

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2179

2007 SENATE AGRICULTURE

SB 2179

## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2179

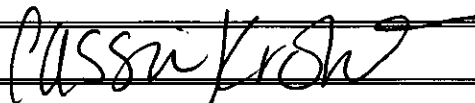
Senate Agriculture Committee

☐ Check here for Conference Committee

Hearing Date: January 26, 2007

Recorder Job Number: 2065

Committee Clerk Signature



Minutes:

**Sen. Flakoll** opened the hearing on SB 2179, a bill to provide an appropriation for the mitigation of crop damage by blackbirds. 6 members were present, 1 absent (**Sen. Erbele**)

**Sen. Wanzek**, district 29, testified in favor of the bill.

**Sen. Wanzek**- This bill before you is a bill concerning the damage caused by blackbirds, mainly in the area of sunflowers. For those who are not aware, they can be a very menacing pest that creates a lot of havoc on production and costs a lot of money. There are others here that can give you more examples and answer more of your questions than I can.

**Wayne Carlson**, livestock program manager for the Dept of Ag, testified in support of the bill. See attached testimony.

**Sen. Robinson**, district 24, testified in favor of the bill.

**Sen. Robinson**- I am not a expert in sunflowers or blackbirds. But I do realize the magnitude of the loss and the damage that blackbirds can do to this crop. I support this bill.

**Mike Clemens**, producer representing the National Sunflower Association, See attached testimony.

**Sen. Heckaman**- what correlation does NDSU have with this since it is running through the wildlife, have they done a lot of research in this area that is going to be useful?

**Mike Clemens-** there is a man with the USDAAFS that will be doing research on it with counterparts out of Texas.

**Sen. Klein-** do we have sunflowers through out ND, or is it concentrated in a particular region? Are we going to be able to cover all the bases, how do you envision that all working?

**Mike Clemens-** There are 5 local trappers or hunters and they will work with like a local Cenex area, they will help identify areas, work with producers who are calling into the Ag dept and reporting damages. It is to target the birds that are flying in and there is a problem, it is not random baiting around the country side.

**Sen. Taylor-** do you envision this as being a ongoing program?

**Mike Clemens-** this is really a research project at this point that is why it is really important to keep the funding here it is at so we can do the research, document it and see how well the programs will work.

**Sen. Wanzek-** do you think there is any way to go ahead with this and in time see the results?

**Mike Clemens-** it is hard to see how it is going, producers will be able to weigh in how things are going.

**Sen. Taylor-** what do you think on the risk on the non target species on the baiting?

**Mike Clemens-** how they do this is they will you treated rice instead of treated corn, it is not a preferred food of a pheasant, they will do a pre baiting in the area first and observe it to make sure there are not any pheasants in the area, then they will come out with the hot bait. The bait that they use, the pheasant would have to eat 25 hot bait and a blackbird only needs to eat one and die. It would be decided by the wildlife services also.

**Sen. Flakoll-** in consideration to the good neighbor policy on the guns is there a program set up?

**Mike Clemens-** it would be in set up for agreement. There is a timer now on the boomers so that they turn on at sun up and off at sun down.

**Sen. Wanzek-** I believe there is a law in place for that already.

**Sen. Flakoll-** when we chase them away about how far would they go in about a 24 hour period?

**Mike Clemens-** I'm not sure completely, they could go to the neighbors field or move miles.

**Dan Wiltse**, producer from Lisbon ND and also serves on the National Sunflower Association Board, testified in favor of the bill. Showed a video to the committee from Lisbon ND on blackbirds.

**Dan Wiltse-** I stand in support of this bill.

**Sen. Flakoll-** have you talked about a coordinated effort with bordering states to get a program in place?

**Dan Wiltse-** actually with the ND sunflower industry we encompass South Dakota and other states and they know of this program. I think there was some work done in South Dakota.

**Jeff Enger**, director of the NDCUC, testified in favor of the bill.

**Jeff Enger-** We just discontinued production of sunflowers due to devastation because of blackbirds, it was to great of a economic loss. Blackbirds continue to be a problem. I urge a passage of SB 2179.

**Ward Eichhorst**, farmer near Underwood, ND, testified in favor of the bill. Showed the committee a letter that he had sent to the governor in 2006. Gave examples of his own experiences with the blackbirds on his own farm.

**Sen. Klein-** is anything being done about getting these birds off the migratory protected bird list?

**Ward Eichhorst-** we have been trying but nothing has been done yet.

**Sen. Flakoll-** so I legally can not hire a 12 year old boy to go out and shoot these birds?

**Ward Eichhorst-** legally no.

**Sen. Flakoll-** what natural predators do these birds have?

**Ward Eichhorst-** maybe hawks, I'm not sure.

**Sen. Taylor-** what are the hardest limitations that you are finding because of this migratory protected bird act?

**Ward Eichhorst-** there are many, if the migratory bird list went away it would help.

**Larry Klemgartner,** executive director of the National Sunflower Association, testified in favor of the bill.

**Larry Klemgartner-** I am going to just deal with a couple of questions that have come up.

When the bird is doing or about to do damage legally you can harass or kill that bird. When they come north in the spring the males come first and then the female. There is research being done to set up a bait to reduce the females, at this time the research is being done in South Dakota. Pheasants are not a concern to the bait that is being set for the blackbirds. This is a national problem both dealing with fields and in urban environments.

**Sen. Flakoll-** do you know what the average length of life is for a blackbird

**Larry Klemgartner-** about 3 to 4 years.

**Sen. Klein-** have we worked a lot with South Dakota?

**Larry Klemgartner-** yes and all the way down to Kansas.

**Sen. Klein-** once you remove them from a field about how far will they go in a day?

**Larry Klemgartner-** they will go 8 to 10 miles.

**Sen. Heckaman-** what research has been done in attacking the sting areas?

**Larry Klemgartner-** they like to nest in cattails. We have had a major program in getting rid of as many cattails as we can. They are foreign to this area.

**Sen. Klein-** how far north do they fly?

**Larry Klemgartner-** they do go into Canada.

**Jim Slag**, ND area farmer, testified in favor of the bill. Gave personal testimony of experiences on his own farm. Tape time 43:34-47:05.

**Deana Wiese**, administrator of the ND Ag Coalition, testified in favor of the bill. See attached testimony.

**Brian Kramer**, ND farm bureau and lobbyist 40, testified in favor of the bill.

**Brian Kramer-** We have had a long standing policy on the issue with blackbirds and whatever can be done to get rid of them. We think this is a good first step and hope that some of the research and stuff that comes out of this will be helpful to producers in the state.

**Woody Barth** , ND farmers union and lobbyist 286, testified in favor of the bill.

**Woody Barth-** we do stand in support of this bill, we have a long standing policy with the issued of blackbirds and other predators and crops and crop damage. We would support the appropriation to do research to control blackbird population and the damage to crops in ND. This problem has been around a long time and needs to be fixed. We would support this bill.

**Tim Dekrey**, president of the national Sunflower Association, testified in favor of the bill.

**Tim Dekrey-** we stand for this bill. Blackbirds are one of the main reason that sunflower production has gotten less and less over the past years. We feel that we have exhausted our efforts with the national wildlife control services.

**Sen. Taylor-** are we getting to a point where we are in danger of losing some of our processing capacity or with some companies if they cant get the product are they going to back out and go with someone else?

**Tim Dekrey-** it is something that is pushing us to push forward to come up with some type of result.

**Sen. Wanzek-** I had heard there was some type of research with genetics and trying to answer the problem that way in developing a sunflower plant that is less attractive or more difficult for the bird to harvest, was there ever any other progress or does that create other problems?

**Tim Dekrey-** I am not familiar enough with that research.

**Sandy Clark** from the ND Farm Bureau was also present and in favor of the bill along with

**Rep. Muller** from district 24.

No opposition to the bill.

**Sen. Flakoll** closed the hearing.



## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2179

Senate Agriculture Committee

☐ Check here for Conference Committee

Hearing Date: January 26, 2007

Recorder Job Number: 2067

Committee Clerk Signature
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Minutes:

**Sen. Flakoll** opened discussion on SB 2179.

**Sen. Klein-** I was thinking that maybe we could use some of that money from bill from SB 2323 but there again that is one thing that we could adjust in the appropriations process.

**Sen. Flakoll-** I wonder if both bills would have a better chance of survival if we do that.

**Sen. Wanzek-** I have an amendment that is going to change the language from being appropriated out of the general fund to being appropriated out of the EARP fund.

**Sen. Behm-** sunflowers are going to quite growing sunflowers if something is not done.

**Sen. Taylor-** i wonder how the language would be, if available in the EARP fund with remainder by general fund?

**Sen. Klein-** if they did produce that money we are taking it out of general fund so to speak.

Roll call vote 1: **Sen. Wanzek** motioned for a do pass to adopt amendment **Sen. Klein** seconded the motion, 6 yeas, 0 nays, 1 absent. Roll call vote 2: **Sen. Wanzek** motioned for a do pass as amended to be rereferred to appropriations. **Sen. Klein** seconded the motion.

**Sen. Wanzek** was designated to carry the bill to the floor, 6 yeas, 0 nays, 1 absent (Sen. Erbele)

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Title.0200

Prepared by the Legislative Council staff for  
Senator Wanzek  
January 26, 2007

*JB*  
1-31-07

PROPOSED AMENDMENTS TO SENATE BILL NO. 2179

Page 1, line 4, replace "general" with "environment and rangeland protection"

Renumber accordingly

Roll Call Vote #:

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2179

**Senate Agriculture**

## Committee

☐ Check here for Conference Committee

**Legislative Council Amendment Number**

Action Taken Do Pass to adopt Amendment

Motion Made By Wanzenk Seconded By Klein

[illegible]

Total (Yes) 1 No 0

Absent 1 - (Sen. Erbele)

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

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

Roll Call Vote #:

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2179

**Senate Agriculture**

## Committee

☐ Check here for Conference Committee

**Legislative Council Amendment Number**

Action Taken Do Pass as Amended to be rereferred to Apps.

Motion Made By Wanzek Seconded By Klein

[illegible]

Total (Yes) 6 No 0

Absent 1 - (Sen. Erbe)

Floor Assignment Sen. Wanzek

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

**REPORT OF STANDING COMMITTEE**

**SB 2179: Agriculture Committee (Sen. Flakoll, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE REREFERRED to the Appropriations Committee (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2179 was placed on the Sixth order on the calendar.**

Page 1, line 4, replace "general" with "environment and rangeland protection"

Renumber accordingly

2007 SENATE APPROPRIATIONS

SB 2179

## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2179

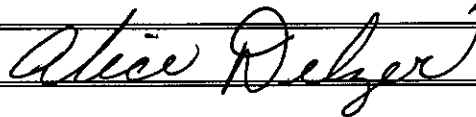
Senate Appropriations Committee

☐ Check here for Conference Committee

Hearing Date: 02-08-07

Recorder Job Number: 3195

Committee Clerk Signature



Minutes:

**Chairman Holmberg** opened the hearing on SB 2179 at 11:00 am on February 8, 2007, regarding the mitigation of crop damage by blackbirds referred from the Agriculture Department.

**Senator Terry M. Wanzek, District 29, Jamestown** gave oral testimony in support of the bill. **Dan Wiltse, National Sunflower Association** presented written testimony (1) and showed a video and gave oral testimony in support of SB 2179.

**Senator Bowman** had questions regarding research done for electrocution of birds, the poisoning along the gravel roads and whether this endangers the pheasant population, and the costs or damages to the fields by the blackbirds. He was informed that USDA Wildlife Services are helping control the blackbirds. He was also informed that electrocution was not possible with blackbirds.

**George Linz, USDA – WS** explained the problems of trying to electrocute the birds and gave the information regarding the pheasants, stating the dosage would not harm the pheasants. He also stated that USDA Wildlife Services contract with grad students at NDSU and find there is great support with the different programs as PLOT an different Wild Life projects.

**Senator Krauter** had questions relating to the current prices of the treated seed.

**Senator Krebsbach** asked about the involvement of the County Extension Service and if individual farmers could treat and spread the seed themselves. She was informed that only trained to perform these duties are invested with this responsibility and it is a carefully monitored program. This program is not in a research phase.

**Reggie Herman, Sunflower producer** testified in support of SB 2179.

**Ward Eichhorst, Sunflower Producer** presented written testimony (2) and gave oral testimony in support of SB 2179.

**Wayne Carlson, Program Manager for Livestock Services** presented written testimony (3) and gave oral testimony in support of SB 2179.

**Senator Grindberg** had questions regarding where these birds are causing the most damage and if there is case by case studies done.

There was no further discussion. SB 2179 was closed.



## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2179

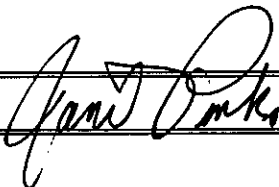
Senate Appropriations Committee

☐ Check here for Conference Committee

Hearing Date: 02/13/07

Recorder Job Number: 3449

Committee Clerk Signature



Minutes:

**Chairman Holmberg** opened the hearing on SB 2179 discussing the bill.

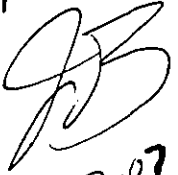
**Senator Bowman** moved a do pass on amendment .0201, **Senator Tallackson** seconded.

Discussion opened. An oral vote was taken. The motion carried.

**Senator Bowman** moved a DO PASS on the bill as amended, **Senator Krauter** seconded.

No discussion was held. A roll call vote was taken on SB 2179. The results were 14 yes, 0 no, 0 absent. The motion passed and **Senator Bowman** will carry the bill.

**Chairman Holmberg** closed the hearing

  
2-13-07

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2179

Page 1, line 5, replace "\$159,000" with "\$79,500" and after the second comma insert "and appropriated out of any moneys in the oilseed fund in the state treasury, not otherwise appropriated, the sum of \$79,500, or so much of the sum as may be necessary,"

Renumber accordingly

Date:  
Roll Call Vote #:

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2179

Senate Appropriations Committee

☐ Check here for Conference Committee

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

Action Taken DP as amend 0201

Motion Made By Bowman Seconded By Tallackson

Senators	Yes	No	Senators	Yes	No
Senator Ray Holmberg, Chrm	✓		Senator Aaron Krauter	✓	
Senator Bill Bowman, V Chrm	✓		Senator Elroy N. Lindaas	✓	
Senator Tony Grindberg, V Chrm	✓		Senator Tim Mathern	✓	
Senator Randel Christmann	✓		Senator Larry J. Robinson	✓	
Senator Tom Fischer	✓		Senator Tom Seymour	✓	
Senator Ralph L. Kilzer	✓		Senator Harvey Tallackson	✓	
Senator Karen K. Krebsbach	✓				
Senator Rich Wardner	✓				

Total (Yes) 14 No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment Bowman

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

**REPORT OF STANDING COMMITTEE**

**SB 2179**, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2179 was placed on the Sixth order on the calendar.

Page 1, line 5, replace "\$159,000" with "\$79,500" and after the second comma insert "and appropriated out of any moneys in the oilseed fund in the state treasury, not otherwise appropriated, the sum of \$79,500, or so much of the sum as may be necessary,"

Renumber accordingly

2007 HOUSE AGRICULTURE

SB 2179

## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2179

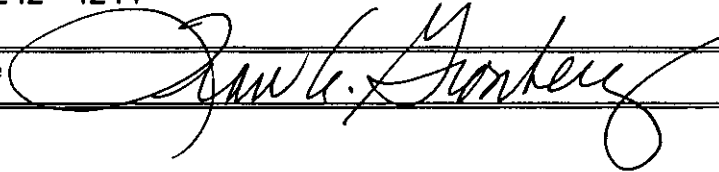
House Agriculture Committee

☐ Check here for Conference Committee

Hearing Date: 3-2-07

Recorder Job Number: 4242 4244

Committee Clerk Signature



Minutes:

**Chairman Johnson** opened the hearing on SB 2179. Is there anyone here in support of the bill? Senator Wanzek could not be here today. Senator Boe do you have any comments on the bill?

**Sen Boe:** It is what it is.

**Sen Headland:** District 21 It is self explanatory. It is to appropriate some money to alleviate the blackbird problem. I stand in support of it.

**Rep Belter:** I know there is a tremendous problem with blackbirds on sunflowers, but do they also bother corn?

**Rep Headland:** Yes, they are extremely hard on corn.

**Rep Froelich:** I have a question on where the funding is coming from.

**Rep Headland:** I'm not real sure what the Senate did on the bill. I didn't realize that Senator Wanzek wasn't going to be here.

**Chairman Johnson:** We'll have the hearing on the bill is there is someone here to testify, but we'll hold it over until next Thursday when Senator Wanzek is back.

**Rep Brandenburg:** I'm not sure, but I think that there is some federal money that ties together with this blackbird problem.

**John Sandbakken, National Sunflower Association:** (testimony attached)

**Chairman Johnson:** When using DRC 1339 near gravel roads, is there any problem with other game or pheasants getting the bait?

**Sandbakken:** That's the reason they have to monitor. Once the bait is put down on the road, they monitor and if there are any non target birds like pheasants they would not be able to use it there. It is right on the label.

**Rep Brandenburg:** Is there federal money tied to this?

**Sandbakken:** There is federal money tied to it. A lot of it is for research.

**Rep Froelich:** How much money is US Fish and Wildlife right now spending to control blackbirds?

**Sandbakken:** I don't know. I don't have the total budget. On our end they get about \$400,000 to \$500,000 per year. It is not just ND, it is the whole area ND and SD. I don't have a total budget figure, but I believe it is somewhere between \$700,000 and \$800,000.

**Rep Onstad:** DRC 1339 seems to be the best way. Are you researching other ways?

Because it could become a problem with pheasants and pheasants and sunflowers seem to go together.

**Sandbakken:** We've tried other methods, but this is a good tool in heavy areas. They use some chemicals and research other methods.

**Wayne Carlson, Project Manager for the ND Livestock Service:** (testimony attached)

The producers couldn't make it today because of the weather. But they will be here next time.

**Chairman Johnson:** We sacrifice about 80 acres just to keep them off the other fields.

**Rep Uglem:** Do we have any real control or do we just move them on to the next neighbor?

**Carlson:** Right now, that's basically the only control we have is to scare them on to some other food source.

**Deana Wiese, Administrator of the ND Ag Coalition:** (testimony attached)

No opposition.

**Rep Onstad:** Do the new sunflowers attract more blackbirds than the old ones?

**Carlson:** No.

**Chairman Johnson closed the hearing.**

**Chairman Johnson** and the committee decided that anyone else coming to testify would be in favor of the bill and consequently decided to take the vote immediately.

**A Do Pass Motion was made by Rep Brandenburg.**

**It was seconded by Rep Headland.**

**(Yes) 13 (No) 0 (Absent) 0**

**Carrier: Rep Mueller**



Date: 3/2/07  
Roll Call Vote #: 1

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO.

House Agriculture

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number SB2179

Action Taken Do Pass as Re referred to Appropriations

Motion Made By Rep. Brandenburg Seconded By Rep. Headland

Representatives	Yes	No	Representatives	Yes	No
Chairman Dennis Johnson	✓		Tracy Boe	✓	
Vice Chair Joyce Kingsbury	✓		Rodney Froelich	✓	
Wesley Belter	✓		Phillip Mueller	✓	
Mike Brandenburg	✓		Kenton Onstad	✓	
Craig Headland	✓		Benjamin Vig	✓	
Brenda Heller	✓				
John D Wall	✓				
Gerry Uglem	✓				

Total (Yes) 13 No 0

Absent 0

Floor Assignment Rep Mueller

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

**REPORT OF STANDING COMMITTEE (410)**  
March 2, 2007 1:52 p.m.

**Module No: HR-40-4372**  
**Carrier: Mueller**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**SB 2179, as reengrossed: Agriculture Committee (Rep. D. Johnson, Chairman)**  
recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee**  
(13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed SB 2179 was  
referred to the **Appropriations Committee**.

2007 HOUSE APPROPRIATIONS

SB 2179

## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2179

House Appropriations Committee  
Education and Environment Division

☐ Check here for Conference Committee

Hearing Date: March 7, 2007

Recorder Job Number: 4574

Committee Clerk Signature

*Shirley Brannery*

Minutes:

**Chairman Wald:** Called the meeting to order on SB 2179, a bill for an Act to provide an appropriation for the mitigation of crop damage by blackbirds by introducing Wayne Carlson:

**Carlson,** Program Manager for Livestock Services: One of my duties is to oversee the livestock services in our budget. This bill to do a research project on sunflowers to bait and to trap blackbirds in areas where there is a lot of damage. The research will be done by an individual who works for wild life services. This bill was requested by the National Sunflower Association. It is a two-year project and the funding source will come from our department. It is a study to see if road-side baiting works using DRC 1339.

**Representative Hawken:** This is not general fund money.

**Carlson:** No. It is a study. It will go operational in the fall.

**Representative Klein:** How will it be implemented?

**Carlson:** They will use traps and bait with poison. DRC1339 is a chemical that is specific to blackbirds, it doesn't really hurt a lot of nontarget.....It is labeled by the Wildlife Service.

Brown rice is the preferred bait because most game birds don't like it. This is all managed by the Ag Department.

**Representative Hawken:** Move a Do Pass on SB 2179

Page 2  
House Appropriations Committee  
Education and Environment Division  
Bill/Resolution No. SB 2179  
Hearing Date: March 7, 2007

**Representative Aarsvold:** Second

**Chairman Wald:** No amendments, so call the roll on final passage.

**Vote: 5 Yes, 0 No, 2 Absent Motion Do Pass Carried. Carrier: Representative Klein:**

## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2179

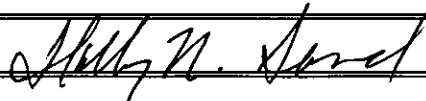
House Appropriations Committee

☐ Check here for Conference Committee

Hearing Date: March 9, 2007

Recorder Job Number: 4777

Committee Clerk Signature



Minutes:

**Chm. Svedjan** opened the hearing on SB 2179.

**Rep. Klein:** SB 2179 takes money from the environmental protection fund of \$79,500, and another \$79,500 from the check off fund to do a study by the agricultural research service in Bismarck. It's a two year project to study an operational use of traps with poison to control blackbirds. We've had some serious damage to the sunflower people and this was a proposal to try and solve that problem. Basically it's both a study and an operation where they will use various poisons and cages using brown rice to entice these blackbirds into a cage. It will not effect pheasants or other game birds. This is a proposal by the ARS to control blackbirds.

**Chm. Svedjan:** You mentioned something about it being a study?

**Rep. Klein:** It is both a study and an actual research project where they are going to set out various cages with poison in them to see if they can control blackbirds.

**Rep. Carlisle:** The AG department has money in their fund. They were doing all kinds of stuff.

**Rep. Klein:** There wasn't anything in the Ag department budget to do this. This was something that came about that the check off people wanted and the sunflower folks too.

**Chm. Svedjan:** Where does the check off funds actually go?

**Rep. Klein:** Depending on the various agencies. This I understand comes from the sunflower check off people.

**Chm. Svedjan:** But where do they reside?

**Rep. Monson:** The oil seed council. You asked a question about the study. Firstly they put the cages and platforms out with the brown rice and mesh that allows the blackbirds to come through. They make sure that it's only black birds that are coming in. That is the study part. After they have determined that there are no other birds coming in or that can get in, the only ones that are feeding there are blackbirds, then they bait it with poison. That is the study first for a day or two, and then the actual poison.

**Rep. Bellew:** This is just information for the committee. The ERP fund shows a negative balance for the upcoming biennium of over \$420,000. I don't know if that's good or bad. I just wanted the committee to know that. This is a question for Ms. Keller. Where is the oil seed fund located and do we have access to that?

**Becky Keller, Legislative Council:** It's in the state treasury and I imagine we could find out what the balance is. I'd like to mention that the ERP fund, while it shows a negative balance in the analysis is because the two bills were contradicting each other. They have done an amendment for the one bill but it is still in conflict with 2009. It will help that deposit in the fund.

**Chm. Svedjan:** It won't erase it?

**Ms. Keller:** It will if we can get the two to mesh. We will have to do that when that bill comes.

**Rep. Kempenich:** It's the same thing that Rep. Bellew is bringing up. We are deficit spending right now. There is some conflict.

**Rep. Skarphol:** We have paid for blackbird deprivation for years. I have to believe that the Ag department budget.

**Rep. Klein:** When we looked at the budget there was no funding for blackbirds deprivation.

**Rep. Skarphol:** It may be wildlife services. Somewhere they have it. WE have talked about it in committee.

**Chm. Svedjan:** Do you have access to any information as to where blackbird deprivation would have been paid for in the past?

**Ms. Keller:** I can check.

**Rep. