

**2025 SENATE AGRICULTURE AND VETERANS AFFAIRS**

**SB 2343**

# 2025 SENATE STANDING COMMITTEE MINUTES

## Agriculture and Veterans Affairs Committee

Fort Union Room, State Capitol

SB 2343

2/6/2025

A bill relating to the placement or location of a beehive; and to provide a penalty.
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10:13 a.m. Chairman Luick opened the hearing.

Members present: Chairman Luick, Vice-Chair Myrdal, Senator Marcellais, Senator Weston, Senator Weber, Senator Lemm

### Discussion Topics:

- Honey in ND
- ND Agriculture Department
- License/registration and location of hives and
- Complaints filed and accessibility
- Water and food resources
- Flight height and patterns
- Importance of pollinators and crop production
- Allergies and eye sores
- Bee loss and lost revenue
- Commercial beekeepers and hoppy hives
- Land owner relations
- Bee health, lines, and life span
- Number of bee inspectors and duties
- Number of violations and signage
- Colony limits

10:14 a.m. Senator Richard Marcellais, District 9, testified in favor and submitted testimony #35359.

10:17 a.m. Kevin Herrman, resident of Beulah, ND, testified in favor and submitted testimony #35695.

10:22 a.m. Carol TwoEagles, former beekeeper, testified in favor.

10:26 a.m. Shawn Marcellais, resident of Belcourt, ND, testified in favor and submitted testimony #35686.

10:30 a.m. Adam Pachl, former apiary inspector for the ND Agriculture Department testified in opposition and submitted testimony #35430.

10:40 a.m. Tim Hiatt, beekeeper from southwest North Dakota, testified in opposition and submitted testimony #35756.

10:44 a.m. John Miller, Gackle, ND, testified in opposition.

10:48 a.m. Samantha Brunner, State Apiary Inspector for the ND Department of Agriculture (NDDA), testified in neutral and submitted testimony #35573.

**Additional written testimony:**

Jessica Patino, resident of Turtle Lake, ND, submitted testimony #33313 in opposition.

Micheal A. Kemp, 100% disabled ND citizen, submitted testimony #33327 in opposition.

Macauley Haag, resident of Center, ND, submitted testimony #33365 in opposition.

Karsyn B. Haag, resident of Center, ND, submitted testimony #33374 in opposition.

Scotty Simpson, owner of Simpson Bees, submitted testimony #33417 in opposition.

Jacob Gregory, resident of Williston, ND, submitted testimony #33425 in opposition.

Wayne A. Haag, citizen of Center, ND, submitted testimony #33441 in opposition.

Jennifer L. Haag, citizen of Center, ND, submitted testimony #33442 in opposition.

Mark Sperry, Director of ND Beekeepers Association, submitted testimony #33545 in opposition.

Lonnie D. Thompson, beekeeper with Thompson Apiaries Inc., submitted testimony #33670 in opposition.

Robert G. Morlock, Morlock Honey Farms LLC, submitted testimony #33826 in opposition.

Cade Shook, resident of Langdon, ND, submitted testimony #33879 in opposition.

Ryan Thomas, Thomas Honey Farms Inc., submitted testimony #33889 in opposition.

Peggy L. Nissen, owner/beekeeper of Five Star Honey Farms, submitted #33996 in opposition.

Chris Brademeyer, resident of Oakes, ND, submitted testimony #34050 in opposition.

Eric Andress, resident of Hettinger, ND, submitted testimony #34306 in opposition.

Victor Seppi, resident of Alsen, ND, submitted testimony #34315 in opposition.

Nathan Larimore, beekeeper, submitted testimony #34438 in opposition.

Rochelle Lazo, Vice President of Harvest Honey Inc., submitted testimony #34697 in opposition.

Grady O'Neill, beekeeper with TJO Bees, LLC, submitted testimony #34785 in opposition.

Dana Evans, resident of Kindred, ND, submitted testimony #34799 in opposition.

Zac Browning, Browning's Honey Co., Inc., submitted testimony #34876 in opposition.

Kathrin N. Volochenko, treasurer of the Nonpartisan League, submitted testimony #34923 in opposition.

Michael Lamb, Lamb's Honey Farm, submitted testimony #35311 in opposition.

Dusty Backer, resident of Center, ND, submitted testimony #35438 in opposition.

Duben Anthony, Spirit Lake Honey, submitted testimony #35621 in opposition.

Alexis Andrew Varvel, resident of Bismarck, ND, submitted testimony #35684 in opposition.

Ryan J. Myklebust, ND beekeeper, submitted testimony #35718 in opposition.

Thomas Lee, beekeeper, submitted testimony #35733 in opposition.

Chad Price, Premier Apiaries, submitted testimony #35750 in opposition.

10:54 a.m. Chairman Luick closed the hearing.

*Audrey Oswald, Committee Clerk*

Dear Sirs:

I am reintroducing testimony I had previously submitted the first time a bill was introduced to keep bees away from roadways. My please is as follows:

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. In 2022, 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 speak 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. 1/2 mile is a great distance, it is a half section meaning there would be no alternative if a farmer only owns one quarter section of land. It would make it virtually impossible for us to find suitable locations for our bees. This would also result in an over saturation of bees closer to small businesses and homes but 1/2 mile away from a State or Federal highway. 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 a 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. Please name one vehicle accident that has resulted because a bee flew across the highway. 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 1/2 mile of highways as well? If this is the problem, do beekeepers need to start paying a tax 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.

North Dakota is better than this. This is a state founded with good principles and a strong emphasis and respect for agriculture. I ask you, what is the problem or purpose of this legislation? Clean windshields? May I recommend a city that will gladly cater to those anti-farming ideologies such as Los Angeles, California? I simply do not know what to say anymore. Is North Dakota going woke? Why are we catering to a few privileged individuals that want to keep their cars clean? Shame on the representatives that introduced this bill. Had you actually introduced legislation such as “1/2 mile from schools” that would make sense. I would applaud that. But you care more about the privileged few that don't want to clean their windshields. 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. The Ag Commissioner is 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.



Testimony to Senate Agriculture and Veterans Affairs Committee February 6th, 2025,  
10:15am

Honorable Committee Members,

My name is Micheal A Kemp, and am a 100% disabled veteran from West Fargo, North Dakota. I struggle daily with severe PTSD from my military service. I'm here today to strongly urge you not to pass Senate Bill 2343, which would prohibit beehive placement within one-half mile of state and federal highways.

Traditional PTSD treatments weren't enough for me. Through my VA support group, I discovered the Heroes to Hives program, a free beekeeping education program for veterans. The simple act of tending my hives has become an essential part of my therapy. The rhythmic hum of the bees calms my hypervigilance. The methodical hive inspections give me focus when anxiety threatens to overwhelm. On my worst days, just sitting quietly near my hives helps ground me in the present moment.

As a 100% disabled veteran, I need my hives to be easily accessible. The proposed half-mile restriction from highways would force me to relocate them to remote areas I cannot reliably reach, especially on days when my PTSD symptoms are severe. The 48-hour removal requirement in this bill shows no consideration for disabled veterans like myself who physically cannot relocate hives that quickly.

Through Heroes to Hives, I've found purpose again. The program has trained over 15,000 veterans, teaching us not just about beekeeping, but about our continued role in protecting our nation's food security. However, these valuable skills mean nothing if Senate Bill 2343 prevents us from maintaining our hives in accessible locations.

The therapeutic benefits of beekeeping aren't just anecdotal - they're a daily reality in my PTSD management. Each morning I can check my hives gives me a reason to push through. Every successful day tending my bees builds back the confidence that PTSD stripped away.

I understand the committee may have concerns, but I urge you to consider how Section 4.1-16-08.1 would devastate disabled veterans who rely on accessible beekeeping for mental health therapy. This isn't about commercial interests - it's about preserving a vital therapeutic tool that has given many of us a path to healing.

I ask you to vote no on Senate Bill 2343.

Thank you for your time and consideration.

Respectfully, Michael A. Kemp 100% Disabled Veteran West Fargo, North Dakota

To: ND Legislative Assembly

From: Macauley Haag

Re: SB NO. 2343

This testimony is in opposition to SB NO. 2343.

Requiring that beekeepers place hives 1/2 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. 2343.

