

2011 SENATE AGRICULTURE

SB 2134

# 2011 SENATE STANDING COMMITTEE MINUTES

Senate Agriculture Committee  
Roosevelt Park Room, State Capitol

SB 2134  
January 14, 2011  
12901

Conference Committee

Committee Clerk Signature

*Greta Nelson*

Relating to the assessment on colonies of honeybees: to provide an appropriation; and to provide for a transfer.

**Minutes:**

Attachment #1, #2, #3

**Vice Chairman Larsen** called the meeting to order on Friday, January 14, 2011.

**Senator Larsen:** Begin the hearing for SB 2134. Start by taking roll.

**Clerk:** Roll Call 6 present, 1 absent.

**Senator Larsen:** Is there a testimony for SB 2134?

**Randel Christmann:** Senator from 33 Legislative District which is north and west of town going up to the Lake Sacagawea area. I know some of the members of the Beekeepers Association for many years and have the pleasure of sitting in on their convention last fall and learning more about their problems that they face in their industry. Being reminded of what I have known for a long time .....just the impact of the honey business in ND ...we're a major player in the business nationally and worldwide. They do face some obstacles and will explain it better than I and will propose solutions with this bill. I am not the expert on details of the industry or bill, but I am glad to sponsor ...we need to do what we can to keep this industry strong in the state. I will answer any questions, but people here in the room are more capable of giving you the best information, but I will make myself available if you have any questions specifically for me.

**Senator Larsen:** Additional testimony for the SB 2134?

**John Miller:** Serve on Economic Development Corporation of Gackle, ND: owner Miller Honey Farms, Inc.: Member of North Dakota Beekeepers Association. (Attachment #1)

**Senator Larsen:** Discussion?

**Senator Klein:** Better understanding what the law is really asking to do, what you're doing is increasing the check off, which we certainly saw in the last couple sessions with other commodity groups. With the money going to research, which is also a noble cause and

certainly as we listen to the devastation with the mites and other issues, we certainly feel confident/comfortable with. My question is, if I request a refund which I believe our check offs are pretty much already fundable, other than soy beans and beef, that I can only get half of what I really had....is that what I am reading here?

**John Miller:** Correct. The original nickel was refundable and has always been. This new nickel we propose to be non-refundable. We intend for (John Miller's interpretation) beekeepers to keep skinning the gain.

**Senator Larsen:** Thank you

**Senator Heckaman:** Could you give me any information as to what the "check off" dollars provided for your organization? (Like 2009?)

**John Miller:** Approximately \$20,000 is generated by approximately 400,000 hives that come to the state. 20% of all the bees managed beehives in America come to ND during the summer. 400,000 nickels is about \$20,000. Others in room are much more versed on monies spent and those actually taking refunds.....public information.

**Senator Heckaman:** Part 5 for the appropriation, for the funding from the general fund that would be grants to public or private entities. My understanding that none of that would be available to NDSU or any of those places if they decided to do research? Did you say it will probably go to MN?

**John Miller:** We identified U of MN as a worthy candidate for beekeeper research funding. We have funded since 1992. The funds will be managed and oversight provided by the commissioner of agriculture in collaboration with the beekeepers.

**Senator Heckaman:** \$50,000 could go right away to that person if the organization feels that is appropriate? Or are you looking to divide it up among other entities for research?

**John Miller:** We envision request for proposals to be sent to institutions and individuals conducting research. My responsibilities include positions on projects, private foundations, and private foundation for preservation of honeybees. Our intent is collaborated these research proposals from industry and the science community leveraging our scarce funds for the greatest impact. It is possible that the commission will elect to collaborate with the other foundations and from their sources to get the best value from our research dollars?

**Senator Miller:** Do you know what the gross dollar was that was refunded?

**John Miller:** I think it was about 10% ....about \$1,600. Among all commodity groups there are always individuals who request refunds.

**Senator Klein:** In addition to doubling the check off, keeping what we believe would be about \$20,000, in non-refundable check off monies, are we also looking for additional \$100,000 from the state to help fund these projects?

**John Miller:** That is correct.

**Senator Klein:** Do we know what (you indicated this is an issue throughout the nation) are other states actively getting involved in attempting to help their bee producers with resources and funds?

**John Miller:** Most state beekeeping organization have fund raising association in their group. They fund these; privately funded....CA has a dollar per hive assessment under consideration.....but not yet occurred.

**Will Nissen:** President of North Dakota Beekeeping Association; Beekeeper in Minot (Attachment #2)

**Senator Miller:** Is \$100,000 going to be enough to do anything?

**Will Nissen:** Probably not, but it is a start.

**Senator Miller;** Sounds like a bad problem and should be nipped now and I would like to know more about the research techniques so we know how much money we really should be putting into this.

**Will Nissen:** Marla Spivak has a very good institute which ND lacks in research.

**Senator Murphy:** What is the usual natural loss per year so I have a base line?

**Will Nissen:** Is there a state average this year? About 80 pounds per colony ....earlier years we were in the 100 – 125 pounds per colony (average)

**Senator Murphy:** What does that break down to?

**Will Nissen:** Price for honey is about \$1.00 to \$1.55 North Dakota is #1....the best priced honey there is.

**Senator Murphy:** I am looking at this as Senator Miller is, too. This is devastating. I agree. Are we looking at something that we need to be looking at...more intense, even more that what you were looking at?

**Will Nissen:** I am entertaining that's a good idea.

**Senator Murphy:** I would love to hear that number as far as the devastation totals, but I can't decipher that from just the poundage of the honey. I am looking at a little bit bigger scale.

**Will Nissen:** Research is funny...it takes a lot of money. 32 million pounds of honey the state of ND produced last year....which is down.

**Senator Murphy:** How does that compare with CA?

**Will Nissen:** We're #1....CA is way down due to drought and loss of bees. Research facilities would take the money and continue.

**Senator Murphy:** It is just not the fact of giving the money away. Substantial amount of loss here that we need to be focusing not only for the honey loss, but also for the pollination of crops we are growing here and the whole industry. It is a serious event...it is happening.

**Will Nissen:** I worked for Paramount Farming in CA, you notice the wonderful almonds or nuts. They really have diversified their business. For every dollar I contribute, they will match the dollar. They run about 8,000 colonies with Paramount Farming. They see the problem and interested in any kind of research. I also work for another Bee Broker, he runs Scientific Ag ...he takes a dollar per hive from the bee keepers and a dollar to the farmers. He runs 25-30,000 colonies in this brokerage firm. So he is pumping \$60,000 a year in his company for research...half going to APIS and half to whatever project he thinks is the best. He does quite a bit with US Gov. There is a lot of research going on.

**Senator Miller:** How much can you expect to gross in one colony?

**Will Nissen:** Everyone's input is different, typical to farming. Net gross income per colony, \$50 to \$100 range for a net gross. (Annually)

**Senator Miller:** What's the current price for honey?

**Will Nissen:** I believe hold to \$1.54

**Senator Miller:** Considerably up?

**Will Nissen:** Yes. The weak dollar has really affected the honey market.

**Senator Miller;** Significant demand for sugar, which I would imagine would drive the demand for honey, too?

**Will Nissen:** We are in competition with the sugar.....more than anything; it would be the health issue of honey.

**Senator Klein:** Grocery honey is a lot more expensive than a few years ago, most likely because supply and demand issue. My hopes is if we can get this through the committee the way it is currently written, we can hold it as it goes through the whole long and lengthy process. The difficult part is when you look at a check off that is going to bring in \$40,000 and then back side ask for \$100,000.....as you go through this process, you're going to have to explain what you guys have done a great job at ....the issues facing the industry and why the research dollars are needed. My cohorts make a good point \$100,000 to hire a researcher isn't going to do it. You're going to need generally \$125,000 plus another \$125,000 for other expenses. As you work in collaboration with folks in MN and throughout the country where I feel that we certainly need to look/work for collaboration with other states because when it isn't working here, it isn't working for CA either. They are hoping you are bringing 100% of the bees that you took up there last year, you will bring them back

down to them. Everybody's got to get together and hope the collaboration you build with other states is going to continue to work.

**Senator Larsen:** Other discussion? I worked with bees in Williston when working in oil patch. Hard work. When in CA picking walnuts and almonds as a boy, we had the bees there and I assume they pollinated the trees. Does the Diamond Almond Company have their trees pollinated or do they let you put your hives there and you get the honey for you being there as you need to have the trees pollinated?

**Will Nissen:** They do pay us...honey production in CA, it is very slim. There is a little citrus later, 1st part of April; Almonds bloom 1<sup>st</sup> of Feb... We charge pollination fee to haul them there.

**Senator Larsen:** Honey extracted from the pollination is like a bi-product of why you are there?

**Will Nissen:** Actually the honey they make during the almonds is basically only feed which we have to supplement feed them sugar water. Their spring is starting and bees will make some honey off the almonds, but will have to be supplementary fed until citrus time the 1<sup>st</sup> of April.

**Senator Larsen:** When shipped back colonies to ND, you place them on lots and owner's property, do they pay to have their alfalfa field to be pollinated or sunflowers pollinated, or is the collection of the honey your main product in ND?

**Will Nissen:** Our main product in ND is honey. The farmers, or most people, we pay the farmer...it is a swap of honey for a place to set the bees.

