriminatory and to the best of my knowledge would not pass constitutional muster in the state of North Dakota I hope that common sense can prevail here. This bill must not be passed.

Thank you very much for taking the time to read this testimony.

Hello

Forcing a ¼ mile setback for beeyards will severely limit an already struggling industry. It will destroy Landowner's property rights to control livestock on their own land.

If you are worried about motorcyclists getting bees to the face, I suggest a helmet law. It's long overdue anyway.

Nick Jensen
311 West St
Carson ND 58529
701-425-3845

To: ND Legislative Assembly

Re: SB 2134

SB 2134 would have a devastating effect on the beekeeping industry in North Dakota if it were to be adopted into the Century Code.

Beekeepers are almost always able to place hives in a field at the farmer's discretion. These locations are oftentimes old farmsteads, unfarmable areas, or open areas near the entrance to a field or pasture. In general, the location has the least amount of impact on the farmer's ability to maximize production of their field.

Creating a setback distance of $\frac{1}{4}$ mile from state/county roads would place an undue burden on the farmer's who are gracious enough to allow beehives on their land. The likely result would be the farmer simply no longer accepting bees on their land as they would inevitably now be in the way of agricultural activities. Consequently, the ND beekeeping industry would suffer greatly along with the tax revenue from honey produced in ND would decline.

Please do not pass SB 2134.

Respectfully,

Grady O'Neill

TJO Bees

Dear Sirs:

I humbly beg that you consider all aspects and potential consequences this bill would have on North Dakota's economy and people if it is approved.

My name is Jessica Patino of JP Honey Farms and I am originally from California. Do to the unfortunate drought California has experienced for more than a decade, my family and I relocate to North Dakota every Summer and have made this beautiful state our second home. This past year, we purchased our very own 40 acre farmstead in the town of Turtle Lake and overwintered there experiencing our first blizzard and the very extreme cold.

Before I try to convince you to vote against this bill, let me talk to you a little about our industry. Beekeeping is a transient business, regardless of the "home state" the beekeeper originates from. The majority of our country's bee hives will be found in California or in potato sheds throughout Idaho during the months of November, December and January. They then make the trip into pollinating California's almond orchards in the month of February followed by citrus in either California or Florida and then they make their way into our beautiful plains. Beehives and beekeepers will be found throughout Montana, North Dakota, South Dakota, Nebraska and as far South as Texas. However, there is no state (in my opinion) that compares to North Dakota. Beekeepers, our families and our employees bring an enormous economic boost to this state. We rent homes (year round), lease farmsteads, pay rents on bee yards, buy groceries, go shopping, buy a ridiculous amount of fuel, support local restaurants and the list continues. Our industry also supports local farmers. In producing honey, our bees are also hyper pollinating crops such as canola and sunflower thus increasing yields for the farmers who so generously allow us to place bees on their property.

Typically, farmers and landowners suggest the best placement for our bees. It is usually a small spot that can be easily accessible for us to come in and out of and is also out of the way for their machinery and harvesting equipment. Usually the best spot is also on high ground where

the bees will not become flooded during storms. Logically, the person who knows best is the landowner or farmer themselves. With the incredible amount of sloughs found throughout the state, often times these designated areas are near the approach to the farm and close to the roads. However, they are always out of the way to allow passage into and out of the farms, sometimes hidden amongst wind breaks.

If this bill were to pass, you would remove a great percentage of registered bee locations that more than likely do not have an alternate placement. 1/4 mile is a long distance, it is a quarter section meaning there would be not alternative if a farmer only owns that quarter section of land. It would make it virtually impossible for us to find suitable locations for our bees. This bill has been generated and written using fear mongering. How is a small little honey bee a threat to cars, trucks and semis traveling at 55-75 mph down highways? Before making decision, I would actually invite you to visit random bee yards this Summer with me. Honey bees are busy working on their pollination and honey production. They are not ruthless creatures waiting to attack their prey and sting humans to death. You can be right next to an apiary and never get stung because a honey bee does not wake up each morning wanting to sting you. Frankly, this bill does not make sense to me. What is the offense? We are not blocking roadways. If the homeowner or farmer can live with bee hives in their backyard all summer, why is it difficult for passerby, secured within their vehicles to drive down the highway with our bees around? Are they staining their windows? Is there also a bill being introduced to stop mosquitoes and flies from flying within 1/4 mile of highways as well? If this is the problem, do beekeepers need to start paying a tax or a gofundme account for concerned citizens to pay for their windshield wipers? It sounds absurd. But the writing and introduction of this bill is absurd in and of itself. How much is being donated into these legislators' pockets to introduce such nonsense into North Dakota legislation? This bill is attempting to destroy an entire industry. Ruin businesses and families. Affecting North Dakotan farmers and their crops. Decimating a vital component to the economy.

The North Dakota Department of Agriculture already has extensive laws we must abide by. They are diligent in coming around and inspecting bee hives making sure complaints are minimal. I believe the vast majority of beekeepers are also great at following the rules and in complying with these laws. It takes just one call from Samantha Bruner or her coworkers for a problem to be corrected.

If you are unsure on how to vote and feel there is some validity to the bill as written, then I request you please delay the voting of this bill until you have had the opportunity to study the consequences and experience beekeeping this summer. I invite you to drive down roads and highways and take in for yourself if this is truly a problem that merits destroying so much to so many. I volunteer myself to be your guide. I can physically show you the problem with the bill and survey the farms with you to show why and how it just does not make sense. Above all, I plead you to not villainize bees or beekeepers. We have a humble industry and a passion for farming and our community.

Thank you for your time.

Jessica Patino

JP HONEY FARMS, INC.

North Dakota Beekeeper on SB 2134 Pat Backer of Center, ND (Backer Bees)

Backer Bees was established 20 years ago and is located in Center, North Dakota. North Dakota is the #1 honey producing state and the economic repercussions of SB 2134 would be devastating to North Dakota and the trickle impact is tremendous.

Established Operation and Devaluation:

We have developed a 2-acre plot of land (stockpile area) that we have invested over \$100,000 in adding a building, terrain work and gravel. This piece of land is extremely valuable to a bee business as a place to set the semi loads of hives as they arrive from warmer states in May/June and sit as we spend 7-10 evenings (pending weather, trucking schedules, equipment breakdowns and help) transporting them to their land spots for the season. We also use this spot to set 48-96 hives during the 3 month season. This piece of land is distinctly valuable in the beekeeping trade and would become significantly worthless, monetary and use-wise, with distance restrictions.

If a distance limit of hive locations is imposed, we would lose the use of this \$100k piece of property as well as our \$900k business acreage in which our operative equipment is located and hives are placed. Both would decrease dramatically in value to sell as a bee operation again, telling us what we can and cannot do with our property and dictate commerce.

Trucking:

Again in Sept/October, this simple 2-acres, that is lined by a paved highway, is valuable as we attempt to wrangle to secure truck drivers, since they are in such demand this time of year, to transport our hives to the West. Drivers are difficult to obtain and if a keeper has shotty terrain locations to load at, it is extremely difficult and expensive. Most are not fond of navigating rough pastures at night and it is definitely not a desire of landowners to have these semi-trucks on their land for 1/4 a mile.

Questions:

How about the weather that controls the agriculture world? There are times, with rain and snow, that taking our required equipment to the hives, becomes difficult and if we can't get to those hives in a timely manner, we lose stock. In addition, our landowners are not going to allow the tearing up of personal property and this poses an additional risk. When we have a road close for access, this makes our farming and hives more consistent and therefore more valuable to the entire Bee Industry.

Since a bee's flight direction is driven by vegetation and water, do we go as far to ask the farmers to NOT plant canola, sunflowers, alfalfa, buckwheat, and beans within 1/4 mile from the road? How about the natural clover, alfalfa, and wild flowers that grow in the ditches of these roads? Then there are ponds, lakes, sloughs, puddles, creeks, and stock tanks. Should these be dictated to be a specified distance from the roads?

Three Months:

The harvest producing time span that hives are in North Dakota is rather short: later May/June to October. The abundant months are July, August and September. The hives then shrink in October and at that time, are transported to warmer states. So, for 3 months the bees are doing their job on the abundant crops, vegetation and extended hours of daylight and therefore, making North Dakota the number one Honey Producing State. This status comes from basically 3 magical months that the perfection of North Dakota offers.

Shortage of Bees Nationwide:

There are a shortage of bees in the times of 2023. A beekeepers livelihood is based on the strength and numbers of hives therefore, we are not going to purposely damage the chance of survival of our hives. We know the ins and outs of the survival and thriving of a bee colony. Demanding that hives be placed 1/4 mile form a road, is a way to shrink, restrict, control, and deter beekeeping farming.

Logical:

Placing hives a certain distance from a road would sound "logical" to the basic ears yet ask a beekeeper that has invested years of experience, relationships, and knowledge to their trade. We do understand the "logic" and it is our hope that you hear our reasoning. Invite a beekeeper to your table and chat about the habits and health of a bee hive and you will definitely be amazed.

So, for 3 strong months of the year, annoyed people are willing to crash the farming trade of beekeeping in North Dakota? That may sound dramatic yet when a regulation such as location placement, which is, in reality, an agreement with private/corporate landowners, is dictated, careers and livelihood's lost. It is the way we make a living at the same time contributing to nature's routines. Beekeeping homesteads, processing plants, storage, hives, and production facilities are within 1/4 mile from roads. This regulation would strip our occupation, way of life and devalue our trade.

Nature Drives Bee Habits:

Bees are creatures driven by nature—eat and reproduce. If the vegetation is there, they take the shortest path. North Dakota is a top producer of honey because of the vegetation, daylight hours, lack of spray, and landowner appreciation of bees. The economic impact would be severe.

Approximately 38.6 million pounds of honey is produced in North Dakota a year and that amount does not support the need that US demands which is 450 million pounds. The

needed honey has to be imported. There are 340 registered beekeepers in North Dakota and they employ, spend and produce. The social impact would be severe.

Landowners:

Landowners mostly direct where they would prefer the hives be placed on their land and this must be respected since we are guests. Normally, they too, would like us to place the hives closer to the entrance end of their land plots to reduce vegetation/terrain disruptions and easy access for us. We are a somewhat small beekeeping operation with a range of 1,200-2,000 hives and have over 65 landowners that we have spent 20 years creating relationships with. This Bill would reduce our registered bee placement areas by 65%.

These landowners are so valuable to bee farming and reducing or restricting the area ranges in which hives can be placed, is an enormous burden and infringes on landowner rights. We have committed years of time, conversations and respect for our landowners and to secure spots for our hives. Many depend on our bees to boost their yields. For instance, we have a landowner that has reported his canola and sunflower yields are up 10% when the bees are placed on his property. The knowledge and relationships that we have developed with the landowners is unmeasurable and to put yet another land owner restriction on them, just isn't right.

Reduced areas:

The complaints about too many hives in North Dakota are already an issue and with a restriction as to distance placement, it only reduces the area in which they can be located which brews up yet another issue. If you take a section of land and ask us to place the hives a 1/4 a mile from the road, you have now reduced our available land area by one mile in just that section.

The Fix?:

Is there a quick "fix" for the frustration and annoyance of bees splatting windshield, bikers or car grills? I guess one could ask the same about mosquitos. They are in North Dakota approximately about the same time frame yet they do not pollinate crops, support trades and families and supply a highly sought after commodity. Bees produce honey, wax, pollen, and propolis which are commodities that support the markets and a significant number of North Dakota families (Owners, workers) and provide economic stimulants to the state.

More restrictions are not the answer for an annoyance or frustration.

My name is Kelly Gustafson.

I have lived in Aneta ND my whole life; I have been in the beekeeping industry in North Dakota since 2000.

My career has been working full time for a large commercial beekeeper, 9,000-10,000 hives, also running 500+ hives of my own on the side for the last 2 years. I have personally handled beekeeping operations all over the entire east side of North Dakota and also the south west region.

My testimony is in OPPOSITION of the beekeeping bill SB-2134 requiring beekeepers to maintain a 1/4 mile distance from the roads.

Over the last 20+ years, the availability of locations to place bees has been increasingly more difficult every year. Some issues we run into are CRP coming out, old farmsteads being knocked down and farmed, and the huge influx of out of state beekeepers encroaching onto pre-existing bee yards. When we are able to gain a bee location, usually the farmer dictates which specific spot they would like the bees placed. With North Dakota being so rural, we rarely have any issues with land owners and the bees since we gain permission, they are well informed in what our intent is on their property, in the location they specify.

I handle over 100 bee locations, and the proposed 1/4 mile from the road would most likely not allow us to use over 90% of them. Approaches, fences, terrain limitations, sloughs, the ability to enter and exit with out trucks are just a few restrictive factors we need to take in consideration when searching for yards.