Respectfully,

Macauley Haag

To: ND Legislative Assembly

From: Karsyn Haag

Re: SB NO. 2343

This testimony is in opposition to SB NO. 2343. Requiring beekeepers to place their hives ½ mile from the road is not a solution for the interaction of bees that come into contact with the vehicles that pass on the road. It is assumed that as a motor vehicle operator there is a risk every time you drive that bugs, BEES, and additional animals might hit your vehicle while driving. As someone who personally knows a few beekeepers in my area specifically, this bill will only cause additional roadblocks for the bee population that is already struggling. For example, access points down sections lines or away from gates by the road cause large concern for beekeepers as well as additional issues for the landowners. This would mean landowners would have to then create additional access points for beekeepers to access their honey. North Dakota is known for their successful honey production, so why are we trying to hinder that? Shouldn't we be proud of such a positive/successful industry? Please do not pass SB NO. 2343.

Respectfully,  
Karsyn Haag

I, Scotty Simpson object to the this measure of moving bee colonies off the road for half a mile.

I'm a third generation beekeeper and have over 20 years of experience.

Our colonies travel to 4 different states. I am currently in California and am ordered by the landowners to place bees In their almond orchards. Some of these bee colonies are no more than 30 feet off of the main road. A public highway, I have seen people ride the bicycles by the colonies on their way to work.

I am wondering why of all states it works just fine in California, but it is not working in North Dakota?

Also this new measure will impact every single one of my bee yard locations in North Dakota.

I'm curious, if a landowner wants me to put bee's on his land to pollinate his crop but there is no access. Is this farmer supposed to not plant a strip of his field to allow me to driver ½ of a mile away from the road. Doesn't this landowner have rights? Is it the states power to tell landowners where they can place livestock on their own land?

This is an absolute overstep of government and a infraction of landowners rights.

This measure does not benefit any beekeepers an will only had struggle to an already difficult industry.

To whom it may concern,

Our names are Jacob and Kirsti Gregory. We are local hobbyist beekeepers who may be directly affected if this bill were to pass. The enjoyment that we get from this hobby is a great stress relief from our everyday lives, and the information about honeybees and honey that we have been able to share with our children, family, friends, and coworkers since becoming beekeepers has been such a joy.

Bees will travel around three plus miles to forage for food and water. We pose the question why not make it 3 or 5 miles from the roadway? We live approximately ½ mile from US Hwy 2. This law could force us to move our bees and hundreds, if not thousands, of dollars in equipment off our property.

The decision of how to keep bees safe from ending up as road kill should be left to bee keepers, and does not need this type of interference from a state government. We do everything in our power to keep all our bees alive. A caring beekeeper is not going to place his bees intentionally in an area where their numbers would be impacted from passing motorists.

We understand that there may be a concern for citizens who are allergic to bees. The ND Department of Agriculture has an excellent tool on their website where you may search Apiary Licensing and Registration to view a map of all registered hives in the state of ND where they may want to avoid or be more cautious near (<https://ole.ndda.nd.gov/apiary/map>). This ½ mile distance is not going to stop bees from flying near flowers in the ditch of a highway. If keeping the motoring public safe is the primary purpose of this bill we can think of countless other current laws that should be more strictly enforced to take up the time of this legislative body and use of taxpayer dollars.

We also raise the question about transportation of bee hives. Is the agricultural commissioner going to destroy hives when a motorist complains about following a semi loaded with bee hives being transported to or from their summer home? The use of federal and state highways for the transportation of bees is not outlined in the bill.

ND proudly claims to be the No. 1 honey producing state in the nation. We believe ND does a pretty good job at advertising this. People who travel and live in ND are also aware of this fact and prepare according to how they see fit. According to the ND Department of Agriculture, in 2023, ND bees produced 38.3 million pounds of honey, which was valued over \$67.8 million.

In conclusion, we ask that the committee reject this bill. Beekeeping is an important part of all our lives. It promotes good stewardship of our land, a healthy ecosystem, and is

important to our economy. We have been fortunate to be able to share our passion of bees with our children, who help us tend to our hives and process our honey. We hope to be able to continue to do this.

Thank you for your consideration.

This testimony by Wayne Haag of 2165 36<sup>th</sup> Ave SW, Center ND 58530 is in **opposition** to Bill SB2343. This bill is a bill relating to the placement or location of a beehive; and to provide a penalty.

First off, do our legislators not have enough to do to introduce a bill such as this. What harm is there in having bee hives next to the highway. Is it the concern of having a dirty windshield? It certainly cannot be that it is so intrusive that it hinders a persons driving ability. I understand that some bees are being killed by passing cars, but the issue of dead bees isn't the concern here, because if the agriculture commissioner cannot locate the bee keeper the bees will be destroyed anyway according to the bill being passed.

Do not pass this bill. There are times the land owner does not want the bee keeper driving all over their property destroying grass and crops, and the best location is sometimes next to the road. It is getting harder and harder to find property to put bees, do not limit this potential also.

Wayne Haag

This testimony by Jennifer Haag of 2165 36<sup>th</sup> Ave SW, Center ND 58530 is in **opposition** to Bill SB2343. This bill is a bill relating to the placement or location of a beehive; and to provide a penalty.

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Jennifer Haag



<html><head></head><body style="word-wrap: break-word; -webkit-  
after-white-space;">SB 2343 Testimony<div><br></div><div>I am writing in response to the proposed senate bill that would restrict the placement of beehives in North Dakota. &nbsp;There are numerous reasons to oppose this infringement on agriculture in our state. &nbsp;If placement of hives is restricted to greater than one half mile from state maintained highways it would greatly impact my farm. My house and warehouse are located on a fairly busy state highway. &nbsp;If passed it would seem this bill would significantly impact my farming operation. I am definitely opposed to this proposed bill.&nbsp;</div><div><br></div><div>Mark Sperry</div><div>Sperry Apiaries</div><div>Kindred, ND</div></body></html>

## Thompson Apiaries, Inc.

To Whom It May Concern,

Thompson Apiaries, Inc. of New Rockford, ND is a multi-generational, family-owned business that has operated in North Dakota for more than 60 years. We are very proud to contribute to making North Dakota the top producing honey state in the United States.

When selecting locations for beehive placement, the landowner and beekeeper agree to the placement of the hives upon the property. Most of the time, the landowner directs the exact placement location of the bee yard. Many of our hive locations have been in the exact same location for more than 60 years. The placement location is determined by road access to the property, crops grown in the area and the farming activity.

Landowners are very welcoming of beehives on their land as the pollination aspect of having honeybees near crops increases the production rate of those crops.

Thompson Apiaries, Inc. strongly objects to SB 2343. This bill takes away the landowner's right to control what happens on their property. It would also have a devastating impact on agricultural production in North Dakota, both the crops grown by farmers and honey created during the pollination process.

Please consider the restriction of landowner rights and the economic impact SB 2343 would have on the agricultural industry of North Dakota as you make your decision on advancing this bill.

Best Regards,

Thompson Apiaries, Inc.  
Elaine Thompson, 1<sup>st</sup> Generation  
Lonnie Thompson, 2<sup>nd</sup> Generation  
Hunter Thompson, 3<sup>rd</sup> Generation



315 2<sup>nd</sup> St SE  
New Rockford, ND  
58356  
(701)302-0255

Members of the Committee,

My name is Bob Morlock, a beekeeper in Eastern ND. I am opposed to SB 2343.

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 2343

Bob Morlock  
Casselton, ND

I, Cade Shook, a commercial beekeeper that operates bees in Cavalier County, Towner County, Ramsey County, and Adam's County am strongly opposed to this bill. It would cripple our livelihood, as well as our employees. It would also harm the fantastic relationships we have with landowners that allow us to place bees on their land, and have been doing so for many years, in exchange for a rent payment and free honey. We also personally own private land that we would no longer be able to use for our business.

I am strongly opposed to this bill. It would ruin our business.



To Whom it may concern:

My name is Ryan Thomas, and I am a 2<sup>nd</sup> generation beekeeper along with my son Jared, a 3<sup>rd</sup> generation beekeeper. Our family has been keeping bees in Cavalier, Ramsey, Towner, and Walsh County in North Dakota since 1998. Our sole income is from beekeeping and HB 2343 would put our family business out of business. We also own 25 abandoned missile sites, along with our shops we own would not comply with House Bill 2343 thus putting us out of business and a majority of other beekeeping business. The placement of these bee yards is at the request of the landowners.

Ryan and Jared Thomas

To Whomever It May Concern:

Our Company, Five Star Honey Farms, Minot, ND, a family owned business, runs bees in ten counties in North Dakota. We are a family that was born and raised in North Dakota.

Our three sons are all involved and to ensure them future success, they need to be able to conduct business the same way as we have since 1998. All of our locations are at the consent of our landowners. If there are any complaints, they are dealt with immediately.