**Senator Larsen:** Back in the early 1980's, the Argentine honey killed the honey market for us...that is the reason for me to no longer be in the honey business. Have the imports slowed down since that time and caused the price to be so good? Or is it because of this devastation of bee mite that is killing the colonies that is driving the production down?

**Will Nissen:** US doesn't produce enough honey for what we need.

**John Miller:** 160 million pounds produced domestically in 2010, and domestic market need is about 450 million pounds. Argentina is still a worthy producer. Our biggest problem, lack of honey production because our hives are dead and "funny honey" from China subverting the market. In ND, trying to keep our hive alive is the main thing.

**Senator Luick:** Is Argentina having this problem with the bee ...dead hives?

**Will Nissen:** Global problem.

**Senator Heckaman:** Will there will be a 10 cent imposed on each colony of honeybees licensed by a beekeeper. Are there beekeepers in the state that do not license and sale or you not allowed to sell your product if you are not licensed. How does that process go?

**Will Nissen:** Every beekeeper in ND is required by law to be licensed paying.

**Senator Larsen:** Do you know what the total national research funding is for bees or is it broken down by states what they put in? Do we have a ball park figure of what research has gone into broken down by state?

**Will Nissen:** There have been quite a few new ones on the federal level.

**John Miller:** Will get back to you later.

**Senator Larsen:** Continue for more testimony

**Senator Erbele:** Senator from District 28 South Central 5 Counties in the state. I briefly want to address....I'm proud to sponsor this bill. Senator Christmann and I had the privilege of being with the beekeepers at their annual meeting and sat down with them to work on this bill of legislation. I would encourage your favorable support of this bill. As you had alluded to earlier....it is a long process, you have asked many good questions. Those questions, if you pass this bill, will come to the appropriation and will be continued all over again. The policy portion is definitely your work on whether you want to take on policy of increasing the check off. The appropriations for the researcher will have to be found within the budget and I would encourage you to give this organization an opportunity to continue the dialog and encourage the Do Pass.

**Senator Klein:** Are we going down a slippery slope when we do not allow the refund on the entire assessment? Does that concern you or do you think we are on the right track?

**Senator Erbele:** I have to say that it honestly does not concern me after getting to know the folks within the industry and being at their meeting. I sense a real cohesiveness within the organization. They are still able to get half of it back ....the devastation is great enough that I don't think the 5 cents will create any heart burn within the bee industry. I am speaking of what I have observed.

**Senator Larsen:** Continue

**Judy Carlson:** Plant Industries Division Director at North Dakota Department of Agriculture (Attachment #3)

**Senator Miller:** Would you know what a normal loss would be for a beekeeper in a given year?

**Judy Carlson:** Bees migrate in the cold season. Different losses are due to the seasons.

**Senator Klein:** Over the years, you have watched this industry evolve and can speak to the fact that we do have an epidemic of issues out there opposed to the years when you first started. We've got a problem now and you can contest to that as an agency.

**Judy Carlson:** When I started, we bought them burned beehives, get burn permits from state health department, we did quarantines. We now have antibiotics that do a good job of

controlling it. There were no mites in the US, so we just a small group of diseases. We didn't know what viruses were in bees. Now we have allowed bees to come in from Australia, we have virus, very few labs to look for the virus, very expensive.....we have a lot more pests to contend with.

**Senator Klein:** So in your observation, we have had issues over the years that because of research and because of a lot of things they have done on that side we've been able to cope with.....so the whole thing certainly able to address the mite issue with additional research?

**Judy Carlson:** It is possible to use some of this funding to find new things to control these pests. It is hard to say what will develop there out of the research is doing much more applied research vs. basic research. They are trying to find some of the answers because the beekeepers have given them money...they don't want to wait 20 years for any answer to this. That is pushing the envelope .... We're getting more section 18's for our pesticides for the beekeeping industry. We are working with them as part of our department budget, we're asking for just one more summer attempt to help do more part of the national honey health bee survey.

**Senator Miller:** In your thoughts on some coordinated national effort for research (obviously a worldwide problem) is there some way we can pool money rather than us throwing \$100,000 up against the wind and seeing what happens?

**Judy Carlson:** New procurement rule, so we are not just going to get to throw it away. Beekeepers have private organization, national....another good thing that has happened over the years, because of the bee promises, the national bee keeping federation, the honey producers, the association, all the research in North America (and Canada) the inspectors have been meeting in one location every other year, sharing information. A lot of collaboration going than before ....there have been some federal funds, legislation pass but haven't gotten the money yet and that is part of the farm bill hold up. They do talk ....I would expect they will get RSP's and compare committees and will look at other researchers. They will not all want to do the same kind of research, work with different groups. Concern with NDSU they might want to do research.....it cost a lot of money to hire a PhD and get a grad student, lab space and have the expertise. You would need much more than \$100,000; established labs know how much the cost of a lab student and already have professors. So that is where your money is going to go further.

**Senator Larsen:** Funding source to check off this grant...the individual owner, the bee owner, what is he currently putting out in his operation in research? I heard Mr.Nissen say that they do a match per colony.....what would that be per year?

**Will Nissen:** Most beekeepers - \$5 to \$10 per colony range.

**Senator Larsen:** You have how many colonies and that is a total amount that you are investing, yourself as an owner?

**Will Nissen:** Every year is different.....it is real easy with these matching funds. Usually we try to keep it between \$5 -\$10 per colony.

**Senator Larsen:** How many colonies do you run a year?

**Will Nissen:** About 8,000 colonies. I use about 20,000 colonies in CA. so we get a good purse out of there.

**Senator Klein:** That's because you want to do it?

**Will Nissen:** Necessary to contribute

**Senator Larsen:** Continued testimony for SB 2134?

**Bonnie Woodworth:** Beekeeper from Halliday, ND. We run 3,600 colonies. My expertise is I do a lot with education; we do educate about 6,000 children in the state annually. I attended the North American Beekeeping conference in Galveston, Texas a week ago. Brought back books informing what the researchers are working on. Canadian Beekeepers attended conference and bee researchers. Bee Queen of MN is working with Marla Spivak at the U of MN with the research. Marla is encouraging grad students to work with her program at the college.....video showing as such.

**Senator Klein:** Definition of "funny honey"?

**Bonnie Woodworth:** Adulterated honey ..... started out with China adulterating honey with sugar and that is the way they eat honey in China. Then morphed into more creative methods in using corn syrup and maltose.

**Bonnie Woodworth:** Passed individual honey packets for senators and provided a video on honey.

**Senator Klein:** Any additions? (Senator Larsen stepped out ....Senator Klein continue to conduct the meeting.)

**Senator Klein:** Any oppositions?

**Senator Klein:** Adjourned.

# 2011 SENATE STANDING COMMITTEE MINUTES

Senate Agriculture Committee  
Roosevelt Park Room, State Capitol

SB 2134  
January 20, 2011  
13159

Conference Committee

Committee Clerk Signature

*Greta Nelson*

## Explanation or reason for introduction of bill/resolution:

Committee meeting discussing honeybees SB 2134

## Minutes:

You may make reference to "attached testimony."

**Senator Flakoll:** Discuss SB 2134 Honeybees.

**Senator Miller:** I move we pass SB 2134

**Senator Klein;** Language? (Wasn't speaking into mic)

**Senator Miller:** I would withdraw in leu of proposed amendment that what I had forgotten about.

**Senator Flakoll:** Committee find amendment from Judy Carlson

**Senator Miller:** Discussion with Bee folks, if they could receive into the bee fund any corporate money or gifts if they wanted to use that for research. Can't remember answer to my question. We can wait and pass this out as it is .... Likelihood they didn't get a gift or was quite small.

**Senator Klein;** Didn't they indicate they are getting grants from the almond folks that they are using to help fund the mite research? John said they were getting additional funds for the research.

**Senator Miller:** That would be true and probably my idea is unnecessary. If problem not solved in 2 years, they can come back.

**Senator Flakoll:** As part of the issue can they accept gifts for grants?

**Senator Klein:** My understanding that \$20,000 they raised from the check off certainly doesn't do much....they are currently contributing out of own pockets (bee owners) into a pool....pooling resources, they need to find additional dollars ....pooled own cash and also companies in CA who rely on the bees to do their job in the almond fields are also providing

dollars. That is what helps provide some of the help they have been using through the researcher in MN.

**Senator Heckaman:** This will bring a grad student(s) into our state and that is part of the issue .....Research is great, but we want it in our state for our specific conditions. I understood that from the testimony.

**Senator Klein:** I don't recall any debate on the amendment.....the amendment clarified things for the folks ....don't recall being an issue on that.....so we can dig the amendment, but have comments on the bill.

**Senator Murphy:** I so move on the amendments:

**Senator Miller:** Second

**Senator Flakoll:** Is this the Carlson amendment...please read...have to be very specific  
**Senator Murphy:** This is the only proposed amendment that we did receive in committee  
Page 2 line 15 remove the overstrike over "consults with" and page 2 line 16 immediately after, remove quote "obtains the consent of" unquote. Renumber accordingly.