Many times, the available bee locations are not farmed, due to it being too wet but right in the approach is suitable for our needs. So for forcing beekeepers to venture a 1/4 mile out into these sections of land will not be feasible for our trucks needed for doing our jobs correctly and timely. The more distance we have to drive CRP raises the likeliness of us getting stuck, which causes loss of time and can be much more destructive to the ground for ruts left from trucks and possibly requiring tractors for extraction. Moving the hives farther back also may encroach on occupied farmsteads, posing more issues with land owners and families by having them too close to the house.

Another issue with being that far off the road is taking into consideration the other half of the section. Sometimes we either occupy both ends of a mile section, or another beekeeper has a registered yard. For both of us to be 1/4 mile closer to each other can cause even more overlap in foraging bees, and also instigate the hives to rob and fight each other. This has large negative affects due to beehive harm and loss of honey.

"Simply" moving the bees back from the road doesn't guarantee bees won't be flying over them as they will cover over a mile in search of honey sources, so it will not solve the dirty windshield problem that people complain about. If the concern is for repaving highways and maintenance is needed where the bees pose an issue, given a proper notice and timeframe, most beekeepers would move the hives in a specific circumstance. With every bee yard registered online through the state and the requirements for signs in each location, finding out whose bees they are and

contacting is very easy for concerns about specific locations.

Beekeepers endure many hurdles we have to overcome on a daily basis. Financial burdens, hive losses due to diseases, mites, loss of viable food sources, labor, and the availability for bee locations already to name a few. Requiring us to reevaluate every spot would be detrimental financially and time. Hopefully the agricultural benefits and the revenue generated in the state from beekeeping comes into consideration that we are just out here making a living in our own way so adding more restrictions, like this bill would be unjust and a major hinderance. While on paper, this solution probably sounds easy and logical but for these reasons above are why I am extremely opposed to this unnecessary bill.

Thank you for your time reading my testimony and consideration.

Kelly Gustafson

Aneta, ND

I am Rick Arrowsmith, I have been a beekeeper here in North Dakota for 18 years. My 2 sons and I work the bees here for

honey production. We have 34 acres of land along Hwy 83 north of Washburn. Over the last 14 years we have added 3 shops

to house our honey, comb and boxes. Our first building that was on the property when we bought it was converted to our

honey extracting room. We have 3 families and our employees that depend on the honey industry. If bill 2134 were to

pass it would be devastating to our families and our employees. We probably would have to go out of business as our

honey house and around 85% of our bee yards would not be legal.

The bee industry brings in alot of revenue to the state of North Dakota. They buy fuel, wages, truck repairs and use

local businesses that we need to use to keep our businesses going. The families and employees buy groceries, go out for

meals, clothing, gas and recreation expenses, etc.

We have been told that around 85% of bee yards would be lost in North Dakota. The fields that hives are put in for honey

production are mostly canola, soybean, sunflowers, alfalfa, etc. The road system in North Dakota is set in 1 square

mile, you can't always put your hives further away from the roads. Same thing for the honey houses, most are close to

a road so you can get trucks in easily for loading and unloading.

Please remember all the beekeepers that come to North Dakota and all the business they bring with them before you vote

on bill 2134. Your vote will affect 1,000s of people and their families. There has to be something else that the state and the beekeepers can agree on.

Thanks,

Rick Arrowsmith

Washburn, ND

To whom it may concern:

My name is Wes Arrowsmith, my father, my brother and myself own our honey bee business and have since 1984. Let me first start by quoting some important statistics from our USDA's website "North Dakota has been the top producing state in the nation for honey for many years, out producing every state by at least double." "Honey bees are a vital resource for pollination, naturally contributing to the production of over 30% of the food we eat"

"The significance of the honey bee is both ecological and economical as estimates show that honey bees pollinate close to \$15 billion in crops annually. Without pollination, we would experience a detrimental loss in crops" "The decline of the honey bee is serious. It is estimated that the number of colonies has diminished by almost 50% in the United States. Honey bees and other pollinators are key to a sustainable future."

In 2021 in North Dakota alone there were 325 registered beekeepers, some coming in from out of state. Combined they own over 740,000 hives that they place throughout the state every year. With so many county roads and federal highways in the state it would be extremely difficult for an already declining industry to even so much as produce. If this bill were to pass it would be absolutely demolishing to the livelihood of a countless number of families and their businesses while also hurting the economical impact they have on the state and its communities.

With that being said here are some points I'd like you to consider:

- There are many farmers with their own crops in the state, that also benefit from the bees but don't want trucks rummaging through their crops or farmland for us to get to a bee yard when one could simply be using a bee yard that's closer to a road.
- Some small landowners and farmers who enjoy having bees on their property wouldn't get the opportunity to help the agriculture community if they don't own enough acreage to house hives.
- With the amount of farm land getting less and less beekeepers are already at a disadvantage of where to place hives. .
- Like many others our business, residence, and honey house are a combined property and literally set right off one of the state's main highways.

With that said I'd like to strongly encourage you to oppose this bill, for the agriculture community, the North Dakota economy and the livelihood of many, many families.

To the members of the committee:

Thompson Apiaries, Inc. of New Rockford is a family owned and operated business in east central North Dakota. Our business was founded in the mid 1960's.

We are writing in opposition to SB 2134.

Many of the places we use as bee yards were established in the 1960's with the direct approval of the landowners of that time period. We created extremely close relationships with many of the current owners as those sections of land passed to the next generations and the landowners appreciate the benefits the honeybees provide to their crops.

North Dakota is an agricultural state. Beekeepers take great pride in being the number one honey producing state in the United States. That status will most likely go away if this bill passes. Placement of bees is directly related to the foraging sources and crops grown in the area. This extreme restriction of placement would most definitely decrease honey production as well as revenue for the beekeeper.

Many bee yard locations were selected due to ease of access during the wet spring placement time. Beekeepers and landowners work together to find a location that has the least impact on the farming / ranching operations yet is suitable for bee foraging.

Our honey house and honey extraction equipment are located on the edge of New Rockford. There are 2 roads within 100 feet of our buildings. This bill would make our main location for extraction unusable.

Placement of honeybees should be left to the landowner. This bill would take away the rights of landowners and destroy the beekeepers right to farm.

Please consider all the negative consequences this bill would have on honey production, pollination of crops, rights of landowners and the overall negative economic impact to North Dakota.

Please vote NO on SB 2134.

Respectfully,

3 Generations of Thompson Apiaries, Inc.

Elaine Thompson
Lonnie & Lisa Thompson
Hunter Thompson

My name is Nathan Larimore and I am a beekeeper from Larimore ND. I am writing today in regards to Bill 2134. I am in complete opposition to this bill. It makes no sense whatsoever. Most beekeepers try to keep the bees away from roads. But to require the bees be placed $\frac{1}{4}$ of a mile from a road is not possible in many places. It also is not going to affect anything. Just because the bees are farther from the road is not going to make them fly over the road. IF the floral source is on the other side of the road that is where the bees will go. They could be a mile away and they would still go across the road. They only fly as high as they have to.

Not sure the point of this bill but it needs to be defeated immediately.

Thanks

Nathan Larimore

90% of my locations are within a quarter mile of a county road. In the 45 years I've been keeping bees in North Dakota, I have yet to receive a complaint about the presence of my bees. Enacting this bill would eliminate many of my locations, where it would be impractical or impossible to resituate them. Farmers don't want apiaries in the middle of their fields and pastures. In wet years it's already problem enough to get to many locations, even when they're near roads. I realize that there can be problems with high concentrations of hives near roadways. I'm not opposed to dealing with these on a case by case basis. But this bill's blanket approach is not well thought out. It would needlessly disrupt a thriving and vital sector of our agriculture. I would encourage its sponsors to be in contact with the North Dakota Beekeepers' Association to work toward a reasonable solution.

William T Klett, Jamestown

North Dakota Senate Agriculture and Veterans Affairs Committee

Re: SB 2134

Dear Concerned Legislators:

I write in strong opposition to proposed to Senate Bill SB 2134, legislation to restrict beekeeping operations in the vicinity of roadways.

There are two reasons for my opposition to this legislation: First, safety to the public is not an issue. Beekeeping is a relatively safe endeavor, and honey bees are gentle creatures outside their hives. Second, the proposal to remove bee hives and manage them away from roadways is simply not feasible.

I ask that you please rely upon the informed knowledge and experience of your North Dakota beekeepers when considering the proposed legislation. Senate Bill SB 2134 is an unworkable proposal that cannot be considered anywhere in the country.

Thank you,

Richard Underhill, M.Ed.

EAS Certified Master Beekeeper

Former President, Arkansas Beekeepers Association

Conway, Arkansas

runderhill37@gmail.com

Ladies and Gentlemen of the Committee and Legislature:

My name is Joseph M. Schmitt and I live in rural Jamestown, North Dakota. For the past 43 years, as an attorney and landman, I have worked providing consulting services in the regulatory process as it relates to land use and development.

Please consider my comments regarding the proposed Senate Bill 2134 related to the placement of beehives and apiary locations..

Years ago I spent nearly two years working in the regulatory process to help secure Browning's Honey Company consolidating and expanding their primary operations to the Jamestown, North Dakota area where I am a resident. Now, Browning's Honey Company has grown to become one of the Jamestown and Stutsman County areas largest and consistent employers. As drafted, the proposed SB 2134 may very well destroy that business and cause it to relocate, possibly to South Dakota, where it nearly ended up before. Ironically, the proposed bill was co-sponsored by a Senator that represents the Jamestown and Stutsman County area, a city and area struggling to survive, let alone grow.

Before passing the proposed SB 2134, I recommend that consideration be given to the following facts and issues:

01. One must consider what the reason for the proposed bill is to begin with. What is the reason for this proposed bill? For the past twenty years I have had an apiary location near my home where the servicing vehicles travel through my yard and the bees are located near the farmstead yard. The bees have created no issues in my yard, which farm yard contains anywhere from 3 to 10 horses at any given time, and mowing operations are conducted on open station riding and push mowers around the apiary locations regularly as summer mowing demands. I have two neighbors immediately across the road, and have never had a complaint from them. I also have two areas of rented pastures. The apiary locations near my home and in the remote pastures would all be made illegal by the passage of SB 2134. Any issues that do arise, responsible operators generally respond quickly to my knowledge.
02. One must consider whether or not the proposed action is in violation of North Dakota's right to farm provisions of the State Constitution and Laws, as well as the rules and regulations promulgated thereunder. Without a justifiable reason to adopt SB 2134, passing SB 2134 may and likely would result in the elimination of substantially all of the current 20,000+ legally regulated, permitted, and located apiary site locations in North Dakota. This in turn would undoubtedly raise the question of unconstitutional taking of property and property rights without due process, and the litigation that would certainly follow. The State of North Dakota could be looking at potential liabilities of tens of millions of dollars as a result of unconstitutionally eliminating these locations.
03. One must consider the economic impact to the State of North Dakota from the passage of SB 2134. Today's existing locations generate a reported \$60 to \$100 Million plus to the North Dakota economy from honey production alone. Just looking at Jamestown and Stutsman County alone, Browning's Honey Company employs 50-60 employees, making it one of Jamestown's largest and most consistent employers. My estimation of their payroll alone, when applying a multiplier effect of 3 to 7 on wage dollars results in an impact of \$9 Million to \$21 million dollars in the Jamestown area alone as the money is spent. Have you driven through Jamestown lately? Empty building after empty building, and vacant lot after vacant lot everywhere as businesses close or leave the area. A once busy main street is now reduced to a single street light path

through a dying city. Many of the 50-60 employees work on routes throughout the area in crews of 5 or 6 that stop at the various convenience gas stations and stores in the small communities they travel through every day or so. What value does that business have to the small businesses in the communities in more dire straights than Jamestown? Likely quite substantial.

04. One must consider the relationships between the landowners and the honey producers themselves. The honey producers have worked closely with thousands of landowners to provide pollination for various crops, while locating the apiary sites in the least productive of the land for the landowner and minimizing the length and resulting impact of long haul roads to access the sites. These locations generate an estimated \$3 to \$4 million per year in cash and in kind rent to the landowners where the apiary sites are located. The proposed SB 2134 would force longer access roads through otherwise productive land (likely not permitted by the landowners) and substantially impact the other productive uses of the land as a result of any relocation, if any relocation is possible or consented to. Other existing conservation laws and programs may actually prohibit access through certain land. The proposed SB 2134 effectively eliminates all but 160 acres in the center of any given 640 acre section where roads exist on Section lines all around the section, something quite common in North Dakota.
05. One must consider the enforcement aspect of SB 2134 if it were passed. If any given location is found to not be in compliance, and is not moved, who is going to move it? Where is it going to be moved to? It is doubtful that any existing producer would or could legally move another operator's apiary site due to a variety of reasons, including unwillingness to create inter industry friction and lack of insurance to engage in such activity. Operators would not be willing to move non-compliant apiary sites into their own yards or facilities without knowing the health of the apiary site. Is the State of North Dakota going to invest in the equipment and facilities necessary to engage in enforcement of an otherwise unnecessary law? Do the tax payers of North Dakota want to fund yet another government agency and staff it? Is the Legislature going to increase the Department of Agriculture's budget so that it can implement, monitor, and enforce the requirements of proposed SB 2134 if passed. It is going to have a high cost. Somebody has to pay it!

Hopefully in the legislative process you consider the matters that I have raised above. I do not believe that SB 2134 should be passed.

Sincerely,

Joseph M. Schmitt

P.O. Box 1936

Jamestown, North Dakota 58402

residing at 8871 35th Street SE, Jamestown, North Dakota

NO ON SENATE BILL NO. 2134

Bill NO. 2134 is against the farmers of North Dakota. This bill clearly states that the government can dictate how a farmer is allowed to use their land. It is not good for anyone and it is a clear encroachment on landowner rights and beekeepers' livelihood. The bill states "A beekeeper may not place hives within one-quarter mile of a roadway." Next they will tell farmers to cut back their fields to keep pheasant and deer from endangering motorists. We landowners and beekeepers are strongly opposed to this bill in its entirety and will not rest until it is disbanded. Please do not be fooled into supporting this bill as it will lead to the displacement of many people's livelihoods which will not go unseen.

Thank you for your time,

Landowners and Beekeepers of North Dakota.



North Dakota Beekeeper on SB 2134 Dusty Backer of Center ND (Backer Bees)

Good Morning. I am Dusty Backer, owner and operator of Backer Bees of Center, ND.

Placing hives a certain distance from a road would sound “logical” to the basic ears yet ask a beekeeper that has invested years of experience, relationships, and knowledge to their trade. We do understand the “logic” and it is our hope that you hear our reasoning. Invite a beekeeper to your table and chat about the habits and health of a bee hive, and you will definitely be amazed and begin to understand.

Bees are creatures driven by nature—eat and reproduce. If the vegetation is there, they take the shortest path. Sometimes that path is 4 miles away and to a bee, it is about survival. North Dakota is a top producer of honey because of vegetation, daylight hours, lack of spray, and landowner appreciation of bees.

The economic impact of a 1/4 mile placement regulation would be severe and would have a trickle impact across the nation. This includes honey production, pollination services, employment, business spending, crop yields, fuel, housing, repairs, and building.

North Dakota hives don't just impact North Dakota. 80% of the world's almonds are grown in California and bees are the only insect that can pollinate them. North Dakota is the perfect place to keep bees alive and healthy to prepare for rigorous pollination services. Not just in California, but also Wisconsin, Florida, Oregon, Washington, New York in fact all 50 states have crops that bees pollinate. There are 90 different crops that are reliant on beekeepers and honey bees so this is an invaluable practice that ultimately puts food on dinner tables across the nation.

Approximately 38.6 million pounds of honey is produced in North Dakota a year and that amount does not support the need that US demands which is 450 million pounds. The balance of needed honey must be imported. There are nearly 340 registered beekeepers in North Dakota and they employ, spend and produce. The social impact of a placement regulation would be severe. Careers, jobs and trades would be destroyed.

Landowners mostly direct where they would prefer hives be placed on their land and this must be respected, since we are guests. Normally, they too, would like us to place the hives closer to the entrance end of their land plots to reduce vegetation and terrain disruptions.

We are a somewhat small beekeeping operation with a range of 2,000 hives and have over 65 landowners that we have spent 20 years creating relationships with. This Bill would reduce our bee placement locations by 65%. That would make 1,300 hives that would need to be relocated and in a much smaller area, because of a regulation.

These landowners are so valuable to bee farming and reducing, or restricting the area range in which hives can be placed, infringes on landowner rights. We have committed years of time, conversations and respect for our landowners to secure spots for our hives. Most depend on our bees to boost their yields. For instance, we have a landowner that has reported his canola and sunflower yields are up 10% when the bees are placed on his property. Another stated their hay crop is considerably higher when we have hives by the fields.

Bees are in top production for the months of July, August and September. Are North Dakotans willing to crash the farming trade of beekeeping in North Dakota and the nation, because of 3 months? That may sound dramatic yet when a regulation such as location placement, which is, in reality, an agreement with private landowners, is dictated, careers, livelihood's and trades are lost.

It is the way we make a living at the same time contributing to nature's routines. Most beekeeping homesteads, processing plants, hive storage, hives, and production facilities are within 1/4 mile from roads. This regulation would strip our occupation, way of life and devalue our trade and properties. I would no longer be able to support my family.

Is there a quick "fix" for the frustration and annoyance of bees splatting windshield, bikers or car grills?

Is there a good answer to bees crossing roads?

No--bees fly and will travel 4 miles for food and water.

Restrictions are rarely the answer and sometimes, there is no answer.

NO ON SENATE BILL NO. 2134

Bill NO. 2134 is against the farmers of North Dakota. This bill clearly states that the government can dictate how a farmer is allowed to use their land. It is not good for anyone and it is a clear encroachment on landowner rights and beekeepers' livelihood. The bill states "A beekeeper may not place hives within one-quarter mile of a roadway." Next they will tell farmers to cut back their fields to keep pheasant and deer from endangering motorists. We landowners and beekeepers are strongly opposed to this bill in its entirety and will not rest until it is disbanded. Please do not be fooled into supporting this bill as it will lead to the displacement of many people's livelihoods which will not go unseen.

Thank you for your time,

Landowners and Beekeepers of North Dakota.



Senators:

I write in opposition to Senate Bill 2134.

I am a co-owner and President of Browning's Honey Co., Inc. in Jamestown. My operation employs about 50 people, and up to 60 during harvest. We keep over 22,000 hives of bees in the state from April-October. These hives are located on over 600 private land sites, across 8 counties. Approximately 90% of these locations are within ¼ mile of a county road and would become illegal if this law was to pass. This law would be unnavigable for my business, which could not replace and relocate these locations on legal sites under this law. The sheer amount of private land that this law would impact might well be millions of acres state-wide. Under this law, many landowners, and even beekeepers alike, who have bees on their land, would be unable to keep bees on that land in accordance with this law. In practicality, most of the land that is accessible to vehicles and equipment used to move and maintain hives around the state is within a ¼ mile of roads, and therefore would be unusable under this law.

The beekeeping industry is an important part of North Dakota's Agricultural Economy. The State is the number 1 honey producing state, producing over 40 million pounds per year at a value of over \$100 Million in honey receipts alone (current market value). The apiary locations here in North Dakota are also crucial to the health and development of the pollination service that these same hives perform here in North Dakota, which boosts the yield and quality of crops like canola, sunflowers, soybeans, and others. Also, some 90 pollinator dependent crops around the country benefit from pollination services provided by these same bees that were raised during the summer in North Dakota. The North Dakota beehive count is over 800,000, which are kept at over 20,000 locations, by about 400 beekeepers/beekeeping operations. Many of these operations are the largest employers in the towns they are based in. These beekeeping businesses employ literally thousands of people state-wide.

This law would do little to nothing in terms of keeping honey bees from visiting and crossing roads. Honey bees will fly more than 2 miles from their hive to collect pollen and nectar. Thus, moving hives back ¼ mile or (1380 feet) from the road will not keep bees from being around or crossing roads where they may be encountered by travelers of all sorts. These same travelers might also encounter wild bees, butterflies, birds, deer, cattle (the state is open range), and a whole host of other potential wildlife or livestock that will not be impacted by this law. Foraging honey bees are not defensive, meaning they are not defending their hive, and therefore very unlikely to sting. Bees are defensive within about 50 feet of their hives. My operation uses a 100 foot rule for placement of hives in proximity to busy roads, mostly to protect the bees.

Managing over 600 locations each year means that my business does receive complaints, but not about being too close to roadways. We get calls from farmers who must spray insecticides and need us to protect our bees. We get calls about bees visiting water sources at the home, or maybe the livestock tank. We get calls about swarms landing in the tree in the yard. But, in the last 20

years, I cannot remember getting a complaint about bees being located too close to a road, 100 feet has always been our minimum, and it seems to have been enough.

The North Dakota State Constitution contains *Article XI, section 29, which is known as "The Right to Farm". The Right to Farm provides protection for agriculture from laws like Senate Bill 2134. It reads: **"The right of farmers and ranchers to engage in modern farming and ranching practices shall be forever guaranteed in this state. No law shall be enacted which abridges the right of farmers and ranchers to employ agricultural technology, modern livestock production, and ranching practices."**

One of the major reason this section was adopted was to prevent laws and lawsuits that claim agriculture is a nuisance. The Century Code further defines agriculture practices and production intended to be protected from nuisance laws. (*Century code 42-04), bees are specifically mentioned as a farming and livestock practice to be protected- *"The types of production that receive protection include the commercial production of plants and animals, horticulture, floriculture, viticulture, forestry, dairy, livestock, poultry, bees, and any and all forms of farm products and farm production, as well as the disposal of those products by "marketing or other means."*ⁱⁱ

If this law was passed it would effectively remove the rights of farmers, property owners, and beekeepers who wish to have bees on lands that would be deemed ineligible based on the language of this bill. Further, farmers whose lands do not extend beyond ¼ mile from a roadway will in effect, no longer have the ability to grow crops that need honey bees for pollination.

As an additional consequence, the nature and effect of this law would likely constitute an illegal taking without just compensation, which is prohibited by the U.S. constitution. Beekeepers and landowners whose operations were impacted by this law would certainly, immediately file lawsuits against the State of North Dakota.

For the forementioned reasons, I urge the committee not to recommend adoption of this bill.

Sincerely,

Zac Browning

***ND Constitution Article XI, Section 29**

The right of farmers and ranchers to engage in modern farming and ranching practices shall be forever guaranteed in this state. No law shall be enacted which abridges the right of farmers and ranchers to employ agricultural technology, modern livestock production, and ranching practices.

***ND Century Code**

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.

(No subject)

Marcia Gifford <whosyourhoney@msn.com>

Thu 1/12/2023 1:43 AM

To: Marcia Gifford <whosyourhoney@msn.com>

To the N.O. Senate QG
Committee

I am writing this for
CONCERN SB, 2134 REGARDING
the setback Rule for bees
1/4 mile, this law would make
55% to 65% of my bee yards illegal
including my shop cause I keep
bees there which would be very
impossible to move, most yards
I am as far back as I can go
to rivers, farm fields. This
Bill is definitely a anti property
Rights Bill

Jesse GIFFORD
N.O. Beekeeper

Jesse Gifford

To whom it may concern,

I'm writing today to oppose the quarter mile from the edge of the roadway limitation.

This limitation will hurt our operation in numerous ways.

1. **Agreement** First of all this is an agreement between the land owner and the beekeeper. We put the bees where they want them. They don't want bees in the middle of their fields in their way. Row crops especially. They need to be on the outside perimeter which is obviously by highways/county roads.
2. **Terrain** Beekeepers need their hives close to a gate, which is almost always by a highway/county road, due to the terrain. If we get a reasonable amount of moisture we need to still be able to get to our hives to treat/feed them. Having our hives closer to the gate gives us better chances of getting in and out without getting stuck and tearing up the land owner's property.
3. **Loss of Bee Yards** I would say 75% of my yards are within a quarter mile of a roadway. Sure some of them could be moved further back but the terrain of the land doesn't allow that. So I'm supposed to just give up those yards because it isn't physically possible to get them one quarter mile off the roadway?
4. **Pesticides** Yards that we have on ranch ground we try to keep the bees on opposite side of the property if it is next to row crops to avoid drift from pesticides. The further we have to move them in the close they are to catching drift from spraying potentially killing or harming the health of the hives.

TO: Members of the Committee

RE: SB 2134

We are writing in opposition to SB 2134

Five Star Honey Farms of Minot ND is a family owned and operated business that was established in 1998 and consists of Will and Peggy and their three sons, Matt, Levi, and Evan Nissen.

We are natives of ND and all having been born and raised in ND we want to continue raising honeybees in ND. It saddens us that we have to suffer in the industry with the introduction and intrusion of Senate Bill 2134. This will affect 85% of all bee locations in ND. The bee industry in ND is the #1 honey producing industry in the nation supporting hundreds of jobs. To attack one foraging insect in our State is unacceptable. Honeybees are grouped together with a lot of other foraging insects. Insects do not adhere to man-drawn borders on a map and as such they may be found beyond their listed reach. Honeybees are typically drawn to a certain area by an available food supply, the weather, or other environmental factors such as pollination, water supply, mating patterns, etc.