Five Star Honey Farms strongly objects to SB 2343. This bill would have a negative impact on the agricultural and beekeeping industries in North Dakota.

We , as a beekeeping family, strongly encourage you to consider opposing SB 2343 and save the livelihoods of beekeepers and farmers.

Best Regards,

Will, Peggy, Matt, Levi, & Evan Nissen

Five Star Honey Farms

900 38<sup>th</sup> St. SE, Minot, ND 58701

Senate Committee for Agriculture and Veterans Affairs  
State Capitol  
600 East Boulevard Avenue  
Bismarck, ND 58505

February 3, 2025

Dear Members of the Committee,

I am writing to express my strong opposition to Senate Bill 2343 in its current form and to urge you to either amend or reject it. As a small-scale, hobbyist beekeeper in North Dakota, I am deeply concerned about the unintended consequences this legislation would have on individuals like me and others in our state who engage in beekeeping for personal and community benefit.

Specifically, the bill's proposed restriction prohibiting beekeeping within a half-mile of a state or federal roadway disproportionately affects small-scale and hobbyist beekeepers. Unlike large commercial apiaries, which may have the resources to relocate their operations, many of us do not have alternative sites available. In my case, there are no viable options to relocate my hives should this bill become law. A fellow beekeeper in the Oakes area would likewise be negatively impacted, as his hives are currently situated within the proposed setback limits.

This legislation does not just affect beekeepers; it also undermines the values of self-reliance and agricultural sustainability that are central to North Dakota's identity. Many North Dakotans take pride in raising their own food, including honey, and beekeeping plays a vital role in local ecosystems and small-town economies. While small-scale beekeepers like me may not significantly impact the state's overall honey production, we provide an essential resource to our communities and contribute to local biodiversity.

Furthermore, this bill would have an especially detrimental effect on young and aspiring beekeepers. My ten-year-old son, who initiated our family's beekeeping journey through a 4-H project, would be devastated to see his hard work and dedication rendered impractical by restrictive legislation. By discouraging small-scale beekeeping, this bill risks discouraging the next generation of agricultural and environmental stewards.

I respectfully urge you to reconsider this bill's unintended consequences and explore alternative approaches that support both commercial and small-scale beekeepers. At the very least, I ask that you amend the legislation to provide reasonable exemptions for hobbyist beekeepers who do not have the means to relocate their hives.

Thank you for your time and attention to this important matter. I appreciate your commitment to supporting North Dakota's agricultural traditions and rural communities.

Sincerely,  
The Rev. Christopher W. Brademeyer  
109 S. 10<sup>th</sup> St.  
Oakes, ND 58474  
(701) 742-4479

I am writing in opposition to senate bill 2343 regarding the placement of beehives near State and Federal highways. Although we see an occasional problem with beehives being placed irresponsibly close to roads most beekeepers try to maintain a safe distance not only for the safety of the public but also to protect their hives from mortality due to flight while foraging. The biggest risk of any bill, similar to this one, mandating how a landowner utilizes his land, is the question of what happens next? Do we move back corn fields because of deer and automobile collisions? How about moving back sunflower fields because pheasants frequently fly out of them and strike vehicles. We should also place a barrier between livestock and roads so we can eliminate the possibility of a stray cow or horse on the road. We must maintain government without socialism. This one crosses the line.



To Whom it May Concern,

My name is Victor Seppi and I am opposed to SB 2343. I live in Alsen with my wife and 4 kids, where I run a family bee business with my brothers which, Lord willing, I will be able to pass it down to my sons. We have been coming to ND since 2015 with the bees now spending 8 months of the year here.

Where the bees are located is determined by the land owner/farmer. This bill would impact our relationships with farmers. It would also ban the use of our shop for winter storage of bees and honey extraction because it is within 1/2 mile of state highway. 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. This bill would cause us to not be able to use our own land for our family business.

If SB2343 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.

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 vote NO on SB2343.

Thank you for your time and consideration,

Victor Seppi

My name is Nathan Larimore and I am a beekeeper from Larimore ND. I am writing today in regards to Bill 2343. 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 1/2 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. You tried to pass a similar bill in 2023, Bill 2134. Please go read all the testimonies from this bill, they all apply to this new bill.

Thanks

Nathan Larimore



400 240<sup>th</sup> AVE NW, Baldwin, ND 58521

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February 4, 2025

Dear Members of the 69th North Dakota Legislative Assembly,

Recently Senate Bill No. 2343 was introduced to your group to bar placement of any bee hives within "one-half mile [.80 kilometer] from the nearest edge of a roadway within the state highway system as provided for in chapter 24-01, or a federal highway within this state." I am writing to request that your fine assembly vote NO in consideration of this bill.

As I detailed in 2023 when a similar bill was proposed, I am writing to you as a second-generation member of a beekeeping company that has been caring for bees in North Dakota for over 20 years. Going into 2025, we have 233 bee locations which will be used to house up to 7,000 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. With this in mind, roughly 80% of our yards are located less than 1/4 of a mile from the nearest road.

For our corporate headquarters, furthest property edge is only 1305 feet from Southbound Highway 83, and the nearest is only 445 feet (about 1/6th of the required distance proposed). Bill 2343 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.

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.

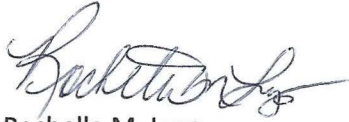
In consideration of bees themselves, a bee will fly on average 3 miles in each venture it takes searching for nectar, pollens or water for its hive. As much as we would like to control nature, the bees will fly as they choose, just as grasshoppers, bumble bees, flies and other insects throughout the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

I believe our operation is representative of the majority of those operating bee hives in the State, and anticipate if Bill 2343 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 2343 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.

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. And in doing so, vote NO to SB No. 2343.

Thank you for your consideration.

A handwritten signature in cursive script, appearing to read "Rochelle M. Lazo".

Rochelle M. Lazo  
Vice President

I am writing in opposition to senate bill 2343 regarding the placement of beehives near State and Federal highways. This is a clear case of legislative overreach to benefit a small minority at the expense of the much larger honey producing industry of North Dakota. It is estimated this bill would affect nearly 25% of all bee locations in the state. Oftentimes, pushing the placement of beehives back into the field isn't even feasible.

As an agricultural state, North Dakota should be very cognizant of the risks involved when we legislate how landowners can use their land. This is a slippery slope whereby what seems like one small issue could easily spiral out of control into ticky-tacky laws dictating every facet of land ownership to protect society from any remote possibility. Personally, I'd like to see sunflowers setback further from State and Federal highways to prevent tourists from recklessly stopping on the roadside for pictures and selfies. However, the burden on farmers would clearly be unacceptable so I just honk at these people and give them a thumbs down. Let's be reasonable with this bill and make sure it doesn't pass.

Committee Members,

I am writing today to voice my opposition to SB2343. This bill, which aims to regulate and restrict the placement of beehives, is bad for North Dakota agriculture and residents. I have been keeping bees, both rurally and in an urban setting, for 15 years and when I consider this bill, I fail to see any benefit that could come from it.

When you know about bees and how they behave, it becomes clear that the half-mile restriction is arbitrary and not motivated by data. Bees quickly disperse after leaving a hive, making the increase in population hardly perceptible just a couple of yards away from the hive. Bees are also known to forage as far as three miles from their hive, meaning the “bee traffic” along the roads would not be meaningfully impacted by a half-mile setback. I fail to understand the reasoning of this setback and my request for that information has been ignored by this bill’s sponsors. All of this leads me to believe that there isn’t a clear, evidence-based reason for this regulation.

This restriction, should it be enacted, would reduce the available locations for hives, thus reducing the total number of hives that exist in North Dakota. While the greatest impact may be seen in hobbyists like myself, the agricultural industry will not be immune to its burden. Honey is a major crop in our state and is an important part of our economy. It is worth protecting this industry and pastime from regulations that will bog down productivity, burden our citizens, and create problems where none previously existed.

Should you pass this bill, you will hurt the agriculture of North Dakota as well as the everyday North Dakotan. Please reject this bill and preserve beekeeping in our state.

Sincerely,

Dana Evans  
Kindred, ND

Senators:

I write in opposition to Senate Bill 2343.