**Senator Flakoll:** Clerk take roll for adoption of SB 2134 of Murphy Carlson Amendment

**Clerk** take Roll Call Vote 7 yes, 0 no, 0 absent

**Senator Flakoll** Any other amendments we want to put on here?

**Senator Klein;** What amount to \$20,000 doubling the assessment from a nickel to a dime, but the five cents won't be refundable. I am going to support this, but concerned that we going down a slippery slope of starting not to allow refunds ..... I understand this just a partial half of it as a refund.....it does trouble me as I don't want to start some precedent and not allow a refund of what I believe is really a tax.

**Senator Flakoll:** Did they give any justification why 50%?

**Senator Klein:** The issue is the lack of any dollars and when we saw the fact that they raised only \$20,000. I thought they should be looking at 50 cents or more. Should certainly get out there farther if they are going to have this assessment. They have 3 funders, some don't want their money back....if raise up, they will want their money back even though it is something that will help everybody. It is primarily designed for research ....they don't need the marketing right now. Honey production is down, they are losing 36% of herds every year to a variety of diseases.....many others besides mites.....it is not going well with the bee guys. This is their attempt to get something going and get more research dollars.

**Senator Flakoll:** My concern non refundable ones.....creates a problem for me and would be more supportive if were an optional pymt. My concern with the bee industry isn't just about the product they produce; it is about all the other things that busy bee do to help all the other industries out. We need to do whatever we can to insure that they don't lose bees ...all that needs to be taken care of in this state and other states.

**Senator Luick:** If we approve this for the 5 cent increase, is there any reason we can't come back in 2 years or 4 years and reduce it?

**Senator Flakoll:** Another option is you could sunset it at some period of time. That way they have to come back and justify an ongoing increase ....wheat as example. We could do that if it adds comfort.

**Senator Miller:** Actually wrote sunset on the bill. Couple years/ 4 years might see that there is a major problem.....come back.

**Senator Murphy:** I agree with everything said....if the check off is a tax; it is a tax they are asking for themselves. We do need to give them everything we can.

**Senator Klein:** There is a little pot of cash in this bill that we need to go past, how the appropriation committee will look at the \$100,000 is another issue....they are only putting up an extra \$20,000 ....that is where the debate will be and that debate will be down the hall. We are providing opportunity and would certainly support Senator Miller's sunset ....revisit in 2-4 years.

**Senator Heckaman** Looking at sunset .....why not do it for 2 years....the unhappy people to come in to tell it is not working.....or maybe 4 years is the span to go?? Will take the committee's consensus on this.

**Senator Murphy:** I would go 4 years as research takes long.

**Senator Heckaman:** Concern wasn't research as much as the check off and disgruntled producers how it affects their bottom line.

**Senator Larsen:** The numbers gave us was about \$1,800. The beef check off there is no refund ....you pay the dollar....are we able to amend and not allow the refund? Let it run for the 4 year term?

**Senator Flakoll:** I believe so.....some check offs are federally driven/mandated, we don't have that control in the case of the beef and soy bean industry. That goes to our different than other commodities we have in this state.

**Senator Flakoll:** Do you have the amendments on a sunset

**Senator Miller:** Yes, I would say Senator Murphy if there is an issue with beekeepers, they will come forward and say "this is really hurting me".

**Senator Larsen:** In response I am working with a Z-Light with hogs.....that stems from train derailment...Research going a long time.

**Senator Flakoll:** Two issues floating here. One on we have reached consensus on having a sunset rolled out for 4 years....no resistance. Other issue is whether refundable or not? Any comments on the refund ability?

**Senator Klein:** If they are going to refund \$1,800 next time \$3,600 ....basically the same folks that probably not members.....they would benefit by the order, maybe we should continue make it refundable and address in 4 years to see if worked out. Hope the\$100.000 is the ticket rather than the \$18,200 they actually get after refund.

**Senator Flakoll:** Request to double the amount, but half of it could be refunded, so it is like keeping it at the current rate mandating that everyone pays their assessment? Other comment, we have seen over the years, track record if they increase the check off, the first year is a bit of blip increase in terms of percent of dollars, but in subsequent years, it soften to at least to the percentage of the prior year/ruling/rate.

**Senator Heckaman:** If we amend this refund out, they still have an option going through the hulls if it is a real issue.

**Senator Klein:** Beyond the sunset, we could amend that portion out....I would be in favor of removing the word "partial".

**Senator Miller:** Simple to amend out of the bill. We do have time to work this afternoon the sunset ....Senator Miller amendment on the sunset .... Senator Klein work with Eric on the refundability

**Senator Klein:** Issues that will give heartburn as we move it through....if we remove ...it will fly right through....

**Senator Flakoll:** Any other amendments we want to consider for this? We will move off SB 2134

**Senator Miller:** If we didn't remove the mandatory fee, the House certainly would....then we have to decide whether we support.

# 2011 SENATE STANDING COMMITTEE MINUTES

Senate Agriculture Committee  
Roosevelt Park Room, State Capitol

SB 2134 (A)  
January 21, 2011  
13238

Conference Committee

Committee Clerk Signature



## Explanation or reason for introduction of bill/resolution:

Committee meeting for SB 2134 (Honeybee bill) (Timer starts at 39:45)

## Minutes:

You may make reference to "attached testimony."

**Senator Flakoll:** Meeting called to order on the 21<sup>st</sup> day of January, 2011 SB 2134 (Honeybee bill)

**Senator Flakoll:** Committee look through to see if this is what we had hoped for in terms of a "sunset" on allowance for refund ....this would be the major changes we would be working on.

**Senator Klein:** Our attempt has been reviewed a few times (Spell expiration correctly) Reminder to committee, eliminate the refund ability of this, and emphasis is on page 2 .....abolishing the refund ability. We are making sure they can't refund.....if amendments were adopted, they can get a refund.

**Senator Klein:** page 2 line 5 ....the question is if we provide 50% of any non refunded assessment.....removing that because the issue seems to be in the honeybee colony health. That is where we want to make sure the money is directed.

**Senator Heckaman:** Confused on page 2 line 5 ....says up to 50% of non refunded maybe used for research and are we removing that?

**Senator Klein:** The line should read the assessment required by this chapter may be used to fund research, educate, etc.....On line 7 ....(something missing) removing portion of that, overstrike quotations

**Senator Heckaman:** This is the non refunded part, so the part they have left in their treasury should go to fund research, education, and market development. Correct?

**Senator Flakoll:** Wanted to take the language out of the bill as presented up to 50% can be refunded.....essentially.....

**Senator Heckaman;** This doesn't talk about the refunded part?

**Senator Flakoll:** Does on page 201-5 has the refund ability language. So it would read as Senator Klein; said assessments collected under this chapter may be used to fund.....doesn't say up to 50%.

**Senator Klein:** Move we have discussion ...if we are removing the refund that we don't want to impair them to provided 50% of the money they are not sure they are going to get.

**Senator Heckaman:** OK

**Senator Klein:** Line 8 we are removing "up to 50% of the non refund" Just start with word "this chapter must be...." Rather than the first paragraph "as well as promotional efforts....."

**Senator Flakoll:** OK, Senator Heckaman?

**Senator Heckaman:** OK

**Senator Flakoll:** Is this what we want for our amendment?

**Senator Klein;** Page 2....also taking Judy Carlson ...and add expiration date.  
I move the amendment as provided by myself (Expiration spelled correctly.)

**Senator Flakoll:** Senator Luick; second

**Senator Klein;** make sure there are no holes in the amendment; Senator Murphy check

**Senator Flakoll:** discussion?

**Clerk:** Roll call vote for adoption SB 2134 (7 yes, 0 no, 0 absent)

**Senator Flakoll;** motion carries

**Senator Klein;** motion made for SB 2134 as been amended and referred to appropriations

**Senator Luick** second

**Senator Flakoll:** discussion clerk that roll call vote for do pass as amending SB 2134 and refer to committee of appropriations

**Clerk:** Roll call vote (7 yes. 0 no, 0 absent)

**Senator Flakoll:** Carry bill - Senator Larsen

**Senator Flakoll:** Adjourned

(Timer 30:59 – end)

# FISCAL NOTE

Requested by Legislative Council  
02/23/2011

Amendment to: Reengrossed  
SB 2134

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

	2009-2011 Biennium		2011-2013 Biennium		2013-2015 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$42,000	\$0	\$42,000
Expenditures	\$0	\$0	\$0	\$42,000	\$0	\$42,000
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

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

2009-2011 Biennium			2011-2013 Biennium			2013-2015 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

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

This bill will double the annual assessment from five cents to ten cents. All revenue is deposited and expended out of the honey promotion fund. The honey promotion fund has continuing appropriation authority.

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

Section 1: This section increases the annual assessment from five cents to ten cents for each colony of honeybees licensed by a beekeeper. The additional revenue from the increased assessment fee will be deposited and expended from the honey promotion fund. The honey promotion fund has continuing appropriation authority.

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

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

The revenue is based on the annual assessment fee increasing from five cents to ten cents. All assessment fees are deposited in the honey promotion fund. The increase in the assessment fee was not included in the executive budget.

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

The honey promotion fund has continuing appropriation authority. No FTE positions are affected.

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

This bill contains no appropriation; the honey promotion fund has continuing appropriation authority.