This also involves limiting landowners their rights and our rights as landowners. This includes our own warehouse facility that we harvest our honey in which is within the quarter mile distance of the roadway that would not allow us to do business on our own property if this SB becomes law. We would have no place to load or reload our bees that is accessible for large semi trucks if this law is implemented.

We have built good relationships with these landowners over many years and it is to the best interest of beekeepers to remain in good rapport with the landowners that give us permission to place our bees on their land. We are North Dakotans that need to keep the "friend" in friendly and work together for the better of the State and those that live here.

Therefore, we think a good solution would be to NOT enact a new law but rather create a process where the State Bee Inspector calls the Beekeeper and the Landowner to discuss the complaint of bee locations being too close to the roadway and come to some kind of resolution without a new law so that as beekeepers we can continue our livelihood of beekeeping in this North Dakota industry.

Thank you for your consideration and understanding of our thoughts and investment to the beekeeping industry of North Dakota.

Sincerely,

Five Star Honey Farms

Will, Peggy, Matt, Levi, and Evan Nissen..

900 38th St. SE

Minot, ND 58701

701-720-5234

SENATE BILL NO. 2134

Dear Senators and Representatives of ND,

I'm writing you in the concerning regards of HB2134. My name is Travis Dietzler and I'm a third generation North Dakota commercial beekeeper. My Grandfather and Father started keeping bees in Grand Forks County back in the late 60's. In 1976 my Grandfather and Father went commercial and beekeeping has been the sole income for my family ever since. My brother and I have been involved in bees since we were kids. Fast forward to present day my brother and I have been working side by side with our father and establishing strong relations and bonds with landowners and farmers to maintain our 6000 colonies of bees.

In recent, seeing the proposed bill 2134 would bare a heavy burden not only to our family business but to my family, my employees and to the families of my employees. If this Bill passes it will force us to downsize and cut staff. With the overwhelming number of large out-of-state commercial beekeepers and corporate apiaries it is already an unbearable task finding new locations to place our bees to maintain a safe distance from other operators and this Bill will make that impossible. Better than half of our apiary sites are located less than the proposed distances from roadways. With the hay land, CRP and tree groves being turned into cropland we are loosing 4-8 yards a year being forced to relocate and overcrowd our already established apiary sites. Beekeeping is already a struggle trying to combat the mites, colony collapse disorder, rivalry/competition, high output costs, pesticide negligence and surviving mother nature.

Being a third generation beekeeper I've seen the slow and tough progression in this business but we've always put the landowners, farmers and neighbors first. As gusts on the land we strive to keep good relations with not only the landowner/renter but with their neighbors as well. Several farmers request we keep bees on their crops for pollination and this Bill will infringe on the rights of the farmers to harbor bees on their own land for the benefit of crop pollination.

In spite of trying to keep a letter short and to the point I end my response here asking that this preposterous bill be voted out and down. Let the North Dakota Beekeepers maintain their livelihood for the future upcoming beekeepers of this state. Regulating the out-of-state beekeepers would be a much better alternative.

If more information is wanted/needed to regards of my personal opinion on HB2134 I would be more than happy to be contacted by cell, 218-230-5512

Thank you for your time, Travis Dietzler

January 11, 2023

To all concerned on the North Dakota Senate Agriculture & Veterans Affairs Public Hearing,

Regarding SB 2134, I stand opposed. John Miller, President of the North Dakota Beekeepers Association makes some excellent points with which I agree because of the thoughtless blanketed restriction throughout the entire state of North Dakota without regard for the good of the farmer, the good of the honey bee and intimately THE GOOD OF OUR NATION'S FOOD SUPPLY. You take a story of a motorcyclist and don't let a good tragedy go to waste. It would be against the good of this nation to restrict honey bees in North Dakota. Let the landowners and the beekeepers settle this. By the way, most of the farm lands with honey bees are on dirt highways ... not exactly the place for motorcycles or bicyclist or pedestrians anyway. I happen to also a bicyclist and when I ride in biking gear along the highway beside beeyards containing more than 200 hives I have NEVER been stung, not once. **I would walk any road within anything under a quarter mile beside beeyards without my suit because I know that the bees are busy following pollen and nectar.** This is about the food supply and about destroying an entire industry and its entire sphere of influence made up of living creatures – the honey bees. I stand opposed to restricting placement of honey bee hives! Honey bees need to work flowers and pollinate plants. Americans need to eat. Farmers need to profit from their lands. You will gain no good thing by implementing such a knee jerk restriction. I own property in Tioga.

Sincerely,

Jody Wallace
Wallace Apiaries
15571 E 490 Rd
Claremore, OK 74019
918.576.1859

Mr. Chairman and Members of the committee,

My name is Victor Seppi and I am opposed to SB 2134. I live in Alsen with my wife and 3 young sons where I run a family bee business with my brothers which, Lord willing, I will be able to pass it down to my sons. Our family has called North Dakota home for 4 years and our bees have been pollinating our state since 2015 with them now spending 8 months of the year here.

SB 2134 would not only have devastating effect on my business, but on the farmers as well. Out of 30 bee locations, the drops we use each year, nearly one third would be considered in violation of this bill. Also note that where the bees are located is determined by the owner/farmer first and then secondarily to aid in our access to tend the hives.-

It would also ban the use of our shop for winter storage of bees and honey extraction because it is within $\frac{1}{4}$ of state highway and county road. This is a huge asset that we have invested greatly into. I would basically no longer be able to have a business here

This bill also infringes on the rights of property owners, telling them where they can or cannot put bees on their land. Primarily, we ask farmers for locations to put our bees but we have many good friends with hives on their property that love having the bees on there. This would intrude upon their rights as land owners to determine what they can and can't do on their own property. My business also owns several pieces of land that we have bought through the years to live on, and we put our bees currently. This bill would cause us to not be able to use our own land for our family business.

If SB2134 were to pass it would also have a financial impact on the state. The fact that each year brings new people in (even on a temporary basis) brings the benefit of local levels having an increase in revenue which is felt statewide. Passing this bill would have a cumulatively negative effect on the revenues, both tax and otherwise, into North Dakota in a cascading manner: first, the farmers would have reduced crop yield due to lower pollination. Second, both permanent and temporary work related to bees with their employees across the state would be reduced dramatically. Finally, even seeming small byproducts such as honey, wax, etc would see shortages and/or increases in cost on top of the already growing inflation our population is facing. Because we are an agricultural state, this bill's requirements would be no different than asking farmers to no longer drive their tractors on the roadways because people do not like having to drive slowly behind them or having to go around them.

I have put my roots down in North Dakota with my wife and children and have a deep desire to stay. This is my home and I love what I do. Please don't make me leave this great state. Please vote NO on SB2134

Thank you for your time and consideration,

Victor Seppi

Hello, my name is Steve Hanna I am a beekeeper from Butte Nd. I have ran bees for 30 years. If this bill is enacted I would loose every bee location I got.

I am opposed to senseless total ban and regulation of apiaries based solely on distance from a roadway. Instead, there should be a ban on motorcycles traveling within 250 feet of any apiary. Equal protection under the law.

In California cities we are encouraging sensible legislation to ALLOW apiaries and pollinator populations even within city limits. We have one at the Eddie Souza Park and Community Garden on San Tomas Blvd and Monroe, a very busy/heavy commute route with added bicycle trail all within 20feet of the roadway and commuter bike lanes and trail, in the center of Silicon Valley. No complaints, no accidents, no issues. Your legislation is very short sighted and a huge over reach, and frankly unnecessary and a waste of time.

Sincerely,

James Teixeira

Director of Parks and Recreation

TO: Members of the Committee

RE: SB 2134

We are writing in opposition to SB 2134

Five Star Honey Farms of Minot ND is a family owned and operated business that was established in 1998 and consists of Will and Peggy and their three sons, Matt, Levi, and Evan Nissen.

We are natives of ND and all having been born and raised in ND we want to continue raising honeybees in ND. It saddens us that we have to suffer in the industry with the introduction and intrusion of Senate Bill 2134. This will affect 90% of all bee locations in ND. The bee industry in ND is the #1 honey producing industry in the nation supporting hundreds of jobs. To attack one foraging insect in our State is unacceptable. Honeybees are grouped together with a lot of other foraging insects. Insects do not adhere to man-drawn borders on a map and as such they may be found beyond their listed reach. Honeybees are typically drawn to a certain area by an available food supply, the weather, or other environmental factors such as pollination, water supply, mating patterns, etc.

This also involves limiting landowners their rights and our rights as landowners. This includes our own warehouse facility that we harvest our honey in which is within the quarter mile distance of the roadway that would not allow us to do business on our own property if this SB becomes law. We would have no place to load or reload our bees that is accessible for large semi trucks if this law is implemented.

We have built good relationships with these landowners over many years and it is to the best interest of beekeepers to remain in good rapport with the landowners that give us permission to place our bees on their land. We are North Dakotans that need to keep the "friend" in friendly and work together for the better of the State and those that live here.

Therefore, we think a good solution would be to NOT enact a new law but rather create a process where the State Bee Inspector calls the Beekeeper and the Landowner to discuss the complaint of bee locations being too close to the roadway and come to some kind of resolution without a new law so that as beekeepers we can continue our livelihood of beekeeping in this North Dakota industry.

Thank you for your consideration and understanding of our thoughts and investment to the beekeeping industry of North Dakota.

Sincerely,

Five Star Honey Farms

Will, Peggy, Matt, Levi, and Evan Nissen..

900 38th St. SE

Minot, ND 58701

701-720-5234

James Gardiner
UHB, LLC



Sixty-eighth Legislative Assembly of North Dakota Introduced by Senators Veda, Conley
Representatives Dockter, M. Ruby

SENATE BILL NO. 2134

SECTION 1. Section 4.1-16-08.1 of the North Dakota Century Code is created and enacted as follows: 4.1 - 16 - 08.1. Placement or location of a hive - Limitation. 1. A beekeeper may not place or locate a hive within one-quarter mile [.40 kilometer] from the nearest edge of a roadway within the county road system as provided for in chapter 24 - 05, the state highway system as provided for in chapter 24 - 01, or a federal highway within this state.

Testimony:

Hello, my name is James Gardiner and operate UHB, LLC out of Westhope, North Dakota. Operating a beekeeping business out of Westhope, North Dakota, I strongly oppose this legislation.

As an owner of property alongside roadway within a county road system, I strongly oppose this legislation.

- 1) First, this legislation proposes a TAKING of property rights of landowners. This legislation is a vote against landowner rights. This legislation limits the way a landowner may choose what to do and how to utilize their land to the highest and best use.

Thank you for the opportunity to strongly oppose this legislation that chooses to ignore landowner rights and limit the ability of honeybees to increase crop values and production across the entire state of North Dakota.

A handwritten signature in black ink, appearing to read "James Gardiner", with a stylized, cursive flourish.

James Gardiner

I, Alan Timm, a Bee Keeper located in SW North Dakota, am strongly opposed to bill SN 2134 related to the placement or location of a beehive; and to provide a penalty.

This bill is a violation of landowner rights. If this is a safety issue, are we now going to tell all farmers/landowners that they need to keep their crops seeded off of any main roadway, a quarter of a mile to reduce the chances of wildlife crossing the road and causing vehicle accidents? Once again, this is not practical to regulate how landowners use their own land.

Thank you for your time.

Alan Timm
T2 Honey Co.
301 Hwy 8 South
Hettinger, ND 58639
701.440.8545

I'm a beekeeper up in North Dakota and am against this and it will be detrimental to the farmer. The beekeeper people that eat food. There's no good thing that will come of this.

Bill 2134

To: Member of the Committee

Senator Shawn Vedaa

Senator Cole Conley

Rep: Ruby M Doctor

SENATE BILL 2134

Hearing Date: January 13, 2023

Place of hearing: Bismarck, ND/ For Union Room- ND State Capitol

Troy Southam/ Owner/Beekeeper

Resident of North Dakota

I am the owner of Southam Honey Farms, and I am in OPPOSTION of bill 2134. This bill would eliminate a way of life that has existed in North Dakota for a very long time. North Dakota has graciously welcomed beekeepers. This bill destroys the livelihood of hundreds, if not thousands of beekeepers, employees and landowners. This bill destroys the common thread between the landowners and beekeepers with government over shadowing. This bill is larger than rearranging a way of business for beekeepers and landowners. This bill would allow State/Government to dictate how any business or landowner can do business.

This bill proposes ideas that are quite frankly, undoable for most beekeepers if not all. We have honey production warehouses that would require to be moved or closed due to restrictions. Also, we need to consider the cost of relocation and moving bee sites. The loss of land locations would result in no sites. This is a difficult task as it stands now, a forceable bill like this is a catastrophic nightmare in all ways.

When creating laws for residents and businesses owner I believe conversation is always a way for solutions. We should discuss the possibilities of laws that could destroy livelihoods and an age old industry.