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 23,000 hives of bees in the state from April-October. These hives are located on over 600 private land sites, across 8 counties. Approximately 25% of these locations are within  $\frac{1}{4}$  mile of a State or Federal Highway and would become illegal if this law was to pass. This law would be un navigable 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, many of the areas that are accessible to vehicles and equipment used to move and maintain hives around the state are within  $\frac{1}{2}$  mile of these roadways and therefore would be unusable under this law. Property which I own would become illegal for hive placement.

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 employee 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  $\frac{1}{2}$  mile or (2760 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 near a 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."*<sup>[ii](#)</sup>

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 1/2 mile from a State or Federal Highway 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.

Greetings Mr./Madam Chair, members of the Committee, I'm Kathrin Volochenko of the **Nonpartisan League**.

As the current owner of an interstate trucking company and a student of entomology in general, I have first-hand knowledge of some aspects of how the beekeeping industry operates. And as such I do not support **Senate Bill 2343** and ask that this committee recommends a "**Do Not Pass**" as well.

If this bill does pass both chambers and becomes law, it would be devastating and ruinous to the honey **and pollination** industry as a whole.

Below is an excerpt from "**Time is honey: circadian clocks of bees and flowers and how their interactions may influence ecological communities**" <https://pmc.ncbi.nlm.nih.gov/articles/PMC5647282/#RSTB20160256C47>

*"Although plants are sessile, plant organs demonstrate a surprising degree of movement. Circadian-regulated leaf movements were first reported by de Mairan in 1729 [46] and are still routinely used as markers for studying circadian rhythms in plants. In 1880, Darwin & Darwin published a book describing circumnutations, the elliptical bending movements executed by plant organs, including roots, hypocotyls, branches and flower stalks as they grow [47], proposing that these movements are controlled by an internal apparatus. Much more recently, heliotropism (solar tracking) in the shoot apices (tips) of young sunflowers (*Helianthus annuus*) has been shown to be controlled by the circadian system [48]. The apices shift from east-facing in the morning to west-facing in the evening and then back, and disruption of circadian control of heliotropism results in a loss of biomass. In older sunflowers, at anthesis (flower opening and anther dehiscence) the apices stop solar tracking and permanently face east. The authors of the study examined the implications of floral direction by comparing flowers set to face east or west and showed that east-facing flowers warm up more rapidly in the early morning and that this warming is associated with a fivefold increase in the number of pollinator visits. (emphasis mine)*

*The flowers of many plants open and then stay open permanently. However, in a range of species belonging to a large number of families, flowers open and*

close to match environmental conditions. *Pollination success may be strongly dependent on the timing of flower opening and closure [49], which determines the pollinator's ability to access the reward and the reproductive organs of the flower. (emphasis mine)* Although most research has focused on flower opening in diel conditions, circadian rhythms have also been demonstrated for several species [19] including day bloomers such as field marigold (*Calendula arvensis*), common daisy (*Bellis perennis*) and kalanchoe (*Kalanchoë blossfeldiana*), and night bloomers such as night-blooming jasmine [33,50–53]. In at least some plants, entrainment of flower opening is flower-autonomous [16,19,50,51]. For example, in field marigold the opening and closing follow the light/dark regime that each flower is subjected to, and leaf and buds on the same plant can be differentially entrained. Importantly, pollinators can have a role in setting the closure pattern of flowers; pollination of smooth hawkbeard (*Crepis capillaris*) causes rapid (within 1–2 h) flower closing; young flowers will reopen the following day [54].

Circadian petal movement can be a result of differential growth or, possibly less commonly [19], of cell expansion and contraction mediated by ion uptake. In kalanchoe [55], there is uptake of potassium ions during the day, which elevates cell osmolarity and increases turgor pressure resulting in cell expansion in the upper epidermis and petal opening. At night, ion levels decrease leading to low cell pressure and flower closure. By contrast, in marigolds circadian flower opening is caused by differential growth of petal parts [16,56]. Plant growth is controlled by hormones such as methyl jasmonate, ethylene, auxin and gibberellins and, in a number of different species, the circadian system has been shown to regulate hormone synthesis, signal reception and processing [57]. Not surprisingly, hormones can also play a role in circadian-controlled petal opening. For example, in kalanchoe, application of methyl jasmonate causes a shorter period of flower opening [58].”

The point that I’m making here is that at certain times of the blooming season and at different times during the day, blooms have adapted to the movement of the sun and to the preferences of different pollinators. An example would be if there is a canola field in full bloom next to a state of federal highway and a bee yard is ½ mile from that canola field and there are no other such fields within 2-3 miles of that bee yard (typically a bee will fly 2-3 miles to a pollen,

water or nectar source), the bees will cross that highway to access and pollinate that canola field at a certain time of the day. The same goes for Sunflowers, Alfalfa, Sweet Clover and any other crop that is totally dependent on pollinators such as the honey bee.

Now for the hired pollinator side of the apiary business; after the bloom and growing season is completed here in North Dakota, as with neighboring northern tier states, the bees are loaded onto semi flatbed and stepdeck trailers and are hauled to California to begin pollinating almonds and chestnuts. Usually this takes place in the end of October and first part of November when the bees are moved, though actual pollination takes place later in the spring. Then as needed by the farmers the bees are placed accordingly by the apiarist with the particular fruit or vegetable blooming season, usually ending with avocados in late April early May. The hives are moved by the apiarists to different parts of the Imperial and San Joaquin Valleys and the surrounding hills when the farmers are ready for **pollination services**.

As you can see, being in the apiary business is complicated and hard work. And I've hardly scratched the surface as to the true complexities of this business. It's obvious that we the human race, along with many species of animals are either directly or indirectly dependednt on the ability of pollinators such as the common honey bee to firstly pollinate, and secondly, produce honey in that order of importance.

My testimony in part, is derived from experience from transporting live colonies and working with different apiarists in the couse of conducting business. If some details are inaccurate, then that's on me, however the essence of the process, such as the reasons for hive movements are accurate.

I have no idea as to why such a bill as this would even be considered, if for the sake of minor inconvenience of bees hitting a windshield or perhaps in the fall when the hives are moved from their spots/yard and gathered elsewhere in preparation for transport for the winter, that are what I call "orphan bees" that

are looking for their home and end up in garages and around light colored buildings hoping to find their hive again. Bees on a windshield are a small price to pay when the benefit is food on the table.

Therefore it is imperative that all of us, everyone, must recognize our fellow apiarists and support them in every way, because quite literally our lives depend on them.

Thank you for your time and attention.

Feb 5, 2025

Dear North Dakota Legislators,



I am writing to express my strong opposition to Bill SB 2343.

Imagine asking our state's grain and cattle farmers to give up 10-25% of their cropland—this is, in essence, what SB 2343 proposes. While I understand the bill's intent, it is using a broad, sweeping approach to solve a problem that requires a more targeted solution. This bill would inflict significant harm on North Dakota's beekeeping industry.

Here are some key points to consider:

1. **Relocating beehives is not a simple fix.** Beekeepers can't just "move" their hives farther from roads. Finding suitable locations for bees is extremely challenging, and it's rarely possible to simply shift them half a mile further away from existing spots near roads.
2. **Overcrowding is not an option.** Beekeepers cannot simply add more hives to locations already more than half a mile from roads—this is akin to overgrazing a pasture. We wouldn't ask cattle ranchers to add 20% more cattle to an existing pasture, so why would we do that to beekeepers?
3. **Proximity to roads is not the root issue.** Beehives located more than half a mile from a roadway may still allow bees to travel at ground level to forage on the other side. Hives placed within 50 yards of a road, but with a treeline between them, have no impact on traffic because the bees fly over the trees and the road. The proposed solution simply doesn't address the problem effectively.
4. **This bill threatens the state's top-ranking honey production.** North Dakota is the nation's leading honey producer. Implementing this bill will not only reduce honey production by 10-25%, it could drive many beekeepers into bankruptcy. Our industry is already grappling with rising costs and falling honey prices, not to mention the challenges of keeping our bees healthy. Losing a significant portion of honey-producing areas will be devastating for the state's beekeeping industry.
5. **Legal concerns and landowner relationships.** It's been established that honeybees are considered "wild" animals when outside their hives. We must be careful not to create unnecessary fear among landowners who allow bees on their properties. The prior version of this bill, which raised concerns about potential liability, has already led to lost hive locations.
6. **Existing laws already provide solutions.** The goals of this bill can be met through current law. Landowners can request that bees be removed, and the state's apiary department can take action to relocate hives from problematic areas.

We should focus on finding solutions that minimize harm rather than imposing drastic measures. There are alternatives to this bill that should be explored.