<b>Name:</b>	Kenneth S. Junkert	<b>Agency:</b>	Agriculture
<b>Phone Number:</b>	328-4756	<b>Date Prepared:</b>	02/23/2011

**FISCAL NOTE**  
 Requested by Legislative Council  
 02/23/2011

Amendment to: SB 2134

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

	2009-2011 Biennium		2011-2013 Biennium		2013-2015 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$42,000	\$0	\$42,000
Expenditures	\$0	\$0	\$0	\$42,000	\$0	\$42,000
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

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

2009-2011 Biennium			2011-2013 Biennium			2013-2015 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

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

This bill will double the annual assessment from five cents to ten cents. All revenue is deposited and expended out of the honey promotion fund. The honey promotion fund has continuing appropriation authority.

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

Section 1: This section increases the annual assessment from five cents to ten cents for each colony of honeybees licensed by a beekeeper. The additional revenue from the increased assessment fee will be deposited and expended from the honey promotion fund. The honey promotion fund has continuing appropriation authority.

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

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

The revenue is based on the annual assessment fee increasing from five cents to ten cents. All assessment fees are deposited in the honey promotion fund. The increase in the assessment fee was not included in the executive budget.

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

The honey promotion fund has continuing appropriation authority. No FTE positions are affected.

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

This bill contains no appropriation; the honey promotion fund has continuing appropriation authority.

<b>Name:</b> Kenneth S. Junkert	<b>Agency:</b> Agriculture
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Phone Number: 328-4756

Date Prepared: 02/23/2011

# FISCAL NOTE

Requested by Legislative Council  
01/06/2011

Bill/Resolution No.: SB 2134

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

	2009-2011 Biennium		2011-2013 Biennium		2013-2015 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$42,000	\$0	\$42,000
Expenditures	\$0	\$0	\$100,000	\$42,000	\$0	\$42,000
Appropriations	\$0	\$0	\$100,000	\$0	\$0	\$0

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

2009-2011 Biennium			2011-2013 Biennium			2013-2015 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

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

This bill will double the annual assessment from five cents to ten cents. All revenue is deposited and expended out of the honey promotion fund. The honey promotion fund has continuing appropriation authority. This bill also appropriates \$100,000 to the agriculture commissioner.

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

Section 1: This section increases the annual assessment from five cents to ten cents for each colony of honeybees licensed by a beekeeper. The additional revenue from the increased assessment fee will be deposited and expended from the honey promotion fund. The honey promotion fund has continuing appropriation authority.

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

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

The revenue is based on the annual assessment fee increasing from five cents to ten cents. All assessment fees are deposited in the honey promotion fund. The increase in the assessment fee was not included in the executive budget.

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

Section 3 of the bill appears to authorize expenditures up to one hundred percent of the nonrefunded collected assessments deposited in the honey promotion fund. Section 5 authorizes the agriculture commissioner to grant \$100,000 for the 2011-2013 Biennium. No FTE positions are affected.

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

Section 5 appropriate \$100,000 to the agriculture commissioner for the purpose of providing research grants focusing on honeybee colony health. All assessments are deposited in the honey promotion fund. The honey promotion fund has continuing appropriation authority. The appropriation to the agriculture commissioner was not included in the executive budget.

<b>Name:</b>	Kenneth S. Junkert	<b>Agency:</b>	Department of Agriculture
<b>Phone Number:</b>	328-4756	<b>Date Prepared:</b>	01/07/2011

PROPOSED AMENDMENTS TO SENATE BILL NO. 2134

Page 2, line 15, remove the overstrike over "~~consults with~~"

Page 2, line 16, remove "obtains the consent of"

Renumber accordingly

Date: 1-20-2011  
Roll Call Vote #: 7-0-0

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2134

Senate Senate Agriculture Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Amendment

Motion Made By Senator Murphy Seconded By Senator Miller

Representatives	Yes	No	Representatives	Yes	No
Senator Tim Flakoll	✓		Senator Joan Heckaman	✓	
Senator Oley Larsen	✓				
Senator Jerry Klein	✓				
Senator Larry Luick	✓				
Senator Joe Miller	✓				
Senator Bill Murphy	✓				

Total (Yes) 7 No 0

Absent 0

Floor Assignment \_\_\_\_\_

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

Murphy / Carlson Amendment

PROPOSED AMENDMENTS TO SENATE BILL NO. 2134

Page 1, line 3, insert after "transfer" insert "; and to provide an expiration date"

Page 1, line 12, remove "- Partial"

Page 1, line 13, remove "partial"

Page 1, line 13, remove overstrike over "any"

Page 1, line 13, remove "the"

Page 1, line 20, remove "a."

Page 1, line 22, remove "b."

Page 1, line 22, remove "A beekeeper is not entitled to a refund greater than fifty percent of the assessment paid under section 4.1-08-02."

Page 2, line 4, remove overstrike over "The assessments required by"

Page 2, line 5, remove "1."

Page 2, line 5, remove "Up to fifty percent of any nonrefunded assessments collected under"

Page 2, line 7, overstrike "."

Page 2, line 7, insert "and"

Page 2, line 8, remove "2."

Page 2, line 8, remove "Up to fifty percent of any nonrefunded assessments collected under"

Page 2, line 15, remove the overstrike overstrike over "consults with"

Page 2, line 16, remove "obtains the consent of"

Page 3, after line 4:

**"SECTION 6. EXPIRATION DATE CLAUSE.** This Act is effective through June 30, 2015, and after that date is ineffective."

Renumber accordingly

Date: 1-21-11  
Roll Call Vote #: 7-0-0 #1

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2134

Senate Senate Agriculture Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Amendment

Motion Made By Senator Klein Seconded By Senator Luick

Representatives	Yes	No	Representatives	Yes	No
Senator Tim Flakoll	✓		Senator Joan Heckaman	✓	
Senator Oley Larsen	✓				
Senator Jerry Klein	✓				
Senator Larry Luick	✓				
Senator Joe Miller	✓				
Senator Bill Murphy	✓				

Total (Yes) 7 No 0

Absent 0

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:  
"Expiration" spelled correctly.

Date: 1/21/2011  
Roll Call Vote #: 7-0-0

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 760-0

Senate Senate Agriculture Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken No Pass as amended & re-referred to

Motion Made By Senator Klein Seconded By Senator Luick Appropriations

Representatives	Yes	No	Representatives	Yes	No
Senator Tim Flakoll	✓		Senator Joan Heckaman	✓	
Senator Oley Larsen	✓				
Senator Jerry Klein	✓				
Senator Larry Luick	✓				
Senator Joe Miller	✓				
Senator Bill Murphy	✓				

Total (Yes) 7 No 0

Absent 0

Floor Assignment Senator Larsen

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

**REPORT OF STANDING COMMITTEE**

**SB 2134: Agriculture Committee (Sen. Flakoll, Chairman) recommends DO PASS**  
(7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2134 was placed on the  
Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2134: Agriculture Committee (Sen. Flakoll, Chairman) recommends AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2134 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "4.1-08-04,"

Page 1, line 3, remove "and"

Page 1, line 3, after "transfer" insert "; and to provide an expiration date"

Page 1, remove lines 10 through 23

Page 2, remove the overstrike over line 4

Page 2, line 5, remove "1. Up to fifty percent of any nonrefunded assessments collected under"

Page 2, line 6, after the first comma insert "including efforts that focus on honeybee colony health."

Page 2, line 6, overstrike the second comma and insert immediately thereafter an underscored semicolon

Page 2, remove lines 8 and 9

Page 2, line 15, remove the overstrike over "~~consults with~~"

Page 2, line 16, remove "obtains the consent of"

Page 3, after line 3, insert:

**"SECTION 5. EXPIRATION DATE.** This Act is effective through June 30, 2015, and after that date is ineffective."

Re-number accordingly

2011 SENATE APPROPRIATIONS

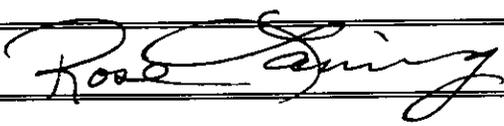
SB 2134

# 2011 SENATE STANDING COMMITTEE MINUTES

Senate Appropriations Committee  
Harvest Room, State Capitol

SB 2134  
February 7, 2011  
Job # 14070

Conference Committee

Committee Clerk Signature 

## Explanation or reason for introduction of bill/resolution:

A bill relating to assessment of honey bee colonies.

## Minutes:

See attached testimony # 1-2.

**Chairman Holmberg** called the committee hearing to order on SB 2134. Roll call was taken.

**Roxanne Woeste** - Legislative Council; **Tad H. Torgerson** - OMB.

## Senator Robert Erbele, State Senator, District 28

Bill Sponsor

(Testimony attached - # 1 from **John Miller, Miller Honey Farms, Inc., Gackle, ND**)

Bill has been to the Senate floor. Robert Miller has honey bee business in his district. They are proposing to raise current assessment from 5cents to 10 cents. This last 5 cents will be dedicated to research to study the parasitic mites. This is causing hive collapse bringing a 20% to 35% loss.

ND is one of leaders in honey production. They are a small group, but need to get on top of this. He's not proposing to start up research, it's already been done. They are working with Dr. Spivak in MN - one of the speakers and presenters. They are asking for \$50,000 to go to Univ. of MN to support research. There will be oversight by the Commissioner of Agriculture. We wanted to give the committee the basic information and can come in to address subcomm, if wished.