I believe this would destroy my business as well as others.

Thank you for considering my thoughts and opinions to the beekeeping industry of North Dakota.

Respectfully,

Troy A Southam
Southam Honey Farms
1940 S Broadway 177
Minot ND 58701
701.340.4253

Members of the Committee,

My name is Tim Hiatt, my family operates 19,000 hives in the southwest part of the state. I'm a second generation beekeeper and have been working with landowners to place bees properly since 1979. I am opposed to SB 2134.

When I spread our hives across more than 300 locations every year, I place them after consulting with and getting permission from landowners. I enjoy the friendships built over the years and wouldn't do anything to jeopardize these relationships. Because I am on their land with their permission, the landowner has the final say on where the bees go. I must put them where they want. It is an intrusive restriction on the rights of the landowner to not allow the landowner to place bees where they want me to put them.

Our state leads the nation in honey production. A rule restricting where bees can be placed will decrease our honey production because in many places, the only available place is relatively close to roads. Not only will beekeeper income decrease, but economic activity generated in our state will also decrease.

With the snow we have received, I hope spring continues wet. But with the good wet spring come muddy conditions. The farther I have to go off road, the more likely I am to tear up section lines, put ruts in pastures, and damage livestock and honey bee forage. The less distance I have to travel off road, the less these damages are. It is better to have locations relatively near roads to minimize such damage. Common sense and the wishes of the landowner should govern where bees are placed, not a one-size-fits-all rule.

The building where we process the honey harvested from the hives is less than 1/4 mile from the road. This is also where we gather our hives before winter. Were this bill to become law, our having bees at our building would become illegal and the state would be responsible for moving thousands of hives, which is a perverse consequence.

The best way to resolve issues of this kind is to speak with the landowner or beekeeper directly. If there is no satisfaction in that route, law enforcement can be involved on the basis of creating a nuisance. Such laws are already on the books and would address the few times non-cooperative beekeepers or landowners refuse to place bees sensibly.

A single, extremely restrictive standard for the whole state is a massive overreach and would be very damaging to beekeepers statewide who have good relationships with their landowners already. Please do not support SB 2134.

Tim Hiatt
Bowman ND

Bill 2134

I am writing in opposition of bill 2134. This bill regulating the placement of beehives would do little to nothing to stop bees from crossing roads. Bees will fly as far as 3 miles or more to reach flowering or pollen bearing plants. When they come back to their hive with a payload of honey or pollen they are too heavy to fly at a distance high enough to avoid vehicles. Usually, bees are placed on a piece of ground that is not utilized by a farmer or rancher. These locations also require water for the bees to keep their hives cool. In the western half of the State trying to find a location that has water yet isn't going to interfere with farming or ranching practices can be difficult. In most cases the landowners will show you where they would like you to place the hives. Not allowing bees to be placed where the landowner wants them is a complete violation of his right to farm. This bill is nothing more than a gateway for other bills regulating what farmers and ranchers can do with their property. Please vote no on Bill 2134.

Thanks,

Eric Andress

Grand River Honey Co.

MONDA HONEY FARM INC.

KATHY MONDA

EAST GRAND FORKS, MN 56721

Testimony-Senate Bill 2134

I am a first-generation Bee Keeper who established Monda Honey Farm Inc. in 1979 and now our son Jerod Monda and his son Austin Monda continue to own and operate the Honey Farm Inc. Bee Keeping is our sole source of income. We live on the MN border of ND and run most of our colonies in ND from Fordville to Walhalla. We pay state income tax in both MN and ND. We employ 12 additional seasonal workers for over eight months yearly and extract all our own honey. We plan to continue passing our farm down to further generations.

ND is a farming state in which the farmers rely on our honey bees to pollinate their crops-they need honey bees! North Dakota is number one in the nation for honey production.

We find it hard to be able to always find an access to set our colonies that would be more than a ¼ mile from a road. Farmers use all their farm land to produce their crops and do not want to give up valuable crop land. Honey bees can fly in a two-mile radius from their hives so they will still be able to cross these roads even if set further away. We try very hard to set our colonies where they do not bother people or other colonies. We also deal with chemical spray of pesticides and fungicides for farmers crops so we are very careful where we set our bee yards so they are not sprayed. We have lost lots of CRP fields in ND

in recent years as farms have put their land back into crop production which has made honey production much harder.

I fear that a bill with these kinds of restrictions will cause many problems to our honey business and the entire Bee Keeping industry. Please do not put such hard restrictions on an industry that has so many other issues to deal with just keeping our colonies alive.

Kathy Monda

Monda Honey Farm Inc.

25995 422nd Ave SW

East Grand Forks, MN 56721

219-779-1880

Hello Members of the Committee:

My name is Josh Freeman. I am the managing partner of Noyes Apiaries, Inc. and the Vice President of the North Dakota Beekeepers Association. Noyes Apiaries has been operating out of Turtle Lake, ND since 1984. We are a family owned business with three generations working together for a better future. Our honey house and residence are located along highway 41. This bill would make our property unusable, and would put not only my family business, but an entire industry at risk of collapse.

Honey bees are a value added benefit to North Dakota agriculture. One third of the food we consume is directly pollinated by bees. Even crops that do not need bees to pollinate have better yields with bees. Every Canola grower I put bees on tells me they see an increase in yield the closer they get to the bees.

We place our hives at the discretion of the land owner or lessee. The majority of our locations are in old farmyards that are not feasible for the land owner to farm. As guests on the land we try to be as unobtrusive as possible. With this law I would be forced to ask a land owner to take an acre or more of land out of production to accommodate my bees.

I urge this committee to not recommend adoption of SB 2134.

Josh Freeman
1195 17th Ave NW
Turtle Lake, ND 58575

Chairman Luick and Members of the Committee:

My name is Gregory A. Johnson from Bottineau, ND. My entire life has been devoted to Agriculture and its community in ways to improve the industry not only for North Dakota but also as a Nation.

Currently I help a local farming operation and work as a Federal Crop Insurance Adjuster. As a Federal Crop Insurance Adjuster there are many road miles logged every year.

This past summer I was traveling to an Insured's farm on a 2 lane well-traveled paved highway. I encountered a swarm of bees crossing back and forth on the highway from the hives placed outside the highway right of way. This swarm was like a black tunnel which came up quick and covered my windshield to the point of barely being able to see out of it. I would compare it to when we encounter a winter "white out" as far as visibility. I turned on the windshield washers and wipers which only made it worse. I came to a stop about a half mile from the point of encounter and cleaned off my windshield. On the return trip, I slowed up at the spot where there were still bee swarms crossing the highway. There were still bees hitting the windshield but the impact on visibility was not as severe. Two days later I made a return trip back to the Insured's farm only to encounter the

same issue. On the trip home the engine hot light came on a few miles further down the highway. I stopped to check things out. The radiator was covered with dead bees. I used a windshield brush to clear them off the best I could. As I continued home the engine was running hotter than normal. I had to clean the radiator out with a low impact steamer as it was full of honey from the impact of the bees hitting the radiator. Had these beehives been further away from the highway the bees would have dispersed more and this situation never happened.

As a concerned citizen, I am in support of Senate Bill 2134 (SB 2134) as this incident led me to think of 3 important concerns:

1. Public Safety on our highways. I was fortunate as I believe I did not cross over the median and there was no oncoming traffic. Had this been the case there could have been a very serious if not fatal accident. We often hear the statement (There have been no fatalities at that intersection so there is nothing to fix). Committee Members, Honey Industry and those concerned, here is an opportunity to be proactive and find solution to avoid a serious incident.
2. Protection for the Landowner, Farmer and/or both. Legality and Insurability.

3. Protect the Honey Industry. I applaud the Industry in North Dakota being number 1 in production. I want it to not only remain but grow and prosper.

For these reasons I support SB 2134. However, I believe Section 1 needs to be Amended. To me, the language reads as no road access at all. It also would appear to include the Apiaries. The intent of the placement of the hives needs to be revisited and spelled out more clearly as this is not the intent of the Bill.

Perhaps the language would read (legal counsel revising) One-quarter of mile which is 440 yards (4 ½ football field lengths) off Federal, State and County paved Highways. This is for the placement of beehives in the field. Apiaries are exempt unless they are placing active beehives at these facilities.

At this point the only expense to SB 2134 is legislative. Let's do the homework needed with necessary input from the Honey Industry to enable continued growth, provide the protection needed for the landowners and farmers along with providing public safety. One major incident can have a negative impact on the industry for many years.

For this I support and encourage the Committee to forward on a "Do Pass"

Amended SB 2134.

Respectfully submitted,

Gregory A. Johnson

Gregory A. Johnson

PO Box 26

Bottineau, ND 58318-0026

Phone (701) 240-5574



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Members of Senate Agriculture and Veterans Affairs

My name is Lonnie Bertsch. I am the Executive Director of ABATE of North Dakota.

I am writing this letter to support SB 2134. Bee hives placed next to state roadways can be a hazard to bicyclist's, car/truck traffic and motorcycle traffic. The bees can greatly impair a vehicle drivers' visibilities as the bees travel from their apiaries to the fields. I'm sure we have all experienced hitting swarms of bees while traveling on the roadways. We have also experienced the distraction of having a bee fly into our car. I personally have had friends who are allergic to bees end up in the hospital due to an unexpected contact with bees while driving.

This bill is not meant to hurt the bee industry. It is meant to have the apiaries moved a to safe distance from roadways. This move will help protect our citizens and the health bee population.

Thank you for your consideration.

Lonnie Bertsch
Executive Director
ABATE of ND
701-223-5609

CELEBRATING 48 YEARS!

Senators:

I, Doug Ruby, am in opposition to Senate Bill 2134 as this would negatively impact my livelihood as a beekeeper. I have resided in Milnor, ND for 47 years and have never seen or heard of any complaints coming from landowners or townspeople about the bees being located to close to a roadway.

My father, Dick Ruby, started this apiary business in 1964 in Dwight, ND. Then he moved to Milnor in 1975. Over the years we have had hundreds of bee locations in southeast North Dakota, and of those locations my guess would be that over 90% of them have been located less than the 1/4 mile from a roadway.

Today, I have around 4000 hives from the months of May - November located in 90-100 different locations in the counties of Ransom and Sargent. As with our past history, over 90% of these locations are situated less than 1/4 mile from a roadway. If this bill were to pass it could remove the majority of these bee locations because of a plethora of reasons.

Some of my locations currently are located in CRP. Meaning, driving further into the property could damage the area plus displace wildlife and become even more difficult to access with our trucks. Trucks are heavy, and the further into properties that we need to travel, means the more likelihood of becoming stuck due to heavy rains or snow. Also, I would assume that most of the landowners wouldn't appreciate the bees being hauled into the center of the property. Keep in mind that most sections in North Dakota are a mile square, so we would be putting yards in the center of these sections if this bill were to pass.

If this bill were to pass, I would lose a majority of my locations because they are, where they are for a reason. If I were to lose the majority of my locations, I would more than likely be put out of business. If my apiary business were to be shut down due to the passing of this bill, there are multiple adverse actions that would occur from that. My business is located in a rural town which heavily relies on Agriculture. No bees = smaller crops = less money back in to the local businesses and state! Also, I do have employees as well as myself that earn income from Ruby's Apiaries that shop locally.

Please use some common sense and come to the realization that if this bill were to pass, the State of North Dakota would suffer tremendously! I am in opposition of Senate Bill 2134.

Best regards,

Doug Ruby
President
Ruby's Apiaries, Inc.

COMMISSIONER
DOUG GOEHRING



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 Samantha Brunner
State Apiary Inspector
Senate Bill 2134
Senate Agriculture and Veterans Affairs Committee
Fort Union Room
January 13, 2023

Chairman Luick and members of the Senate 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 to provide information on the beekeeping industry in North Dakota in relation to Senate Bill 2134.

The NDDA oversees beekeeping in the state through licensing and registration of beekeepers and apiary (hive) locations. In 2022 there were 333 licensed beekeepers in the state managing 809,321 honey bee colonies. Those bees are placed on 20,378 registered locations. Beekeeping in North Dakota has grown a lot over the past several decades. Just for reference in 2013 there were 482,660 honey bee colonies in the state. Hobby beekeepers, those with fewer than 50 colonies is the sector that has grown the most, from 37 in 2013 to 128 licensed in 2022. During this same time the number of commercial beekeepers, with 501 or more colonies, has only grown by 34.

North Dakota is the number 1 honey producing state in the nation, according to NASS producing over 28 million pounds in 2021. North Dakota has held this title since 2004, while the other rankings vary year to year, we typically produce about twice as much honey as the state ranked second in honey production, in 2021 it was South Dakota with just over 12 million pounds. If this bill were to pass, approximately 94% of the registered locations would be illegal. This comes out to over 19,000 locations. If we look at just the state and federal highways we drop that number down to about 9% of the locations. Regardless of which roads you look at for

setting hives back from there are structures, that cannot be moved that will be impacted. The Roosevelt Zoo in Minot and the Dakota Zoo in Bismarck both have honey bee colonies that would become illegal. Most beekeepers have honey houses that are located along these roads, and where they keep bees for various points of the summer, they would also be illegal. Another growing sector of the industry is indoor wintering of honey bees. This has many proven benefits including healthier, stronger hives going into almond pollination. These buildings cost millions to build, currently the state has 3 and we expect more to come. The current buildings would be illegal if this bill were passed. Honey houses tend to serve many purposes for beekeepers, in addition to extracting honey some times beekeepers need to pull trucks of bees into the building and hold them for a period of time before dispatching the bees to their locations. Bees are often staged in the yard of the honey house in the spring and in the fall when moving bees around. These uses would also become illegal unless exemptions are made.

I mentioned our growing number of hobby beekeepers in the state, these people often keep the bees right in their backyards. The passing of this bill would nearly eliminate this growing sector of the industry. We also have many commercial beekeepers that are also landowners in the state, some purchasing land specifically to keep bees, some of these locations fall entirely within $\frac{1}{4}$ from these roads.

Currently in our department we have 4 full time employees that give apiary their priority in the summer, this isn't their only responsibility, but it is a majority of their time in the active summer months. We also hire 2 summer seasonal employees that again focus on honey bees but do also assist with other department tasks. We utilize other staff in the plant industries division for assistance as needed, maybe to follow up on a complaint that is near their destination or to report locations while they travel the state for other reasons. We also task field staff from other divisions to assist in reporting hive locations while out on their regular travels. This bill would require a large increase in the number of staff to assist with enforcing the setback and confiscating hives.

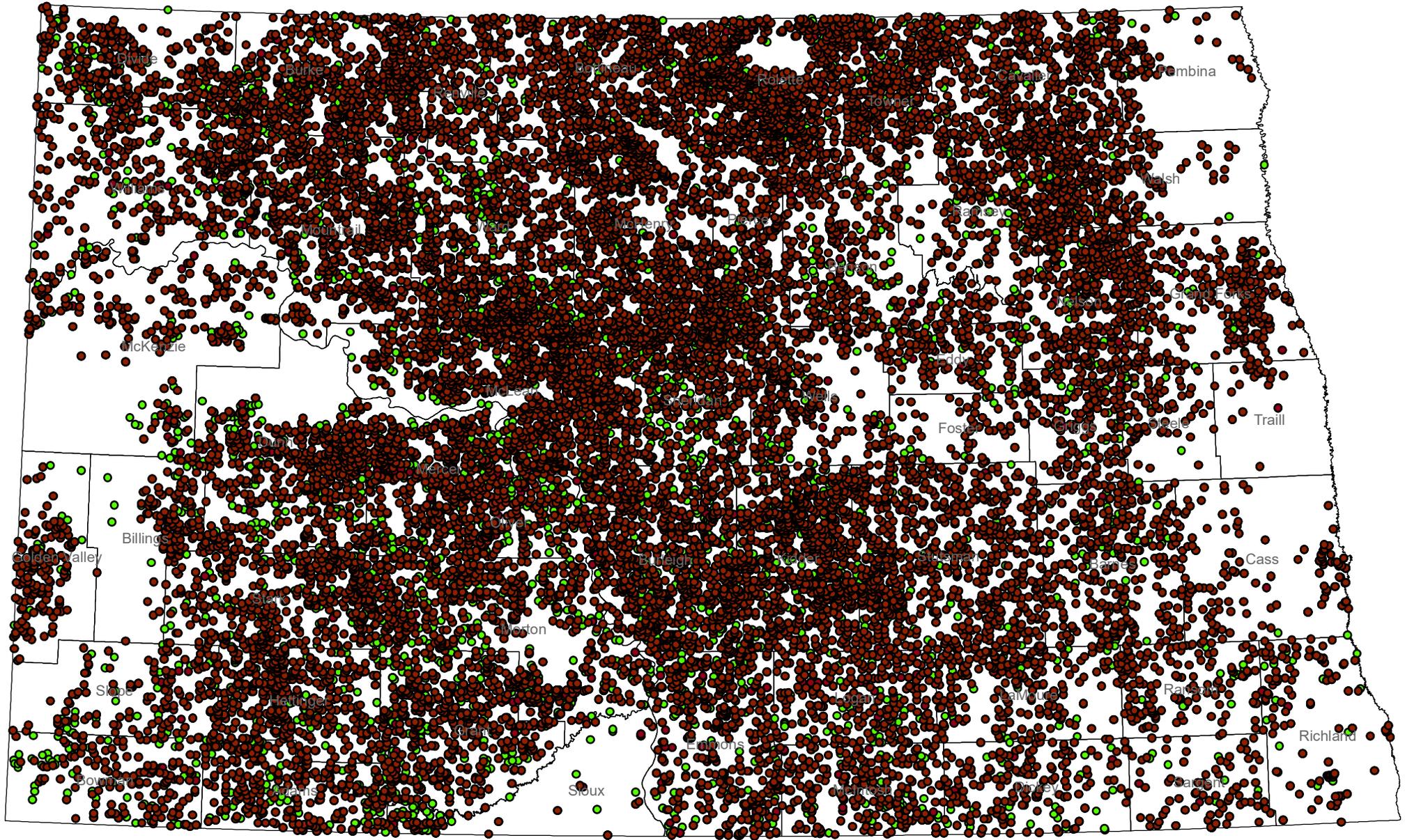
Even if we were provided with the staff needed to enforce this law, we would need to either purchase the equipment and train staff how to operate it or we would need to contract with other beekeepers to confiscate the hives. This would mean going through a procurement process to

establish beekeepers to cover various regions across the state. This would cause a lot of hostility among beekeepers and increase already high tensions due to the density of bees in the state. In addition to the factors, I have already laid out we have many questions for the committee to consider the event hives need to be confiscated. Where are we to put these hives? Who is responsible for feeding them if needed? How long are we to hold them until they are disposed of? Hives need routine care and maintenance like disease treatments, are we supposed to maintain the hives until a court order is obtained?

I would also like to take some time to show you the ND Sensitive Area Map, and the features available within the map including access for the public to find apiary locations and beekeeper contacts. Ability for pesticide applicators to locate and contact beekeepers within 2 miles of a field and set up regions to watch for the movement of hives. Beekeepers also have the ability to manage their license, locations, see all inspections and update their contact information.

Chairman Luick and committee members, thank you for the opportunity to provide this information. I would be happy to answer any questions you may have.

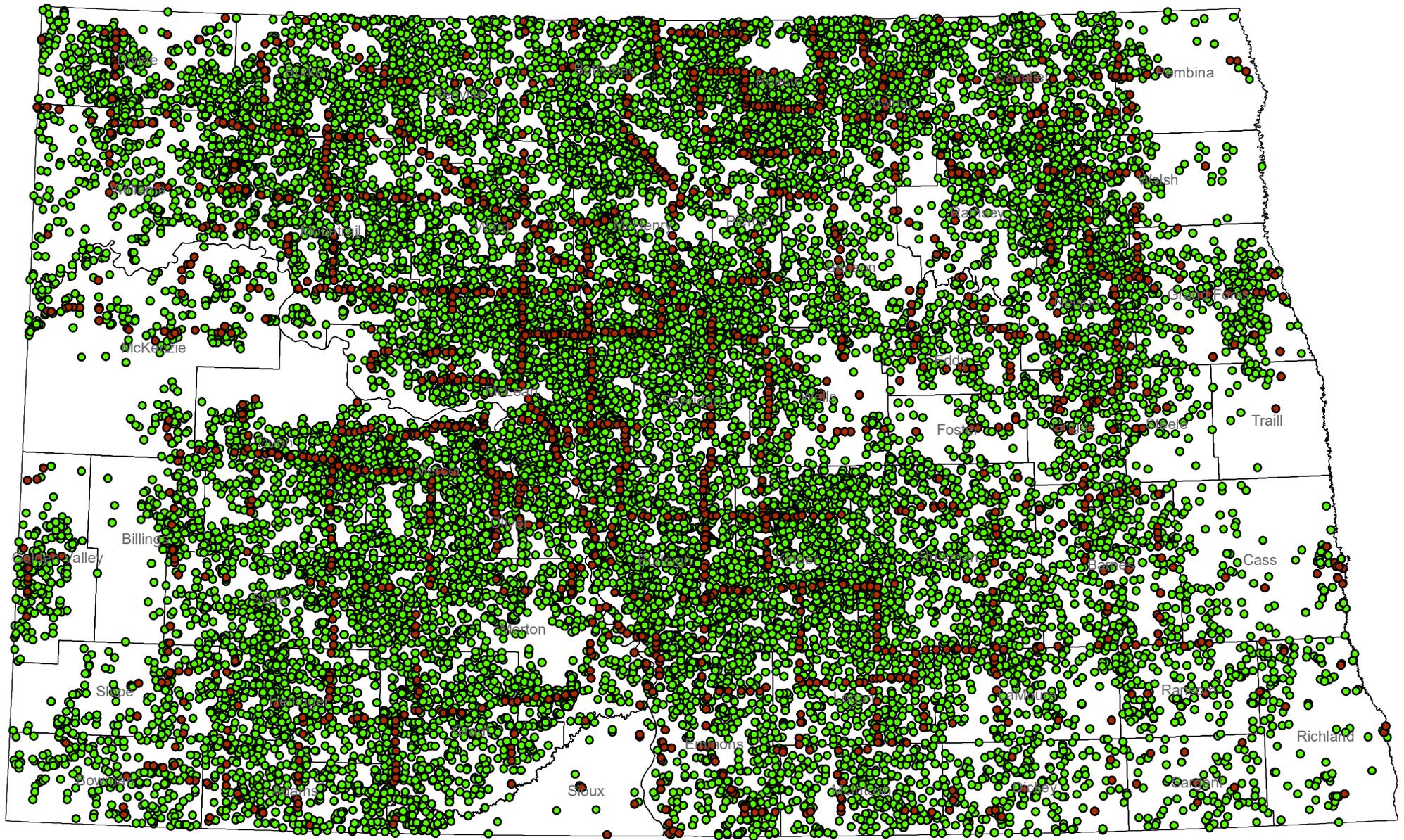
Registered Honey Bee Locations



● Locations in violation of SB2134

● Locations in compliance with SB2134

Registered Honey Bee Locations



- Locations within 1/4 mile of state and federal highways
- Locations more than 1/4 mile from state and federal highways

Members of the Committee,

My name is Bob Morlock, a beekeeper in Eastern ND. I am opposed to SB 2134.

We place many bees every year with permission from each landowner. Careful consideration is put into each location to make sure there is easy access so that it does not disrupt the landowner or his family/property. We use trucks and need to ensure that the landowner's property is not torn up and rutted during wet seasons. They want our bees as they benefit their crops, but also don't want damage done to land as a result. Keeping the bees near good roads ensures this is done and satisfies the landowner.

Additionally, putting in such a law would not guarantee bees away from the road. Bees will travel up to a mile and a half to reach a crop, so if they need to get to a field, they will still cross the roads.

North Dakota is one of the nation's leading honey production states, and putting such a law in place would eliminate a large majority of the locations for bee placement. This would, in turn, eliminate many of the beekeepers and the revenue they generate for the State.

The building where we extract honey from the hives is less than 1/4 mile from the road in an industrial park. This law would create an issue for the use of this building.

As we are already required to get permission, it should be the landowner's right to allow bees on his or her property where they see fit. This bill would take away these rights of landowners and destroy many beekeepers' livelihood. An extremely restrictive one-size-fits-all rule would be an overreach, when there are only a few yards that are causing the issues. These issues can be addressed by calling the Ag Dept., where they can handle them directly as needed instead of forcing them to police the entire State unnecessarily.

Please do not support SB 2134

Bob Morlock
Casselton, ND

To: ND Legislative Assembly

From: Macauley Haag

Re: SB NO. 2134

This testimony is in opposition to SB NO. 2134.

Requiring that beekeepers place hives ¼ mile from the road will not solve the interaction of flying bees and vehicles. This stipulation will only cause additional problems for local beekeepers, landowners, and an already struggling bee population.

A bee's flight path is determined by the food and water sources surrounding their hives location. Bees will often fly up to two miles in search of adequate food and water to provide for their hives. Flowering plants such as alfalfa in ditches is a popular source of food for bees. Many crops that bees are attracted to are planted right next to popular roadways and regardless of the hive distance from the road, these crops will continue to attract the nearby bees. Is the next step restricting farmers to where they are allowed to plant flowering crops on their own land?

Oftentimes beekeepers place their hives in accordance with accessibility and landowner permission. If this stipulation were to pass it would create many issues for beekeeper access and additional headaches for landowners. Placing hives near a gate or an easy access point is much easier than driving down section lines and expecting landowners to create additional access points further from the road. A large concern for beekeepers is that many landowners would rather not deal with the hassle of access issues and would no longer allow bees on their land.

As a motor vehicle operator and avid motorcycle rider, I assume the risk of possibly encountering bees and any number of other bugs and animals when I drive or ride. This Bill would devastate an already declining bee population and would vastly limit the successful honey production North Dakota is renown for. North Dakota should stand with its beekeepers and support this proud industry that is overwhelmingly positive in our great state. Please do not pass SB NO. 2134.

Respectfully,

Macauley Haag

Senator Luick and members of the committee,

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

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

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

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

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

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

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

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

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

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

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

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

Thank you.

Respectfully Submitted,

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

Vern Jacobson

273 N. Lake Park Rd, Bottineau, ND

(701)228-4442

January 12, 2023

As a commercial beekeeper I am in opposition of the proposed 4.1-16-08.1

Placement or location of a hive.

When a farmer or rancher agrees to have bees placed on his property, they designate where they would like the hives placed. They would much prefer that we did not drive a quarter of a mile across their planted fields of canola or sunflowers or alfalfa.

As an industry we face enough challenges, please do not add another one.

Thank you for your time

Sincerely,

Nancy Kiefat

My name is Doug Perkins. I am the owner of Perkins Honey Farm which has been in operation in North Dakota since 1996. I am writing in OPPOSITION to SB 2134.

I currently run 10,000 hives in eastern North Dakota and western North Dakota. This new proposed Bill will greatly hamper the success of any beekeeping operation in North Dakota. As it is, with beekeepers coming from states all over the US, locations are extremely difficult to obtain. Requiring beekeepers to place hives at a quarter of a mile into the field will only make it more difficult.

Due to field and weather conditions, placing the beehives near the approach is preferable. However, we always place the bees where the landowner wants them. Example, away from farmsteads, cattle waters, buildings, etc. This places even more limitations on where the bees may be set.

In rainy conditions, fields will be torn up, and CRP locations will be rutted.

With the proposed bill, at current, 90% of the locations I have registered with the state of North Dakota would be eliminated.

I stand firmly against this Bill.

Thank you for your time and consideration.

Sincerely,

Doug Perkins

Perkins Honey Farm

Aneta, ND

Senators:

I am writing in opposition to Senate Bill 2134.

My name is Damaris Lorenz. I am a beekeeper in Stutsman County. My home and farmstead are also in Stutsman County , at the intersection of County Road 40 and 77th Ave. I purchased my Grandparents farm in 2004, where my grandfather also kept his beehives. My farmstead is a 10-acre rectangle. In the 18 years that I have owned the property, I have done many things to improve the property for the benefit of honeybees as well as other pollinators including butterflies and wild bees. I have planted a pollinator plot, a vineyard and many flowering trees that benefit pollinators and wildlife. If Senate Bill 2134 passes, it would make it illegal for me to keep my bees on my own property. The bill would also affect all the bees I have on other properties.

Most farmers and ranchers don't have acreage that would be accessible ¼ of a mile off the road. The old farmsteads and shelterbelts (where most bee locations sit), simply aren't that far off the road. Landowners are not going to want a beekeeper driving through their crops to get the bees that far away. Many of the landowners also don't have enough property to get that far off the road. The state would be telling landowners that they do not have the right to have beehives on their property, because they don't own enough land to do so.

I also feel the need mention, I am a motorcyclist and have been riding for over 20 years. In all that time, I have been stung by only one flying insect, which was a wasp. It stung me in the head, because I chose not to wear a helmet. The bigger issue may be helmet laws.

Please do not pass this bill.

Sincerely,

Damaris Lorenz

Committee Members:

I am a local beekeeper in Turtle Lake North Dakota born and raised. I work hard to provide for my family and have invested many hours of blood, sweat and tears into my family business. SB 2134 will jeopardize the future of my business. I can take any and all of you to bee locations that exist less than 50 yards from paved and county roads ride you back and forth or walk past all day and you wouldn't know that the bee yard even exists. The placement of the hives of 400 yards will take away more than 50 percent of my bee locations, where do we go with them then? My shop is less than 400 yards from a road, is the state going to purchase my property and move my operation to a distance that is required? This is a slippery slope when you start to dictate what a landowner can and cannot do on his/her own property. In the future what happens when someone doesn't want the farmer spraying any crops 400 yards from the road because of the drift? Bees will fly up to 3 miles foraging in search of flowers, how is this 400 yard setback going to help.

We need to let the State Apiary inspector handle the complaints of the yards that are creating problems, allow them to do the job that they have been hired to do. We are an agricultural state not just in grain crops but lead the country in honey production most years. Please vote **NO** on this bill and support the beekeepers that are here and call this home even if it is only during honey production season.

Thank You

Mason Maxwell

MW Maxwell Honey

**Garrison Bay Honey Co., LLC
801 Highway 37 West
Garrison, North Dakota 58540**

Senate Bill 2134

Members of the Committee:

I write in **opposition** of Senate Bill 2134.

Testimony: I am the owner and President of Garrison Bay Honey Company LLC in Garrison, ND. Our beekeeping business was established in 2003 and employs over 22 people. We keep over 300 private land sites, across 6 counties. Over 80% of these locations are within ¼ mile of a county road. This law would be unachievable for my business.

This law does little or nothing to keep honeybees from crossing roads. Honeybees fly over 2 miles to collect nectar and pollen. A bee's flight direction is driven by vegetation and water. Next, a farmer won't be able to plant their crops with ¼ mile from a road.

The beekeeping industry is an important part of North Dakota's economy. Our state is the number 1 honey producing state. This legislation will limit the ability of honeybees to increase crop values and production.

This legislation proposes a taking of property rights of landowners. Landowners should have the right to choose how they utilize their land.

Thank you for the opportunity to strongly oppose this legislation.

Ron Spears
Garrison Bay Honey Co., LLC
909-754-2555

Dear ND lawmakers, I'm Chris Hiatt President of AHPA , we represent over 700,000 hives and almost half the honey produced in the country. We think this proposed law is unworkable, restricts the rights of landowners, and would devastate the industry. Over 50 of my beeyards are off highway in SW ND and I could run the chance of losing them. We recommend to all beekeepers to keep hives at least 300 feet away from roads. A quarter mile (440 yards) is so far off the road, many landowners don't want us to run over that much more alfalfa, CRP or grass. We understand that there are a few locations too close to the road, that should be dealt with through the apiary department on a one-on-one level. South Dakota has passed no law on this, the state bee association recommends and tells it members to be 300 ft. away and it has worked for them. Thanks, Chris Hiatt

MONDA HONEY FARM INC.

Austin Monda

EAST GRAND FORKS, MN 56721

Testimony-Senate Bill 2134

I am a 4th generation beekeeper at Monda honey farm. We employ 12 seasonal workers helping us in Oklahoma and back in Minnesota and North Dakota for the honey crop. Our bees help pollinate plants and other crops in California, Oklahoma, Minnesota, and North Dakota. We have 5,000 colonies but so some operations that is consider small. Many other beekeepers come up to North Dakota to make a honey crop and help all the other agricultural farmers in North Dakota with the pollination of their crops as well.

I oppose this law as it would not be any help to anyone. If anything, it may make more people mad as beekeepers will have to set more hives in one location because this would make finding locations more difficult. Honey bees will fly up to 2 miles to find flowers and plants to pollinate they do not go in any direction they are asked to go in. Beekeepers also need good land to place their hives in and to get to them even in wet conditions many of those spots usually aren't to far off the road for easy access. Placing hives off a main highway may bother people but it is mostly only the fact they see hives we have yards that if in the fall the leaves fall off the trees farmers call and say I didn't know there was even bees located there if you cant see the hives you most likely wouldn't even know they are here.

Not once have we had a complaint about having bees off the roads or even to close to farmsteads. We actually get called up by surrounding farms because they want the honey bees around all their

crops because they see and statistics prove that honey bees yield better crops in all agricultural fields.

I believe if this law were to pass and will affect the beekeepers as I mentioned and think it will cause many other problems as well more than likely drawing less beekeepers to come to North Dakota causing a huge economical decline for North Dakota.

Austin Monda

Monda Honey Farm Inc.

25995 422nd Ave SW

East Grand Forks, MN 56721

701-740-0742

Written testimony on Senate Bill 2134

Chairman Luick and Agriculture and Veterans Affairs Committee
Members

My name is Kevin Herrmann, 300 Fair St. SW, Beulah, ND 58523. I am in support of Senate Bill 2134. There has been an ongoing problem with having bee apiaries being placed very close to paved highways in the state of North Dakota. Every summer season, I hate driving on the highway system due to the bee apiaries being so close to road making my windshield going from safe to see out of too unsafe. An individual does not dare use windshield fluid because it will make the windshield worse. How many individuals keep warm soap water in their vehicle in order to stop every time to clean the windshield? Soap water seems to be best to get the honey off windshield. In some areas of North Dakota, there can be more than one apiary on a stretch of paved road where an individual are not able to find a different road to avoid the bee apiaries. The highest concentration of bee will be at the bee apiary location. Why does the state of North Dakota want the highest concentration of bees so close to pave highway?

There has been ongoing issue for many years of location of bee apiaries with legislative bill setback of bee apiary in 1989, 1995, 1997 and 2013 legislative sessions. I did testify in favor of House Bill 1343 in 2013 Legislative session with a setback of 660 yards of centerline of a paved road. I am sure the Beekeepers are going to tell the committee if this bill is passed of being a big hardship and loss of location areas to place a bee apiary. The Beekeepers can still place the bee apiary in

same land plat but just further from the road. Beekeepers' probably going to say the landowner is telling them where to put the bee apiary on the land which in fact there is limit number of landowners telling beekeeper where to put the bee apiary. I did grow up on farm north of Zap. Next, the beekeepers will probably say the bee apiary need to be close to water. I have observed many bee apiaries not very close to water such as stock ponds in pastures. Next, beekeepers will probably say bees fly long distances from bee apiary. The general public understands the distance the bees fly but the public just want the bee apiary further away from paved road. The beekeepers are going to say it could be in violation of farmer's right to farm. The landowner/farmer still has the right to have bee apiary on their land. Next, beekeepers might mention about motorcyclists should wear more protective riding gear in order to not get sting from the concentration of bees. When a motorcyclist comes across a concentration of bees, bee can get inside of a coat or helmet.

In the past, I did make complaints to North Dakota Department of Agriculture Apiary division about the location of bee apiary and Identification of beekeeper at the location. Apiary division would ask for plat number instead of which highway/mile marker. How many of the general public will have a plat book of own county they live at and plat books of other counties? I have experience in the past that individuals did not know who or how to make complaint too. Apiary division has said in the past they do not get many complaints. There might have been more complaints put on file in years past if the general public knew who to talk too and the type of information is needed to the Apiary division.

In 2015 legislative session, Senate Bill 2025 was introduced as a rewrite to the Apiary statute. Now, the beekeepers Identification number on the bee apiary box instead of main entrance which is supposed to be full view. There have been times not able to find Identification number in full view.

After the 2013 legislative session, there were limited few of beekeepers willing to keep their bee an apiary further away but now is not the case.

Bottom line the beekeepers want to put their bee apiaries as close to paved highway even though loss of bees will be greater by the highway. Every year the public hear from the beekeepers how bad the losses of bees but will not acknowledge placing the bee apiary too close to highway is part of reason.

I am asking Senate Agriculture and Veteran Affairs committee members to a DO PASS on Senate Bill 2134

Kevin Herrmann
300 Fair St. SW
Beulah, ND 58523
701-873-4163

MONDA HONEY FARM INC.

Jerod Monda

EAST GRAND FORKS, MN 56721

I am a 3rd-generation Bee Keeper who worked for my parents and grandfather and now I am running Monda Honey Farm Inc. out of East Grand Forks, MN which is on the ND border. My son Austin Monda is helping me run our 5000 colonies of Honey Bees mostly in the Northeast side of North Dakota. Out of the 120 bee yard locations that we have 96 are in the original sites that my father and grandfather set up. Bee Keeping is our only source of income.

In over 40 years of keeping bees in ND we have never had anyone ask us to move our bees because they were a nuisance or too close to a road. I believe this bill would be a huge problem for bee keepers and cause other issues. I oppose this bill.

Bees fly in a two-mile radius of their hives so the bees would continue to cross roads near and far from their bee locations. Land owners work with us on accessible locations that don't always allow us to drive a ¼ mile through their sunflower field but they will allow us to set the colonies on all four corners of the field. Land owners work with us to find locations that work for us and them. I also think that this bill will cause larger Bee Keeping Companies to double up their bee yards causing more problems. If the reason for this bill is because of bees are crossing the roadways I feel that gravel trucks hauling in the State of

North Dakota cause way more problems to vehicles than honey bees have.

Bee Keepers have enough problems to deal with just keeping our bees alive and if this bill passes there will be more problematic things to follow. I oppose this bill.

Thank you.

Jerod Monda

Monda Honey Farm Inc.

East Grand Forks, MN 56721

218-779-9756

January 12, 2023

Testimony against implementing a quarter mile setback for bees on all County, State, and Federal roads in ND. My ND Bee license number is 427. I purchased Dave Nelson's Apiaries in 2012 and relocated our base from Williston ND to Powers Lake, ND. I purchased land, built housing, and pay county and state taxes.

I have hives registered in McKenzie, Williams, Divide, Burke, and Mountrail Counties. We have 123 active locations. Of those yards six may be within 440 yards of roads in question. I don't like cyclists, motorists, or truckers running down my bees. I cannot control where my bees fly nor is a breed available that changes elevation from six feet to fifteen feet when they cross roads.

According to the ND Apiary department a SD beekeeper brought 20,000 hives into Williams County in 2022 and placed them along Highway 2 and just off county roads throughout much of the county. His yard size varied from 120 to 144 hives per location. This represents over 140 new locations in an area already full of bees. If this body were to review the hive placement map for 2021 it would clearly show maximum distribution of bees over available nectar producing acreage in Williams County. The impact of his actions changed my production which was 90 pounds per hive to 30 pounds. His actions not only stole from me a guy that acquired a business the right way, he stole revenue from the state by paying no taxes and reducing my income significantly to owe less tax.

The problem is not bees too close to roads; it's too many bees in ND. The sad thing is ND regulators are not willing to dialogue with the Beekeeping industry to seek solutions. They tell us what we can't do but will not consider an emergency moratorium to limit bees until a fair and reasonable solution can be created. The most regulation lax and wide open state is ND and it also produced before the interlopers decent crops. Just like illegal immigration state regulators seem to bend over backwards to welcome these carpetbaggers while the tax paying do it right bee businesses are told to be nice and suck it up. Due to the states unwillingness to address this problem every ND beekeeper has lost one third of the book value of his business. ND has no territorial respect either legally or traditionally for this industry. Beekeepers have clearly proven they cannot self- regulate either.

Jay Miller
2J Honey Farms, Llc.

To whom it concerns.

Practical reasons this legislation should be discarded –

- County roads cross section almost every single field in North Dakota, if looked at topographically this legislation will eliminate in practice almost every single "bee yard" in North Dakota, it's an absurdity especially in a post covid and mid recession environment to put this insurmountable obstacle on north Dakota bee keepers, practically ensuring their financial demise. Effectively taking the #1 honey producing state and reducing it to less than subpar status

moral reasons this should discarded –

- This legislation effectively removes property rights from the owner (the landowners) in a state that professes to adhere to conservative values and a country that was built on private property rights. This will effectively make criminals out of otherwise peaceful persons who hitherto engaged in mutually beneficial contracts with their property. Nothing could be more contrary to life liberty and property.

Political and legal reasons this legislation should be discarded

- Politically- Like all such legislation that is both arbitrary and capricious it should be closely scrutinized who stands to gain from such measures, especially ones that are at the expense of so many, and with such large financial ramifications for the wellbeing of the legislator's constituents, serve and protect will effectively become "encroach and enforce" on an entire population of farmers and their property.
- Legally- any decent lawyer could (and will) challenge the legislators "right" to impose legally binding restrictions on north Dakota farmers and their property, especially during economic and political turmoil rife across the nation and a sensible magistrate (which north Dakota is overly blessed with) would and will certainly see the danger in allowing such encroachments and violation of liberty and property is this great (and conservative) state to stand. |

Closing statement

- I will humbly leave you with the words of John Locke whom the founders looked to for the inspirations that led to our beloved constitution and bill of rights.

"whenever the legislators endeavor to take away and destroy the property of the people, or to reduce them to slavery under arbitrary power, they put themselves into a state of war with the people, who are thereupon absolved from any further obedience, and are left to the common refuge that God hath provided for all men against violence and force"

And make no mistake, this legislation carries behind it violence and force, to test this one need to simply "disobey" efficiently enough. Respectfully – Aaron Bennett

It is becoming increasingly difficult to find locations to place bees. If this law is enacted, I will lose more than 90 percent of my 40 registered bee yards. That will put me out of business.

What happens in a wet year? No farmer wants us to drive one quarter mile on wet, muddy fields to place our bees.

You might as well just outlaw beekeeping.

Ron Klemin

I write in strong opposition to Senate Bill 2134.

As a resident of North Dakota, and a commercial beekeeper that solely depends on Honeybees as a means to live by.

I find this presented SB2134 to be in direct conflict to the unalienable rights to life, liberty and the pursuit of happiness.

In the event SB2134 should pass, it would make myself and many others in the bee industry lose their ability to sustain and make a living in an already tough industry.

If you are from North Dakota one would know from driving around and looking at the terrain that a 1/4 mile "bee yard" setback from all roads (as proposed in the aforementioned bill) is completely idiotic in nature, neither is it 80-90% of the time feasible as the great farmers/landowners have the final say as to where a bee yard is to be located so as to not interfere with their operations.

As a landowner myself this SB2134 would make it illegal for me to operate my agricultural business on my own land as it would be in violation of the 1/4 mile from roadway setback rule.

I can only see this would result in numerous lawsuits against the state of North Dakota if this were to pass.

As a 5th generation commercial beekeeper I oppose and would only hope that the committee would vote against and terminate this bill.

Sincerely,

Daniel Bennett

"A wise and frugal government, which shall leave men free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labor the bread it has earned — this is the sum of good government."

-Thomas Jefferson

SB 2134

Good morning Chairman Luick and Senate members of the Agriculture and Veterans Affairs Committee. For the record my name is Senator Shawn Vedaa from District 6 Velva. I am here today to present SB 2134 as it is written. Full disclosure I have nothing against bees and the bee industry. ND is the #1 producing honey state. I do not own a motorcycle; I have in my younger years. I have a 3-year-old granddaughter who sits on my lap and wants to watch bee videos. So I don't have a dog in this fight, however I have a constituents who has a concern about bees and motorcyclist safety. I asked Legislation Council to put a bill together 1 of a 1000 they are doing. I have to admit I didn't like the penalties, come to find out the Ag Commissioner's office doesn't have the ability to enforce them or do they want to. I do know that bills get amended in committee so instead of taking that out I knew it could be amended in committee.

When it comes to many bills at the end, we may have a product that some from both sides can live with and seldom where all can. Can this bill in this committee bring forth a bill that a majority of all sides can live with. You will hear neutral testimony from the Ag Commissioner's office that will give some direction in the way to a bill that may work.

I've heard from both sides as I'm sure many of you have. I've learned a bee is able to travel 5 miles from the hive so a quarter mile may not solve the highway issue. I saw that the Ag Commissioner office has a map of bee locations in the state. I don't know enough about the bee industry and the challenges they have including government oversight. I know I didn't care for government in my grocery store; however, some was necessary. Is this legislation necessary, that's to be determined.

Like I said earlier I was asked to bring this to the attention of the legislators, and we don't want any losers in this legislation. If motorcyclist lose it could mean a life and if the bee industry has to move a quarter mile off the road it will kill the Bee industry, Their words not mine.

Thank you for your time if there aren't any questions, I will head back to my committee otherwise I will stand for them.

Testimony in Opposition to SB 2134

My name is Ben Duben. I grew up in Coleharbor, ND and currently live by Washburn, ND with my family. I'm a full-time beekeeper and run a one-man honey bee operation near Coleharbor, ND and surrounding areas. My bee operation is my sole source of income. I am opposed to Senate Bill 2134, relating to the placement of location of beehives.

When looking where to place bee hives, I consider three main factors: (1) Whether there are flowering crops (like canola, sunflowers), alfalfa, trees, or other flowering plants nearby that the bees can pollinate; (2) Whether another beekeeper has bee hives close by that will already be pollinating that area; and (3) Whether there is a location I can physically get to without driving on a farmer's crop or hayfield.

Many of my bee yard locations are within $\frac{1}{4}$ mile of less-traveled county roads. Roughly half of my beehive locations would be in violation of the proposed bill. During wet years especially, it is difficult to get into bee yards that are located more than a $\frac{1}{4}$ mile from a roadway.

Beekeepers register our bee yard locations with the state. Most farmers want bees on their property to help pollinate their crops, pastures, and hayfields. If the bill passes, it will eliminate many of my and fellow beekeepers' registered bee yards, making it even more difficult to find productive yards and pollinate our state's crops, pastures, and hayfields.

Passage of this bill will not help our agricultural industry, and I respectfully request a DO NOT PASS on Senate Bill 2134.

Benjamin Duben
ND Beekeeper

Ladies and Gentlemen of the Committee and Legislature:

My name is John R. Miller. I am a beekeeper from Gackle, Logan County, North Dakota.

I serve the beekeeping industry as President of the North Dakota Beekeepers Association.

The 2023 version of Senate Bill 2134 is a nearly verbatim copy of a 2013 bill.

I testified against the 2013 bill. I today, a decade later, testify against the 2023 bill.

If this measure appears in the 2033 legislature, I will testify against the bill ten years from now.

Beekeepers in this room provided meaningful testimony concerning S.B. 2134.

35 Beekeepers unable to attend posted over three dozen comments opposing this measure.

Beekeeper comments represent over 10% of all North Dakota Beekeepers.

Their observations are accurate and heart-felt.

Beekeepers have many issues to contend with.

Like the Ladies and Gentlemen of the Committee – we have better things to do.

This measure is a legislative betrayal of the beekeeping families of North Dakota.

This measure is a legislative betrayal of North Dakota landowner property rights.

If the N.D. Legislature supports North Dakota agriculture and beekeeping, there is no other position to take on S. B. 2134 than Do Not Pass.



400 240th AVE NW, Baldwin, ND 58521

January 13, 2023

Dear Members of the 68th North Dakota Legislative Assembly,

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

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

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

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

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

In attempting to review which of our 234 yards would be affected by this potential legislation, I had difficulty finding definitive guidance regarding which roads were considered county roads and where township roads fall within the purview. The maps available stated they should not be considered official guidance, and the state codes referenced in Bill 2134 do not also address Township roads with specificity to rule whether they should be included. Our yards are all platted on GPS, so using Google Maps, we have identified the location of our hives and used the "Measure Distance" feature to ascertain the rough distance our hives are from main roads. Out of the 234 yards, 48 (20.5% of all our yards) were located $\frac{1}{4}$ mile (1320 feet) or more from the nearest road. All others were under that distance from the road, with our average distance from the road being 809.79 feet (not quite $\frac{2}{3}$'s of the proposed distance limitation).

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

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

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

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

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



Rochelle M. Lazo
Vice President

good morning my name is jeremiah kuhnhenn from bantry,nd Im the owner of bulldog honey farms and a 12 yr member of the norsemen motorcycle club, ive been riding motorcycle for 38 years motorcycling it has been a love of mine, since I was a kid. Getting on the bike going for a quick run with my son, riding for a memorial of a brother thats passed or a fundraiser our club does every year to raise money for diabetes, I live for those moments. Yes, I see bee hives while riding I also see cows in pastures by the road moose, elk, deer this list could go on forever. Ive lost friends whove hit deer and died, whos to blame for the deer?? Game and fish or maybe the land owner that the deer crossed over and ran in front of you. Anytime you get on a bike or in a vehicle your taking a chance.. me and my wife have been in the bee business since 2004. Together we run our bees around mchenry, Bottineau,pierce,ward and rolette, counties setting the hives out in hopes of producing a honey crop. We work with farmers, ranchers, friends, and families when placing bees in registered yards always being considerate of placement. All yards following with the rules of the north Dakota agriculture department have the beekeepers name address phone number and license number. North Dakota is the #1 honey producing state in the united states which brings beekeepers in hoping for a chance to make some honey. The wild flowers and foliage is disappearing making it harder for the bees more crp and alfalfa is getting ripped up into crop land the bees are losing that natural foliage. A honey bee can travel up to 2 miles for nectar so im telling you placing bees out is a strategic move for a beekeeper. I can not vouch for all beekeeper because there are those that come into north Dakota and drop a bee yard wherever they can, but im not one of them. I take pride in knowing im working with the land owner and if there is a problem I will do whatever to fix the wrong.

In conclusion north Dakota is a agriculture state, bees are already losing countless acres of natural foliage if you pass this law to move bees back ¼ mile from all paved roads around north Dakota this will have a devastating inpack on bees and the beekeepers this is our livelihood.

thank you for your time