Sincerely,

Michael Lamb, Owner

Lamb's Honey Farm  
9564 County Road 9  
Mohall, ND 58761  
701-595-3035  
bees@lambshoneyfarm.com

Senator Richard Marcellais  
Senate District 9  
Testimony for SB 2343

Chairman Luck, members of the Agriculture and Veterans Affairs Committee, for the record my name is Richard Marcellais North Dakota State Senator for District 9.

SB 2343 relating to the placement or location of a beehive.

North Dakota is the Number 1 honey producing state in the nation. In 2023, North Dakota bees produced 38.3 million pounds of honey valued at over \$67.8 million.

The North Dakota Agriculture Department licenses beekeepers and registers hive locations annually. Hives are inspected when requested by the beekeeper.,

Every person who manages or owns honey bees in North Dakota is required by state law to obtain a license, register the location of their hives, have signs with contact information posted. This applies to beekeepers of all sizes from 1 colony and up. All licenses expire on December 1. If bees leave the state for a portion of the year, the license must be renewed before hives are brought back into the state, if hives are here year-round, the license should be renewed prior to January 1.

The reason I introduce SB 2343 is at the request of my constituents, for motor vehicle operators safety and to increase bee owner revenue..

I am in favor of SB 2343, will try answer any questions.

Members of the Committee,

My name is Adam Pachl. I am a hobby beekeeper, as well as a former Apiary Inspector of 6 years for the North Dakota Department of Agriculture (NDDA). I am writing to express my opposition to Senate Bill 2343.

Like many people that will express their opinions on this bill, I have dedicated my life to honey bees. I still work to help beekeepers maintain healthy colonies and communicate daily with beekeepers, both in North Dakota and across the United States. Having been an inspector, I am in a unique position in that I have worked with beekeepers in every part of the state and have seen different practices and management styles. I have worked with beekeepers that range from one colony to over 20,000, and no two beekeepers do everything the same way. I have a unique understanding of how this bill will impact beekeepers of every size. I am also intimately familiar with how NDDA manages its inspection program, so I know the implications this will have on how the state is able to serve both beekeepers and the public. I also understand how this will impact farmers that may rely on honey bees to pollinate their crops. Finally, I keep two colonies of bees myself, as well as volunteering to maintain colonies for education at the Dakota Zoo and the Gateway to Science in Bismarck.

It is no secret that North Dakota is a leader in the beekeeping industry by almost every metric, but this bill would make keeping bees in North Dakota at any level much more difficult and put the industry at risk, even at a national level. Not allowing bees to be placed within one-half mile from a state or federal road will impact over 10% of the apiaries that were registered in North Dakota in 2024. It will disproportionately impact hobby beekeepers, or those with 50 or fewer colonies. Most hobby beekeepers in the state actually keep fewer than 10 colonies, but over 1/3 of hobby beekeepers will no longer be able to keep their bees where they are registered under this bill, and many of those locations are registered in their own yards, including a location of my own. There are also several hives kept for educational purposes in the state that would be deemed illegal under this bill, including at the Dakota Zoo and Gateway to Science in Bismarck, which is owned by the NDDA.

In addition to their normal apiaries, commercial beekeepers need places to load and unload their semis when bees arrive in the spring and leave in the fall. They need areas that a semi can easily access and that forklifts can safely operate in and load heavy pallets, all while not damaging the landscape around them. These areas are often near the approaches of highways, and removing them would do great damage to the industry as a whole. On top of this, many commercial beekeepers may use areas around their honey extraction facilities, which are often near highways as well. These are buildings that they



have invested substantial amounts of money in and are a central part of their operation. Some beekeepers are even constructing climate-controlled buildings to keep their bees in until it is time to send them to other states for pollination. This is cutting edge technology and practice for honey bee health and welfare, but some of these multimillion-dollar facilities would be rendered illegal under this bill.

Considering honey bee biology, foraging and flight patterns, this bill will do little to impact bees flying across roads in the state. Honey bees can fly over three miles in search of flowers and water, and a swarm in search of a new home can travel over a mile. If bees are placed one-half mile from a road all it will accomplish is making people feel better about not seeing them, but they will still travel across that roadway in search of the flowers and water they want to get to.

When I was an inspector, it was not uncommon for me to work 60+ hours and drive 1,500 miles per week, from the middle of May through the end of September, just to get the work done that was required under the Apiary Inspection Program. It was a struggle to find seasonal employees to help enforce the regulations, and I was too busy conducting in-hive inspections to spend much time patrolling and looking for violations. If I found something along the way I would document it, but I did not have much time to go out of my way looking for violations. It would take multiple new employees to be able to enforce this law. The NDDA Apiary Inspection Program is already one of the most advanced in the nation, is well respected by the beekeepers in the state and is often looked at by other states as a model when they want to develop a new program, or when they want to add to or remodel an existing program. They do an incredible job helping to manage relationships between beekeepers and the general public and trying to mitigate the incredible number of hives that North Dakota has, and SB 2343 would undo years of hard work that has gone into building those relationships.

There are further questions of how this would be enforced. There highways that would fall under this bill that run through tribal lands, but as an inspector I stayed away from tribal lands due to the ambiguity regarding who had authority in those areas. When a complaint inevitably comes from those areas in it is unclear who will be responsible for enforcing it. There will also inevitably be times where people will complain and want this enforced where the hives are not in violation, people will be upset, and it will create some sort of problem or conflict.

Finally, speaking as a landowner, there are many crops grown in North Dakota that benefit from being pollinated by honey bees. Canola specifically can see a yield increase of 13-46% if honey bees are present. Sunflowers can see even higher yield increases, depending on the variety. But beekeepers are at the mercy of the landowner for where the bees can be

placed. The landowners want them in a place where they are out of the way, which is often right by the approach to the field. If that field is along a highway, then that is where they want the bees.

In summary, if this bill passes, all it will accomplish is telling residents and landowners what they cannot do on their land, telling farmers what they cannot do on their land, and harm an industry in which North Dakota leads the nation and is critical to our food production not only in our state, but nationwide. For all the reasons listed above, SB 2343 cannot pass.

Adam Pachl

Mandan, ND

February 1, 2025

Senate Agriculture and Veterans Affairs Committee  
RE: SB 2343

### IN OPPOSITION

Bees are fascinating creatures, are essential to the world and, they fly. Water and vegetation dictate where they fly. That survival location may reach distances up to 3 miles.

Backer Bees has been a registered beekeeper in North Dakota since 2003 and has expanded to keeping upwards of 3,000 colonies. Locations, where hives are placed, are areas on privately owned land. The specific area is dictated by the landowner. Ease of access and limited damage to property are the key factors when deciding on the work area for the hives for the months of June to October. We enter this area 10-12 times throughout these *four prime honey producing months*.

Regulating a 1/2 mile placement would impact 20% of our established locations. Therefore, impact 20% of our income. In a farmers world, 20% is substantial. We already face the loss of 30-40% of our livestock each year, so this additional percentage would be devastating.

North Dakota beekeepers must abide by certain regulations and licenses to keep apiaries. One regulation is to have the beekeepers name and phone number available in each location. In the 22 years of beekeeping, we have received less than a handful of calls from location neighbors with questions or concerns. Most are due to lack of water in the area so, bees being attracted to watering areas. All concerns were resolved with the landowners desires and rights, as well as the health of the bees, in the forefront.

This proposed distance of 1/2 mile from a state or federal highway impacts our business in several dysfunctional ways. 20% of our long established agreements with landowners would be impacted which would require us to seek alternate areas. The greatest impacted being a 2 acre personally owned lot that includes a 30 x 50 building and constructed area that has been precisely leveled and packed. It is used for loading/unloading semis and a holding area. This \$150,000+ essential investment would be useless and we would then be forced to find another area to safely bring in semis. This area, that is right off of the highway, is pleasing to truckers for ease of movement, access, and weather related issues. We also load honey trucks off this lot and this happens during the months of October-March when weather is a massive issue.

North Dakota is the top honey producing state in the country and has been since 2003. In 2023, North Dakota alone made 38.3 million pounds of honey that has a value of \$67.8 million.

SB 2343 would substantially impact over 350 North Dakota registered beekeepers, a \$67.8 million honey industry, a \$15 billion bee pollination industry, trucking industry, beekeeping supplies and materials, apiary worker income, and more importantly, threaten domestic agriculture and the food production system.

Where does this stop? June bugs, dragonflies, grasshoppers, mosquitos....regulation of all insects?

For the above reasons, we are in strong **OPPOSITION** to SB 2343.