**Senator Kilzer** - Are products or bee keepers taxed in any way?

**Senator Erbele** - They use a lot of things and that is taxed. They tax themselves and they're proposing to put skin in the game to double their assessment.

**Senator Kilzer** - As they move bees to CA, do they have to pay taxes there?

**Senator Erbele** - Yes, they follow the taxes.

**Chairman Holmberg-** Money for research goes to Agriculture Commissions. Is there a reason it goes there instead of NDSU?

**Senator Erbele-** NDSU is not into bees. They say, why invent the wheel when the research is already being done.

**Senator Wardner-** Is there a property tax on hives or where ever there located?

**Senator Erbele-** Where the hives are located – they seek landowners for the hives and then pay in kind for honey. There is benefit for pollination for various crops. The bees increase crop production. Any place they can get nectar, they increase the crop production.

**Senator Wardner-** Is it true ND is #1 in production? Yes.

**Senator Bowman-** They want to raise their assessment from 5 cents to 10. How much does that raise? About \$20,000.

**Senator Bowman-** If that is going to research, you want to send \$100,000 to U of M for research.

**Senator Erbele-** Their request is for \$100,000 but I'm not exactly sure how it will be expended?

**Judy Carlson, Division Director, Department of Agriculture**  
Testified in favor of SB 2134. Testimony attached - # 2.

Reading from testimony –

**Senator Krebsbach –** There is a Beekeepers Assoc. in the state is there not?

**Judy Carlson -**Yes, they meet in the fall and they are licensed. They pay \$.15 per colony that they operate.

**Senator Christmann-** The fiscal note of \$42,000. That's what the increased fee would bring in for the biennium.

**Judy Carlson -** Yes that is what their assessment over the biennium would bring - \$42,000 (5 Cents) and over the biennium the beekeepers bring in \$80,000 to \$84,000 if it was 10 cents.

They go to state fair, mostly toward research.

**Senator Christmann-** \$100,000 is one-time? Why onetime?

**Judy Carlson –**They are hoping to get some answers soon. This has been researched internationally. The U of M is trying to increase the amount of research and expanding on their bee research program.

With bill wording, they could split the money up. We have state procurement rules and they will have to follow those.

**Chairman Holmberg**- Museum of Art in Grand Forks, had a huge colony of bees and then had piping to go outside. Was that honey bees of ND?

**Judy Carlson** – They even put hives inside – for living ag in the classroom

**Senator Wardner**- How prevalent is colony collapse disorder? How prevalent is that in the state?

**Judy Carlson** - We do not have a good handle on that. We thought it was management practices, but that's not the case. We want a part time summer temp because we want to try to find what is causing this, and take part in a national survey. We participated two years ago, and they didn't find any one thing that was predominant. They are looking for new viruses and organisms that they don't generally inspect for.

**Chairman Holmberg** closed the hearing on SB 2134.

Agriculture Subcommittee - **Senators Christmann, Wanzek and Robinson.**

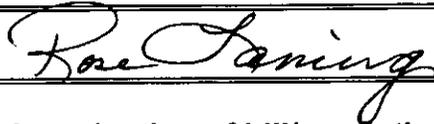
# 2011 SENATE STANDING COMMITTEE MINUTES

Senate Appropriations Committee  
Harvest Room, State Capitol

SB 2134  
February 17, 2011  
Job # 14705 (Meter starting at 36:20)

Conference Committee

Committee Clerk Signature



## Explanation or reason for introduction of bill/resolution:

A bill relating to assessment of honey bee colonies.

## Minutes:

You may make reference to "attached testimony."

**Chairman Holmberg** called the committee hearing to order on SB 2134.

**Chairman Holmberg** said there was some language in SB 2134 that needed to be amended. The expiration date relates to the assessment. He would take a motion to amend the engrossed SB 2134 to take out Section 4 which is the appropriation.

**Senator Robinson** moved to amend engrossed SB 2134 and take out section 4.  
**Senator Krebsbach** seconded.

**Senator Christmann** said we're doing two things to raise revenue – let them increase their assessment and giving them a \$100,000 (we've already given them \$75,000) and this just allows them to increase the assessment.

**A Roll Call vote was taken. Yea: 12 Nay: 1 Absent: 0**  
**Motion carried.**

**Senator Wanzek** moved Do Pass as Amended on engrossed SB 2134  
**Senator Bowman** .

**A Roll Call vote was taken. Yea: 12 Nay: 1 Absent: 0**

**Senator Erbele** will carry the bill.

Date: 2-17-11  
 Roll Call Vote # 1

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES  
 BILL/RESOLUTION NO. 2134

Senate Appropriations Committee

Check here for Conference Committee

Legislative Council Amendment Number taking out Section 4

Action Taken:  Do Pass  Do Not Pass  Amended  Adopt Amendment  
 Rerefer to Appropriations  Reconsider

Motion Made By Robinson Seconded By Krebsbach

Senators	Yes	No	Senators	Yes	No
Chairman Holmberg	✓		Senator Warner	✓	
Senator Bowman	✓		Senator O'Connell		✓
Senator Grindberg	✓		Senator Robinson	✓	
Senator Christmann	✓				
Senator Wardner	✓				
Senator Kilzer	✓				
Senator Fischer	✓				
Senator Krebsbach	✓				
Senator Erbele	✓				
Senator Wanzek	✓				

Total (Yes) 12 No 1

Absent 0

Floor Assignment \_\_\_\_\_

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

11.0189.02002  
Title.03000

Prepared by the Legislative Council staff for  
Senate Appropriations  
February 17, 2011

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2134

Page 1, line 2, remove "to provide"

Page 1, line 3, remove "an appropriation; to provide for a transfer;"

Page 1, remove line 24

Page 2, remove lines 1 through 13

Renumber accordingly

Date: 2-17-11  
 Roll Call Vote # 2

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES  
 BILL/RESOLUTION NO. 2134

Senate Approp Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken:  Do Pass  Do Not Pass  Amended  Adopt Amendment  
 Rerefer to Appropriations  Reconsider

Motion Made By Wanzek Seconded By Bowman

Senators	Yes	No	Senators	Yes	No
Chairman Holmberg	✓		Senator Warner	✓	
Senator Bowman	✓		Senator O'Connell		✓
Senator Grindberg	✓		Senator Robinson	✓	
Senator Christmann	✓				
Senator Wardner	✓				
Senator Kilzer	✓				
Senator Fischer	✓				
Senator Krebsbach	✓				
Senator Erbele	✓				
Senator Wanzek	✓				

Total (Yes) 12 No 1

Absent 0

Floor Assignment Erbele

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

**REPORT OF STANDING COMMITTEE**

**SB 2134, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2134 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "to provide"

Page 1, line 3, remove "an appropriation; to provide for a transfer,"

Page 1, remove line 24

Page 2, remove lines 1 through 13

Re-number accordingly

2011 HOUSE AGRICULTURE

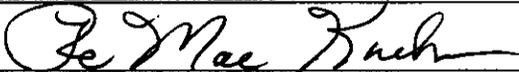
SB 2134

# 2011 HOUSE STANDING COMMITTEE MINUTES

House Agriculture Committee  
Peace Garden Room, State Capitol

SB 2134  
March 17, 2011  
Job #15566

Conference Committee

Committee Clerk Signature 

**Explanation or reason for introduction of bill/resolution:**

Relating to the assessment on colonies of honeybees; and to provide an expiration date.

**Minutes:**

**John Miller, Miller Honey Farms, Inc.:** (See attached #1)

**Vice Chair Kingsbury:** Where is your research completed?

**John Miller:** Most of our funding has been directed at the University of Minnesota. The Bee Lab as chaired by the distinguished Dr. Marla Spivak, a MacArthur Foundation Genius Award winner in 2010, has headed the program for about 10 years. We have collaborated with her closely. One of her most significant works is hygienic behavior that has been a proven line of improved stock and is nationally embraced by beekeepers. Our focus is the research at the University of Minnesota. It is the only northern regional lab for bee research in the nation.

**Representative Rust:** This bill has a sunset of June 2015. Can you give me the background on that?

**John Miller:** The beekeepers realize this is a new idea. We are willing to stand the test of using taxpayer money to fund bee research and are willing to prove ourselves. If our research, ideas, and expenditure of taxpayers' money doesn't meet the test of a significant return on investment, we agreed to a sunset provision in this law.

**Representative Rust:** This is a mandatory check off? Somebody cannot opt out of it, right?

**John Miller:** I think it remains voluntary. We have always had about 10% of the collected fees reimbursed by individuals paying into the system. These 10% seem to be among us regardless of a check off program.

**Representative Rust:** That must be in a different section of the law that talks about it being voluntary.

**Representative Mueller:** Does North Dakota still lead the nation in the production of honey? Would you talk about collapsing colonies? Do we know what is causing that?

**John Miller:** Yes, North Dakota still leads the nation in honey production. In 2010 we led the nation. Sadly our production, though leading the nation, is less than ½ of what it once was. We don't have the bee power within the colonies.

The symptoms of colony collapse disorder are mysterious. Beekeepers will open a hive and find no live bees within or a very small cluster, a queen and a few attendants. All others have absconded from the hive. Speculation is that like a herd of cattle, when a diseased cow separates herself from the herd and dies, the diseased individuals within the colony fly away to die. This leaves us with little evidence to investigate or to understand the symptoms of colony collapse. The varroa mite, a nonnative parasite from Asia that infests bee colonies, has made a successful species leap from the Asian bee to the European bee which we keep here. Our bees have no natural defenses against this parasite. It is a bad parasite because it kills its host. If I don't treat and maintain my colonies, they will be 100% dead within two years from this parasite. To put it in shorthand, "It's varroa, varroa, varroa" and everything else we don't understand.

**Representative Mueller:** Explain your last comment.

**John Miller:** A varroa destructor is the Latin name of the parasitic mite from China.

**Representative Boe:** This is separate from the honey check off?

**John Miller:** We have an existing honey promotion fund in North Dakota for many years. It is voluntary. It is a nickel a colony. We proposed to double it to a dime per colony and the ND Beekeepers unanimously support it. Our idea is that if we approach the citizens of North Dakota for an appropriation, we also need to show a willingness to have "skin" in the game.

**Representative Boe:** So this is the only check off the honey industry participates in?

**John Miller:** In North Dakota it is the only check off program the beekeepers participate in. Nationally, the National Honey Board, used to have 1 cent /pound check off. The industry voted to convert the National Honey Board into a Packer and Importer Board. Beekeepers no longer participate in the penny per pound on domestic honey.

**Vice Chair Kingsbury:** So it has always been just 5 cents per colony and nothing on honey? You've never had a check off on honey sold?

**John Miller:** When I sell a trailer load of honey to my customer, an assessment is not made. Cooperative members pay assessments within the structure of the cooperative. But there is no state assessment. The only means we have of funding our promotion and research is the nickel per hive assessment. Most beekeepers in the state don't take refunds.

**Representative Wall:** Are there any successful measures for prevention of the parasite that is attacking the colonies.

**John Miller:** We treat with two approved pesticides. One an organophosphate and one was a synthetic pyrethroid. The varroa mite, an arachnid which has eight legs and looks like a tick, is remarkably adaptive. It is now resistant to those two chemicals. Our new material recently approved, called formic acid, is a naturally occurring compound within the beehive. Properly dosed, this is very lethal on varroa mites. It is our newest best hope to treat when infestation reaches economic threshold. I am unaware of preventative measures for varroa mites invading a colony.

**Representative Mueller:** In the bill there is new language having to do with the Board of Directors which replaces "a committee appointed by." Is that a little more formal structure than what you were previously working with?

**John Miller:** The ND Beekeepers is governed by three officers: a President, Vice President, and a Secretary-Treasurer. We have six districts across the state, each with a member representative. They represent the organization. The directors of the ND Beekeepers meet in convention once a year in early October. Language referencing a committee is probably reflective of a group of individuals that the officers and directors of the North Dakota Beekeepers might appropriately convene to consult with the Commissioner of Agriculture. Because we are such a small group, all nine could meet with the commissioner, review the most urgent needs, make requests for proposal, and then follow good governance in funding proposed research.

**Representative Mueller:** How many beekeepers do we have in the state?

**John Miller:** There are about 180 of us.

**Representative Trottier:** Is the wholesale price still like \$1.50.

**John Miller:** Yes, it is. The best prices ever if we could just produce some honey.

**Representative Rust:** How many of the 180 are members of the ND Beekeepers Assn.?

**John Miller:** I don't know. I would guess 1/3 of the beekeepers in ND are dues paying members.

**Judy Carlson, Plant Industries Division Director, ND Dept. of Agriculture:**  
(See attached #2)

I have been the State Bee Inspector for about the last 30 years. The check off law for \$.05 has been in effect since 1979. All of the promotion groups have similar check off refund provisions. It was changed from 30 days to request a refund to 60 days. Initially in this bill 50% of the check off was nonrefundable. The Senate removed that.

**Representative Mueller:** When the hives are loaded and hauled to California, does the industry or those who take them receive a benefit?

**Judy Carlson:** The price of fuel is expensive to haul the bees to California. They do get paid for pollination. It is about \$150/colony. When I started with the department a whole colony, boxes and everything, could be purchased for \$100.

**Representative Rust:** Do beekeepers make more money on honey or on farming them out to orchards, etc.?

**Judy Miller:** Some beekeepers only do pollination and some like to do honey production. Almonds don't produce a good nectar crop so the bees come back to ND to build up over the summer. Their hope is to get their numbers up so they can split the colonies and have more colonies going back to pollinate almonds. We have some that go to Florida and then to Maine for blueberries and then to ND to build up their numbers. One beekeeper has 20,000 colonies in ND now and he just wants to get his bees built up enough to go back for pollination. If he produces a honey crop that is like icing on the cake and helps him cash flow.

**Representative Boe:** When the colonies are transported, are they registered in each state?

**Judy Carlson:** Every state has different bee laws. We have a national group that meets every year. We argue about trying to have uniform license requirements but every state is so unique. In ND we have about 180 or 182 licensed beekeepers. They are nearly all big beekeepers. On the east coast they might have 3,000 hobbyists. They will inspect every single bee hive and they put a cute little license plate on each box. In ND for the whole state, we have two summer temps that work part-time. We inspect maybe 1% of the colonies. Not all states require health certificates. The ones that do, based on our random inspections, we issue health certificates to every load going out of the state. Coming into the state we issue entrance permits and that is based on if they are licensed to keep bees.

We require beekeepers to have written landowner permission everywhere they put their bees. We have over 10,000 locations registered. We keep them in a data base in the department. It is public records. We supply maps to aerial applicators or anyone that wants to know where bee yards are. It is also available on line.

We used to inspect every beekeeper. If we found disease problems, we might quarantine, or destroy colonies. Now we notify the beekeeper and it is up to them to treat their bees.

**Representative Trottier:** Are the diseases and mites transported or are they airborne.

**Judy Carlson:** That's why we used to have a two-mile radius law where you would register bees. One beekeeper's operation had to stay so far from another one because they do intermix. That law was changed quite a while ago. Part of it is because our beekeepers go to almonds and they are all right there. One keeper might treat his bees for varroa mites and put them beside someone else's bees in almonds and they all get reinfested right away. They have talked about nationally everyone treating at the same time. But it is very difficult to coordinate. As your mites become resistant then you have to try something else.

**Representative Boe:** We no longer have the two-mile radius restriction?

**Judy Carlson:** They think that was removed in 1987 or 1989. Senator Bowman worked on that.

**Representative Boe:** Who regulates the bee wars?

**Judy Carlson:** I get those cranky calls all summer. The biggest problem in the summer is out-of-state beekeepers that have employees that don't know where they are supposed to put bees and then they get them on land without permission. It is much easier to get a hold of people so we get the bees moved within a day or two.

**Representative Boe:** What do we do for somebody putting a colony on my property and I gave them written permission and just across the line they talked to my neighbor who gave written permission. That is the war I am talking about.

**Judy Carlson:** The good news is they both got landowner permission. Often one of them doesn't and that is a Class A misdemeanor to not have permission. If they both have permission, we register them. When beekeepers are in an area for a long time, the landowners think of them as their beekeeper and they often don't let anybody else in. Usually the two landowners don't get along and they are doing that to get each other.

**Representative Rust:** Can you tell me about processing of honey. Do beekeepers have a processing plant?

**Judy Carlson:** Over the years we have funded feasibility studies through Agricultural Products Utilization Commission to get instate processing plants. Most beekeepers extract the honey, they might filter it, put it in 55 gallon drums and ship it out of state for bottling. They are going to process where there is a population base. A few beekeepers tried it but they weren't able to cash flow it.

**Representative Rust:** I'm assuming those places have health and safety regulations they must comply with?

**Judy Carlson:** They are subject to the Federal Good Food and Manufacturing Practices Act. Also, the National Honey Board has put together a honey health guide, from the hive to the bottling, to keep track and make sure good practices are followed and not introducing illegal pesticides, etc.

**Opposition:** None

**Vice Chair Kingsbury:** Closed the hearing.

**Vice Chair Kingsbury:** Requested John Miller come back to the podium.

**Representative Rust:** The Board of Directors—is that in the law someplace?

**John Miller:** The ND Beekeepers is a voluntary group assembled to advocate on behalf of the industry. The organization exists within the bylaws of the ND Beekeepers Assn. and is a free-standing nonprofit organization.

**Vice Chair Kingsbury:** But you have language in this bill calling it the Board of Directors. They just changed it from "Committee" to "Board of Directors" as a matter of terms?

**Judy Carlson:** The law always said "Committee" but the committee is appointed by the Board of Directors. It is the same board. They didn't have a separate committee. So we thought just say what it is.

**Representative Rust:** Moved Do Pass.

**Representative Mueller:** Seconded the motion.

A Roll Call vote was taken. **Yes: 11, No: 0, Absent: 3,**  
(Representatives Johnson, Headland, Schatz)

**DO PASS** carries.

**Representative Rust will carry the bill.**

Date: 3/17/11

Roll Call Vote # 1

**2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES**

BILL/RESOLUTION NO. 2134

House Agriculture Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken:  Do Pass  Do Not Pass  Amended

Rerefer to Appropriations

Motion Made By Representative Rust Seconded By Representative Mueller

Representatives	Yes	No	Representatives	Yes	No
Dennis Johnson, Chair	AB		Tracy Boe	X	
Joyce Kingsbury, Vice Chair	X		Tom Conklin	X	
Wesley Belter	X		Richard Holman	X	
Craig Headland	AB		Phillip Mueller	X	
David Rust	X				
Mike Schatz	AB				
Jim Schmidt	X				
Wayne Trottier	X				
John Wall	X				
Dwight Wrangham	X				

Total Yes 11 No 0

Absent 3

Bill Carrier Representative Rust

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

**REPORT OF STANDING COMMITTEE**

**SB 2134, as reengrossed: Agriculture Committee (Rep. D. Johnson, Chairman)**  
recommends **DO PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING).  
Reengrossed SB 2134 was placed on the Fourteenth order on the calendar.

2011 TESTIMONY

SB 2134

11

Good morning, Senators; ladies and gentlemen. My name is John Miller, of Gackle, North Dakota. I own and operate Miller Honey Farms, Inc. We opened our beekeeping operations in Gackle in 1969. We have been members in good standing of the North Dakota Beekeepers Assn. for 41 years. I currently serve on the Economic Development Corporation of Gackle.

My assignment from the North Dakota Beekeepers is to speak on behalf of Senate Bill 2134, introduced by my State Senator, Robert Erbele. SB 2134 seeks funds to enhance bee research. The North Dakota Farm Bureau supports the idea.

Beekeepers have a long history in North Dakota. Honeybees have been kept for over a century by hardy souls in every county in the state. The North Dakota Beekeepers Assn. was formed in 1924.

The North Dakota Department of Agriculture has industry oversight, collecting fees, issuing licenses, providing hive inspections, issuing permits for the transport of hives.

Part of the Commissioners responsibilities is to fund research and promotion activities, as recommended by the North Dakota Beekeepers Assn. Funding is accomplished via a voluntary five-cent per colony assessment. These assessments total \$15,000 to \$20,000 per year.

North Dakota has no beekeeping research program. For many years, beekeepers recommended funds from the Honey Promotion fund be sent to worthy institutions conducting bee research. Regionally, the University of Minnesota Apiary program, under the direction of Dr. Marla Spivak, now provides North Dakota beekeepers with improved breeding stock, management practices, and conducts award-winning research into hive-health issues.

North American beekeeping is struggling with profound challenges. A parasitic mite, native to Asia, has infested the European honeybee, kept in North America. This mite has devastated beehive populations. According to a survey released in April, 2010 by the USDA, beekeeping is not sustainable at present losses, which have averaged 20-35% of the National Herd, each of the past five years. Hive mortality due to another non-native infection, *Nosema ceranae*, again from the Asian bee, weakens and kills hives.

Beekeepers struggle with bee research funding. Good science is expensive. Solutions are more expensive than voluntary contributions and Federal appropriations. North Dakota beekeepers seek funding from the State, to enhance research.

North Dakota beekeepers recognize that funding is scarce.

Our request of the North Dakota taxpayers, ourselves included, is modest.

Legislators in North Dakota provide funding for several deserving groups. For example the Veterinary program has no school in N.D. No Dentistry program exists in N.D., students are sent to other states to complete studies. Financing is provided. Beekeepers fit this model. The University of Minnesota has an excellent program. Dr. Spivak is a 2010 MacArthur Genius Award Winner.

Through N.D. Honey Promotion Funds, Beekeepers have self-funded research, totaling hundreds of thousands of dollars. ND beekeepers now propose to voluntarily double their own bee-research assessment, with the support and oversight of the Commissioner of Agriculture's office.

The result of successful research will improve hive-health. Managed beehives will recover from devastating losses, increasing pollination and production of honey.

Beekeepers struggle to maintain the national herd. According to Diana Cox-Frasure of Pennsylvania State University, 32% of all managed hives died in 2007; 36% in 2008; 29% in 2009; and 34% in 2010 [Remarks: Jan 7, 2011]. Our experience at Miller Honey Farms has been similar. If 30% of the cattle herd in North Dakota perished over this winter; dramatic steps would be taken. The 2010 North American honey crop is the smallest ever recorded by USDA.

ND beekeepers contribute to quality of life in ND. Beekeepers are active in channels of commerce, contributing to sales-tax revenue, property taxes, construction, farming, beekeeping supplies, feed, pollination services, and the environment. Beekeepers provide much-needed employment, especially in rural areas, including jobs for youth. Miller Honey buys our tractors at Trucks of Bismarck. We buy our trailers at Johnsen Trailer Sales. We buy our pickups from Shawna Towner at Cedric Theel. We bought Twenty semi-loads of sugar syrup for feed from Dakota Gunness, of Abercrombie in 2010. We bought 10,000 pollen supplements, in one-pound patties from Kenny Haff, of Mandan, in 2010. We buy our implements from Jay Pickerel at Jamestown Equipment. Our honey house was built by Schlecht and Shulz, of Streeter, North Dakota.

Beneficial pollinators are crucial to the production of food and fiber in America. The almond industry of California cannot survive without the pollination services of four hundred-thousand hives that annually migrate to CA from N.D. All pit-fruit trees benefit from honeybees. All vine crops benefit from honeybees. All legumes, especially nitrogen-fixing legumes benefit from the honeybee. Oil seed crops, sunflowers, buckwheat and the like benefit from the honeybee.

North Dakota Beekeepers seek a stable source of funding to enhance bee research. Beekeepers and the communities they live in will benefit. Oversight provided by the Commissioner of Agriculture, will insure responsible expenditures. Honey bees will recover from parasites and pathogens now threatening the species.

I gratefully acknowledge the Committee's attention to SB 2134. I am now available for questions.

North Dakota Beekeepers Association  
Senate Bill 2134

#2

Good Morning Mr. Chairman and members of the Committee. My name is Will Nissen. I have been a beekeeper in Minot, North Dakota since 1978. I have been active with the North Dakota Beekeeping Association for over 20 years and President the last 3 terms.

I am speaking on Senate Bill 2134 asking for a five cent per colony increase in assessments and \$50,000 per year from the state of North Dakota to be used entirely for bee research.

The first question is "Why do beekeepers need five cents per colony and \$50,000 per year for research?" Many beekeepers including myself have suffered tremendous colony losses in the last ten years with our company losing 36% in 2010. You can imagine the mental and emotional stress along with the extra hard work and extra finances it takes to put everything back together.

To refresh my memory I looked up the word "research" in the Webster dictionary. It is a long definition to paraphrase....to seek, to try to find something.

The second question is "If approved what would happen to monies final distribution.. who would it be up to?" At the annual beekeepers convention where the resolutions are proposed by the beekeepers, the Board of Directors, President, and Vice President will make the decision on where the monies go and final yea or nay from the Ag Commissioner. No facilities are presently in North Dakota and probably would be counteractive to have one. The closest one here is at the University of Minnesota headed by Dr. Marla Spivak. The Beekeepers Association has been awarding funds to the University of Minnesota for years.

In conclusion, my own thoughts and those of other fellow beekeepers is that there is definitely a problem with honeybees disappearing (Colony Collapse Disorder). Beekeepers are very well adapted to paddling their own canoes but the honeybees disappearing is way over our heads leaning more to expert help from researchers. Research is expensive and all beekeepers

contribute in one way or another. In California, Paramount Farming uses 80,000 colonies for almond pollination production. They match dollar for dollar for what beekeepers contributes. Another contributor is Scientific Ag (Joe Traynor), a beehive broker who places 25,000-30,000 colonies for pollination. He uses several beekeepers from all over the nation. He contributes \$2 per colony (\$1 from the farmer and \$1 from the beekeeper). One half contributions going to project APIS and the rest to different projects every year.

I know there are several other similar contributors out there. The answer could be simple if we could get researchers to resolve the problem of the disappearing honeybees.

In representation of all beekeepers, your support of Senate Bill 2134 is greatly appreciated.

COMMISSIONER  
DOUG GOEHRING



nda@nd.gov  
www.agdepartment.com



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

**Testimony of Judy Carlson, Division Director**  
**North Dakota Department of Agriculture**  
**Senate Bill 2134**  
**Senate Agriculture Committee**  
**Roosevelt Room**  
**8:00am, January 14, 2011**

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Chairman Flakoll and members of the Senate Agriculture Committee, I am Judy Carlson, the Plant Industries Division Director at the North Dakota Department of Agriculture (NDDA). I am here today on behalf of Agriculture Commissioner Doug Goehring in support of SB 2134.

North Dakota beekeepers produce high quality honey and are consistently number one in the production of honey throughout the United States. We support research that addresses issues focused on honeybee colony health, such as Colony Collapse Disorder (CCD). The United States apiary industry experienced an estimated 34% loss of bee hives in 2010, which is suspected to be caused by CCD. Nearly all of our bees travel to southern states and pollinate crops that depend on bees for crop production. It is important to help this industry solve the CCD mystery.

We do have suggested amendments to the bill. Our legal counsel has concerns with changing "consults with" to "obtains the consent of" in Section 4 of this bill. There are court decisions from other states that indicate constitutional problems can occur when governmental functions are delegated to a private entity. We would propose removing the overstrike over "consults with" on Page 2, line 15, and remove the proposed insertion of "obtains the consent of" on Page 2, line 16. The beekeeper association's representatives also support these changes.

Chairman Flakoll and committee members, Commissioner Goehring urges a "do pass" on SB 2134 and favorable consideration of the amendments. I would be happy to answer any questions you may have.

Thank you.

PROPOSED AMENDMENTS TO SENATE BILL NO. 2134

Page 2, line 15, remove the overstrike over "~~consults with~~"

Page 2, line 16, remove "obtains the consent of"

Renumber accordingly

PROPOSED AMENDMENTS TO SENATE BILL NO. 2134

Page 1, line 3, insert after “transfer” insert “; and to provide an expiration date”

Page 1, line 12, remove “- Partial”

Page 1, line 13, remove “partial”

Page 1, line 13, remove overstrike over “any”

Page 1, line 13, remove “the”

Page 1, line 20, remove “a.”

Page 1, line 22, remove “b.”

Page 1, line 22, remove “A beekeeper is not entitled to a refund greater than fifty percent of the assessment paid under section 4.1-08-02.”

Page 2, line 4, remove overstrike over “The assessments required by”

Page 2, line 5, remove “1.”

Page 2, line 5, remove “Up to fifty percent of any nonrefunded assessments collected under”

Page 2, line 7, overstrike “.”

Page 2, line 7, insert “and”

Page 2, line 8, remove “2.”

Page 2, line 8, remove “Up to fifty percent of any nonrefunded assessments collected under”

Page 2, line 15, remove the overstrike overstrike over “consults with”

Page 2, line 16, remove "obtains the consent of"

Page 3, after line 4:

**"SECTION 6. EXPIRATION DATE CLAUSE.** This Act is effective through June 30, 2015, and after that date is ineffective."

Renumber accordingly

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North American beekeeping is struggling with profound challenges. A parasitic mite, native to Asia, has infested the European honeybee, kept in North America. This mite has devastated beehive populations. According to a survey released in April, 2010 by the USDA, beekeeping is not sustainable at present losses, which have averaged 20-35% of the National Herd, each of the past five years. Hive mortality due to another non-native infection, *Nosema ceranae*, again from the Asian bee, weakens and kills hives.

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ND beekeepers contribute to quality of life in ND. Beekeepers are active in channels of commerce, contributing to sales-tax revenue, property taxes, construction, farming, beekeeping supplies, feed, pollination services, and the environment. Beekeepers provide much-needed employment, especially in rural areas, including jobs for youth. Miller Honey buys our tractors at Trucks of Bismarck. We buy our trailers at Johnsen Trailer Sales. We buy our pickups from Shawna Towner at Cedric Theel. We bought Twenty semi-loads of sugar syrup for feed from Dakota Gunness, of Abercrombie in 2010. We bought 10,000 pollen supplements, in one-pound patties from Kenny Haff, of Mandan, in 2010. We buy our implements from Jay Pickerel at Jamestown Equipment. Our honey house was built by Schlecht and Shulz, of Streeter, North Dakota.

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North Dakota Beekeepers seek a stable source of funding to enhance bee research. Beekeepers and the communities they live in will benefit. Oversight provided by the Commissioner of Agriculture, will insure responsible expenditures. Honey bees will recover from parasites and pathogens now threatening the species.

I gratefully acknowledge the Committee's attention to SB 2134. I am now available for questions.

COMMISSIONER  
DOUG GOEHRING



ndda@nd.gov  
www.agdepartment.com

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STATE CAPITOL  
600 E. BOULEVARD AVE. - DEPT. 602  
BISMARCK, ND 58505-0020

**Testimony of Judy Carlson, Division Director**  
**Senate Bill 2134**  
**Senate Appropriations Committee**  
**Harvest Room**  
**8:30 am, February 7, 2011**

Chairman Holmberg, and members of the Senate Appropriations Committee, I am Judy Carlson, the Plant Industries Division Director at the North Dakota Department of Agriculture (NDDA). I am here today on behalf of Commissioner Goehring. He is in support of Senate Bill 2134.

This bill increases the amount of funds going into the honey promotion fund. The beekeeping industry proposes that they would increase their assessment from \$.05 to \$.10 per colony and request a one-time general fund appropriation. These new funds would be used to fund research efforts that focus on honeybee colony health, such as Colony Collapse Disorder (CCD).

North Dakota beekeepers produce the highest quality honey and we are consistently number one in honey production. Nearly all of our bees travel to southern states and pollinate crops that depend on bees for crop production. It is important to help this industry solve the CCD mystery.

Chairman Holmberg and committee members, I urge a "do pass" recommendation for SB 2134.

Thank you for your consideration, and I would be happy to answer any questions.

#1  
3/17/11

Good morning, Mr. Chairman, ladies and gentlemen. My name is John Miller, of Gackle, North Dakota. I own and operate Miller Honey Farms, Inc. We opened our beekeeping operations in Gackle in 1969. I currently serve on the Economic Development Corporation of Gackle.

My task from the North Dakota Beekeepers is to speak on behalf of SB 2134, and SB 2009. SB 2134 authorizes an increase in check off funds, advocated by the N.D. Beekeepers Assn. from .05 per hive to .10 per hive. These funds, usually around \$20,000 per year, are typically spent to promote honey and fund bee research at qualified institutions like the University of Minnesota. ND beekeepers have been funding various research projects for many years. The product of these projects include nationally recognized improvements in breeding stock, improved management practices, and issues not yet resolved, collapsing colonies.

SB 2009 appropriates \$75,000 to the Commissioner of Agriculture to spend, in collaboration with the NDBA, on efforts focused on honey bee health issues.

The North Dakota Beekeepers Assn. unanimously passed resolutions in favor of this legislation. The North Dakota Farm Bureau has also endorsed the idea. We acknowledge the leadership and counsel of Senator Robert Erbele, of Lehr, ND providing valuable assistance.

ND Dept. of Agriculture has industry oversight, collecting fees, issuing licenses, providing hive inspections, issuing permits for the transport of hives.

North Dakota has no beekeeping research facilities, or program. Similarly, ND has no Veterinary program, nor do we have a Dentistry program. Qualified ND students are sent to other states to complete studies. Financing is provided. Beekeepers fit this model.

The result of our proposal to enhance self-funded and appropriated research is to improve hive-health. Managed beehives will recover from devastating losses, increasing pollination and the production of honey.

Beekeepers struggle to maintain the national herd. According to Diana Cox-Frasure of the Pennsylvania State University, 32% of all managed colonies died in 2007; 36% in 2008; 29% in 2009; and 34% in 2010. Our experience at Miller Honey Farms has been similar. If 30% of the N. D. cattle herd perished over this winter; dramatic steps would be taken.

The 2010 North American honey crop; led by the Great State of North Dakota, is the smallest ever recorded by USDA.

ND beekeepers contribute to the quality of life in ND. Beekeepers are active in channels of commerce, contributing to sales-tax revenue, property taxes, construction, farming, beekeeping supplies, feed, pollination services, and the environment. Beekeepers provide much needed employment, especially in rural areas, including jobs for youth.

Miller Honey buys our tractors at Trucks of Bismarck; our trailers at Johnsen Trailer Sales; our pickups from Shawna Towner at Cedric Theel. We bought 20 semi-loads of bee feed from Dakota Gunness, of Abercrombie, ND, in 2010. We bought 10,000 one-pound pollen patty supplements from Kenny Haff of Mandan, in 2010. We buy our implements from Jamestown Equipment. Our honey house was built by Schlecht and Shulz Construction, Streeter, North Dakota.

Beneficial pollinators are crucial to the production of food and fiber in America. The almond industry in California cannot survive without the pollination services of 400,000 beehives that annually migrate from ND to CA. All pit-fruit trees benefit from honeybees. All vine-crops benefit from honeybees. All legumes, especially nitrogen-fixing legumes benefit from the honeybee. Oil seed crops, sunflowers, canola and buckwheat all benefit from the honeybee.

ND Beekeepers seek a stable source of funding to enhance bee research. Beekeepers and the communities we live in will benefit. Oversight provided by the Commissioner of Agriculture, will insure responsible use of funds. Honeybees will recover from pathogens and parasites now threatening the species.

I gratefully acknowledge the Committee's attention to SB 2134 & SB 2009. I am now available for questions.

John R. Miller

#2

COMMISSIONER  
DOUG GOEHRING



ndda@nd.gov  
www.agdepartment.com

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

**Testimony of Judy Carlson, Division Director  
Senate Bill 2134  
House Agriculture Committee  
Peace Garden Room  
9:00 am, March 17, 2011**

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Chairman Johnson, and members of the House Agriculture Committee, I am Judy Carlson, the Plant Industries Division Director at the North Dakota Department of Agriculture (NDDA). I am here today on behalf of Agriculture Commissioner Doug Goehring in support of SB 2134.

This bill increases the amount of funds going into the honey promotion fund. The beekeeping industry proposes that they would increase their assessment from \$.05 to \$.10 per colony. These new funds would be used to fund research efforts that focus on honeybee colony health, such as Colony Collapse Disorder (CCD).

North Dakota beekeepers produce high quality honey, and our state is consistently number one in the nation for the production of honey. Nearly all of our bees travel to southern states and pollinate crops that depend on bees for crop production. It is important to help this industry solve the CCD mystery.

Chairman Johnson and committee members, I urge a "do pass" recommendation for SB 2134.

Thank you for your consideration, and I would be happy to answer any questions.