Respectfully,  
Dusty and Pat Backer  
Backer Bees, Center, ND

COMMISSIONER  
DOUG GOEHRING



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**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 2343**  
**Senate Agriculture and Veterans Affairs Committee**  
**Fort Union Room**  
**February 6, 2025**

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Chairman Luick and members of the Senate Agriculture Committee, I am Samantha Brunner, State Apiary Inspector for the North Dakota Department of Agriculture (NDDA) testifying on behalf of Agriculture Commissioner Doug Goehring. I am here today to provide information on the beekeeping industry in North Dakota in relation to Senate Bill 2343.

The NDDA oversees beekeeping in the state through licensing and registration of beekeepers and apiary (hive) locations. In 2024 there were 352 licensed beekeepers in the state managing 829,617 honey bee colonies. Those bees are placed on 21,074 registered locations. I presented some information a couple years ago on the growth of different sectors of beekeeping. Our hobby beekeeping industry continues to grow, now making up about 43% of the licensed beekeepers in the state. The number of commercial and sideline beekeeping operations has remained relatively steady over the past 5 years.

North Dakota is the number one honey producing state in the nation, according to NASS producing over 38.3 million pounds in 2023. 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 2023 it was South Dakota with just over 18.4 million pounds.

The proposed bill would eliminate approximately 2,750 locations across the state, resulting in a loss of approximately 13% of the registered locations. This impact would be felt the most by our

hobby beekeepers, approximately 1/3 of them would lose locations, most of them the only location they have registered in their own back yard. The Roosevelt Zoo in Minot and the Dakota Zoo in Bismarck both have honey bee colonies that would be disallowed. The department also has a hive located at the Gateway to Science building in Bismarck that would also need to be relocated.

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. This bill would stretch our current staffing resources beyond what we are capable at handling. This bill would require the addition of staffing, funds and additional authority to carry out the intent of the bill. Including the ability to enter on private property, without permission from the landowner to remove hives and equipment.

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.

# Apiary Program 2024

Licensed Beekeepers

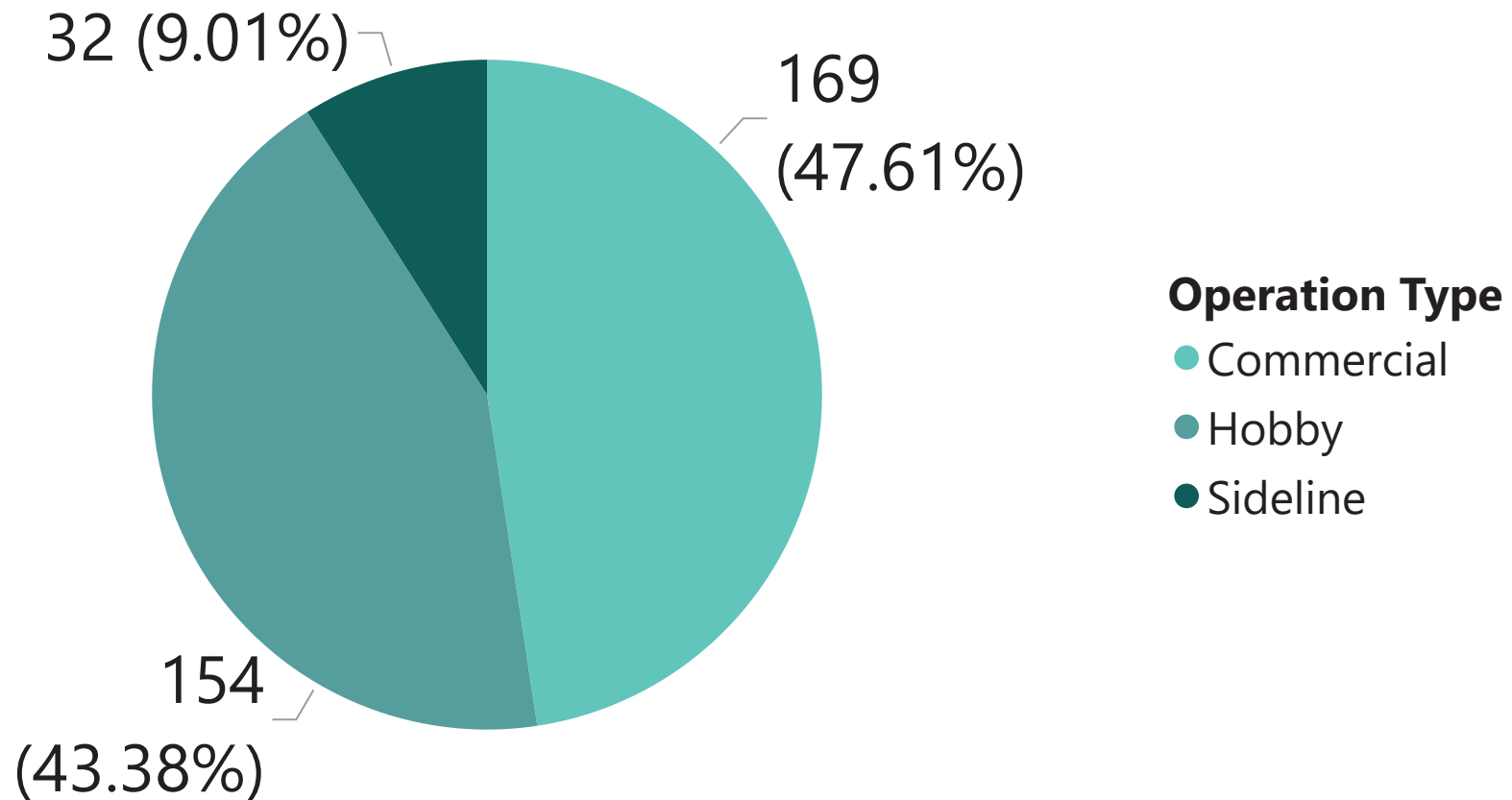
352

Total Colonies

829,617

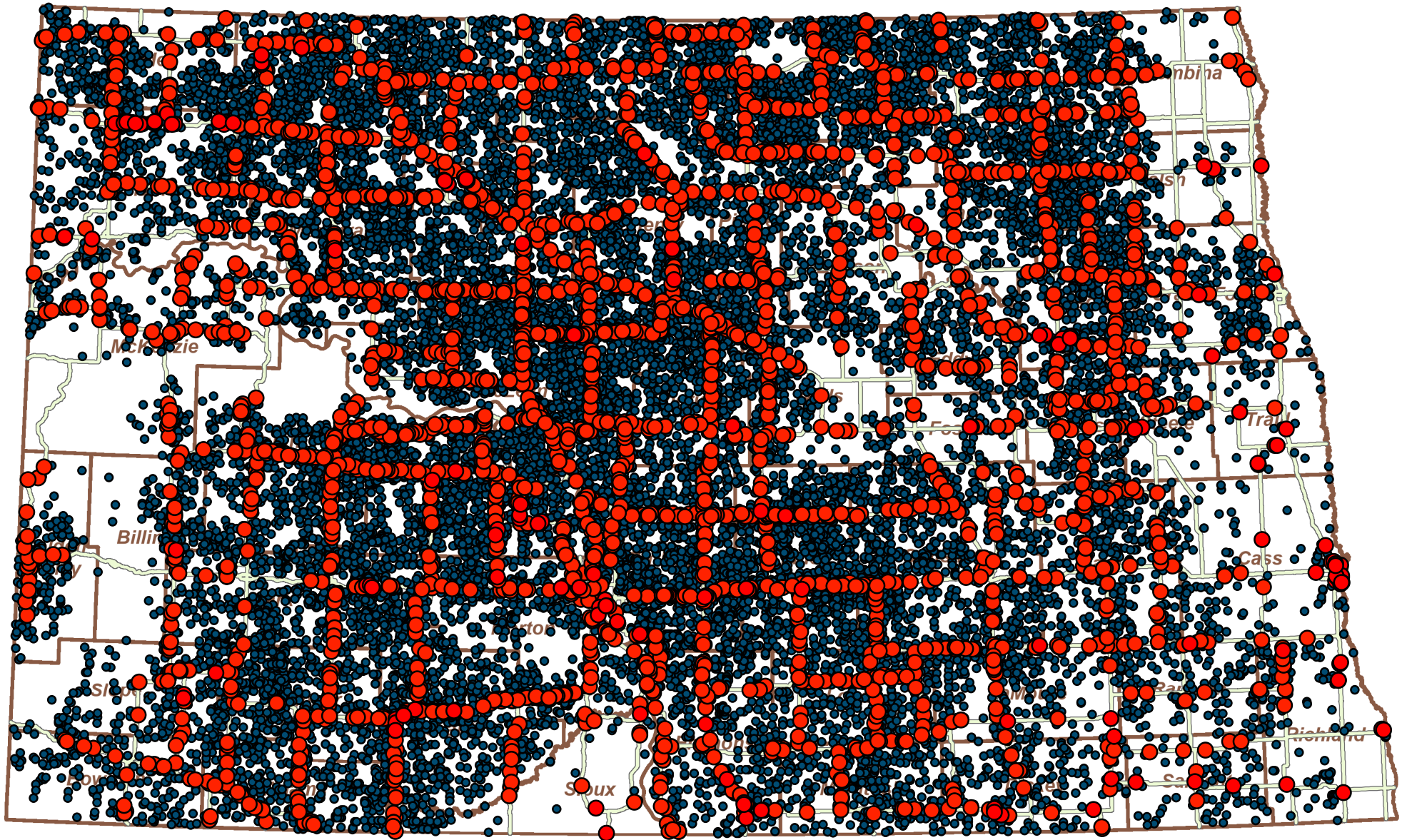
Registered Locations

21,074



Hobby: 1-50 colonies   Sideline: 51-500   Commercial: 501+

# Registered Bee Locations



- Locations within 1/2 mile of state or federal road
- Registered Apiary Locations





Spirit Lake Honey  
Anthony Duben  
608 W Agassiz Circle SE  
Devils Lake ND 58301

02/05/2025

Subject: **Senate Bill 2343**

**Dear Members of the Committee,**

I am writing to express my strong opposition to Senate Bill 2343 and respectfully urge you to reject it.

My name is Anthony Duben, and I am a disabled veteran who served this country for 30 years in both the Army and the North Dakota Army National Guard. Throughout my service, I was deployed four times and was called upon to support emergency actions following natural disasters in North Dakota. I dedicated my career to defending the freedoms and rights we hold dear. A bill that seeks to diminish landowner rights runs counter to the very principles for which I served.

For the past eight years, I have been working toward my retirement dream of becoming a beekeeper, investing significant time and financial resources to ensure its success. However, this bill poses a serious threat to that dream, as it could render many of the locations, I've carefully developed over the years unsuitable for my beekeeping operation. Suitable, accessible locations for honey production are already in short supply, and this bill would further exacerbate the problem, potentially forcing many beekeepers out of business.

Currently, beekeepers are required to obtain permission from landowners to place hives on their properties and to register those locations with the state. The North Dakota Department of Agriculture enforces existing laws effectively, and the Ag Commissioner diligently inspects bee hives, addressing any concerns that arise. I believe that the majority of beekeepers are committed to following these regulations and ensuring minimal complaints. If issues do arise, they can be promptly addressed with a single call from Samantha Bruner or her team.

Senate Bill 2343 would not only strip landowners of their rights but also undermine beekeepers' rights to farm. Please carefully consider the negative consequences this bill could have on honey production, crop pollination, landowner rights, and the broader economic impact on North Dakota.

I strongly urge you to vote against Senate Bill 2343.

Sincerely,

Anthony M. Duben  
Spirit Lake Honey  
anthony.m.duben94@gmail.com



# Senate Agriculture & Veterans Affairs Committee

## Senate Bill 2343

Andrew Alexis Varvel

Written Testimony

February 6, 2025

Chairman Luick and Members of the Committee:

My name is Andrew Alexis Varvel.

I live in Bismarck.

I consume local honey.

I like my honey good.

I like my honey local.

I like my honey fresh.

My favorite supplier is an urban apiary that would be required to move away from its present location were this legislation to go into effect. As a consumer, I obviously don't want that to happen.

I like honey!

Please provide Senate Bill 2343 a **DO NOT PASS** recommendation.

Thank you.

## Testimony for SB 2343

Chairman Luck, members of the Agriculture and Veterans Affairs committee

Here's how many bees you're killing with your car and why it's dangerous for the environment. It's shocking the amount of bees that are killed by moving vehicles. Millions of bees are killed in collisions with cars in the United States annually posing a major problem for the economy and environment. It's estimated that hundreds of millions of bees could be killed every summer, just driving on the North Dakota highways. A study has shown one 110-mile trip from Belcourt, ND to Minot ND could claim up to 175 bees' lives. The study speculates that bees' true casualty numbers to be much higher. Regardless of what the number is if it's millions or billions it's a large number of bees that are being impacted, author Joseph Wilson told sciencenews.org. The study says we're likely underestimating, because every time I drove, I hit at least 10 or more bees at a time. Reed Johnson, a researcher in Ohio State's Department of Entomology with no affiliation to the new data, has warned for years that bee populations are at serious risk. Losing so many winged insects he said bees are the most important pollinators around will sting worse than we imagine. Johnson explained that bees pollinate about a third of the world's food supply and their natural services are valued at nearly \$20 billion annually. He also noted that the populations are declining at a rapid, unprecedented rate. Commercial honeybee colony losses have been reported with an average dropping rate of around 30% each winter for almost two decades. The bee expert also explained that the number once was closer to 10%. Wilson's paper also noted there may be a way to mitigate the damage. Citing similar reports, bees often avoid crossing roads if no vegetation grown from its median.

In conclusion upon our study: The impact of the bees being in the roadways is that 30% of bees die, about 100 Americans die every year from a bee sting, in worst cases anaphylactic shock and the deadliest animal in the United States is the bee. In North Dakota state honey producing is 38.3 million pounds of honey valued over 67.8 million.  $67.8 \times 0.30 = 20.34$  in lost revenue. Furthermore according to the study it was at 10% twenty years ago and now it's at 30%. Studies have proven that it will only continue to rise.

I am in favor SB 2343; I will try to answer any questions.

## **Written testimony on Senate Bill 2343**

### **Chairman Luick and Agriculture and Veterans Affairs Committee Members**

My name is Kevin Herrmann, 300 Fair St. SW, Beulah, ND. I stand in favor of Senate Bill 2343.

Senate Bill 2343 has not been the only legislative bill relating to bee apiary. There was legislative bill dealing with bee apiary in 1989, 1995, 1997, 2013, 2015 and 2023.

There has been a history of citizens of North Dakota getting frustrated having bee apiaries too close to state and federal paved roads therefore asking an elected legislator to introduced a bill for a setback of bee apiary.

Bee apiaries along highly traveled paved road is a public nuisance. The definition of bee is an insect not an agriculture product. I did grow up on a farm.

The highest concentration of bee's will be at the bee apiary. The setback of bee apiaries farther away from paved road could help minimize the amount of bee's hitting the vehicle's windshield. The driver does not dare use windshield wiper or windshield fluid which will cause a potential safety issue of visibility through the windshield. Who keeps warm water and soap in their vehicle to clean the windshield? The complaints are not just motorcyclists.

I have made complaints in the past to North Dakota Agriculture Department to the individual in charge of Beekeeping. I would give mile markers and mileage in my complaint but found out the department goes by county plat for location of bee apiary which the general public will not have a county plat on hand in their possession. I found out later for every complaint I made in one year was consider

one complaint not multiple complaints. Since the general public does not know how to go about the process of how or who to file a complaint, the Agriculture Department will say the complaints will be very low.

In 2015 legislative session, Senate Bill 2025 was passed. Senate Bill 2025 was a rewrite of chapter 4.1-16 relating to beekeeping in the North Dakota Century Code. Since the big change in chapter 4.1-16, I have not made complaints to Agriculture Department due to making it impossible to file a complaint.

The beekeepers want to have easy access off a paved road. I will suspect the committee will hear opposition from the beekeepers why this bill will cause hardship for the bee industry. It will be the same information as in past legislative bills dealing with setback of bee apiary.

Please give House Bill 1343 a DO Pass recommendation.

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

I, Ryan J. Myklebust, a North Dakota resident, a ND licensed beekeeper (#816), am in opposition to SB 2343. I only own land within the proposed ½ mile setback of a State Highway, so this will make it illegal for me to keep bees. I keep bees as a hobby and currently only have 3 hives. I do not have interest in, nor resources available to keep bees on property owned by others. My bees are kept in a location that is not susceptible to bee/vehicle interactions, but this blanket ½ mile setback still affects me. What is the reason for this bill? Have you reviewed the apiary location map to see how many people this will affect? What will the fine be and how will it be enforced? More government regulation is not the answer, it is the problem.

Thomas & Jordyne Lee

In Opposition of Senate Bill No. 2343

February 6, 2025

Members of the Committee,

We are beekeepers from Aneta, ND and are opposed to Senate Bill 2343. If this bill were to pass you would put beekeepers in North Dakota out of business. We place bees where the landowners want them located on their land. If this bill were to pass you would be taking the rights away from the landowner. The landowner finds a good location by their crops that we don't have to rut their land up getting to the bees.

Thomas & Jordyne Lee

This is a bad concept in many ways. The percentage of bee locations it will affect will be very high. The loss of revenue in an already struggling industry will be catastrophic. It will also adversely affect farmers, ranchers, and multiple other industries that depend on beekeepers.

Chairman Luick and members of the committee. My name is Tim Hiatt, I keep my bees in the southwestern part of the state. I oppose this bill (SB 2343).

Beekeepers get permission from landowners to place hives. State law requires that the location, the name of the beekeeper, and the name of the person who owns or leases the land be reported to the state department of agriculture.

Beekeepers exchange contact information and visit annually with the landowner or leasee. Beekeepers also post the name, phone number, and state-issued ID number of the beekeeper at the beehive location. With this system in place, if there is an issue with the bee hives at a location, the landowner can contact the beekeeper to correct the problem.

This system is resilient but sometimes it's challenged. A while back, a landowner who had my bees in her pasture was told by the person leasing the land that they want to rip it up for planting, and the bees need to be moved. The landowner had lost my contact info and forgot that my phone number is on the hives at the location. So, she called her sheriff's department and asked what she could do. The sheriff's office asked if she could remember anything about the beekeeper. She said that maybe they were from Bowman. So, her sheriff's office contacted the Bowman County sheriff's office, and they called me. The bees were quickly moved. Had the landowner forgotten where I was from, the sheriff's office instead would have referred her to the department of agriculture. With her name as landowner and the county she is in, the state would have given her my name and phone number.

But there may be a few beekeepers who break the law and place bees without permission, or who don't give the department of agriculture the required information. In this case, the sheriff's office and the department of agriculture's database of registered locations aren't much help. If this happens, state law provides for the department of agriculture to notify the offending beekeeper, and a week after notification of the illegal placement, the hives can be seized and disposed of by the department. Or, if the department can't locate the beekeeper, state law provides a process for the hives to be seized and disposed of, and for that beekeeper's permission to place bees in the state to be rescinded. There is a strong disincentive for beekeepers to ignore the law.

There are many hive locations within a 1/2 mile of a highway and which don't bother anyone. Rather than inflict major damage on all the state's beekeepers, we should rely on the current system and use it as it is. New laws won't change the behavior of scofflaws, and the existing rules can easily address hive placement problems.

Please do not pass this bill. I'm happy to answer questions. Thank you.



hobby beekeepers, approximately 1/3 of them would loose locations, most of them the only location they have registered in their own back yard. The Roosevelt Zoo in Minot and the Dakota Zoo in Bismarck both have honey bee colonies that would be disallowed. The department also has a hive located at the Gateway to Science building in Bismarck that would also need to be relocated.

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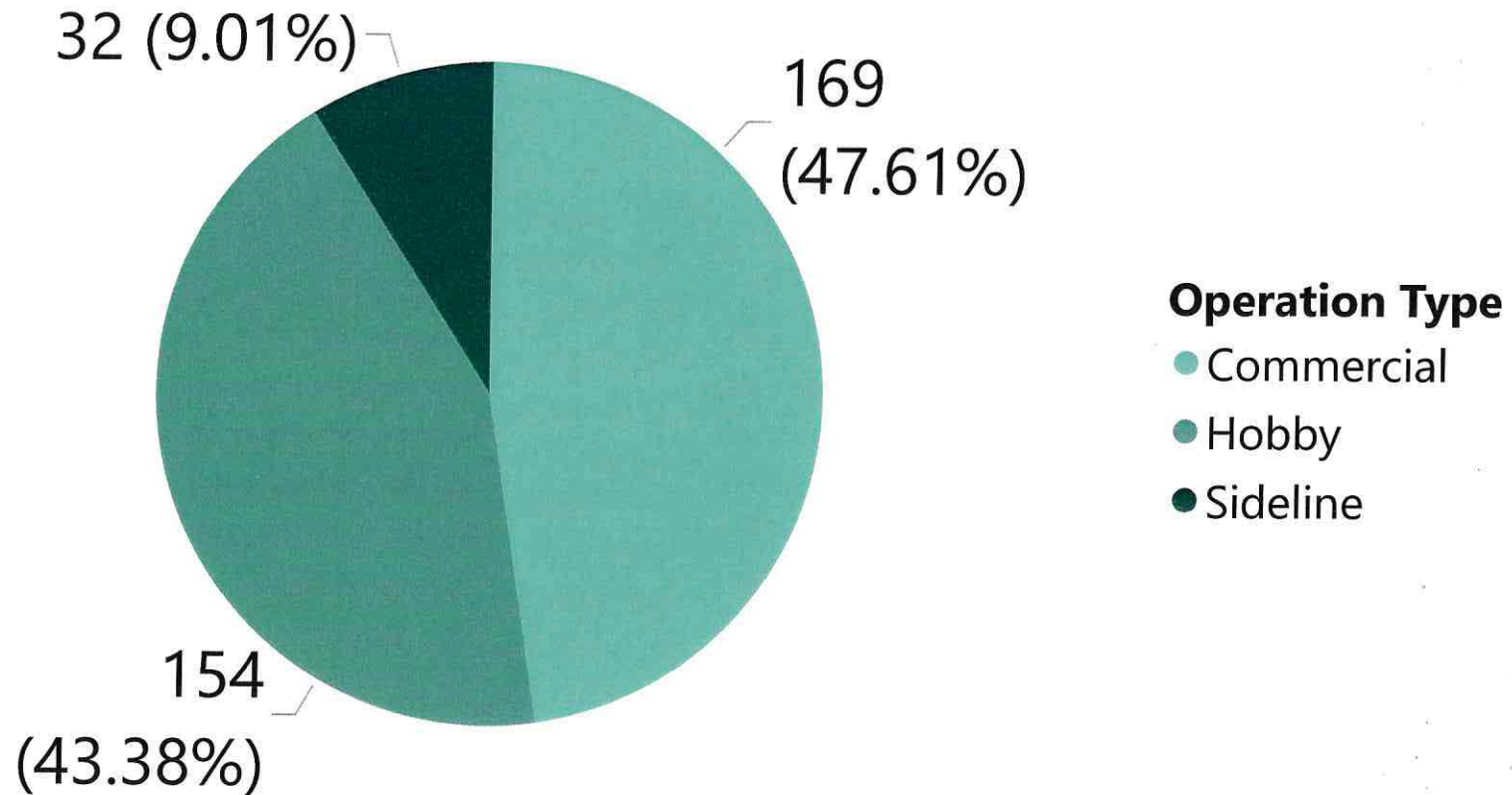
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# 2025 SENATE STANDING COMMITTEE MINUTES

## Agriculture and Veterans Affairs Committee

Fort Union Room, State Capitol

SB 2343

2/6/2025

A bill relating to the placement or location of a beehive; and to provide a penalty.
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2:20 p.m. Chairman Luick opened the hearing.

Members present: Chairman Luick, Vice-Chairman Myrdal, Senator Marcellais, Senator Weston, Senator Weber, Senator Lemm

### Discussion Topics:

- Inspections
- Allergies to bees
- Limited staff
- Current statue
- State Highway Right of Way
- Accident liability
- Swarms

2:20 p.m. Senator Lemm moved a Do Not Pass.

2:20 p.m. Senator Myrdal seconded the motion.

Senators	Vote
Senator Larry Luick	Y
Senator Janne Myrdal	Y
Senator Randy D. Lemm	Y
Senator Richard Marcellais	N
Senator Mark F. Weber	N
Senator Kent Weston	Y

Motion passed 4-2-0.

Senator Weston will carry the bill.

2:34 p.m. Chairman Luick closed the hearing.

*Audrey Oswald, Committee Clerk*

**REPORT OF STANDING COMMITTEE**  
**SB 2343 ([25.0833.01000](#))**

**Agriculture and Veterans Affairs Committee (Sen. Luick, Chairman)** recommends **DO NOT PASS** (4 YEAS, 2 NAYS, 0 ABSENT OR EXCUSED AND NOT VOTING). SB 2343 was placed on the Eleventh order on the calendar. This bill does not affect workforce development.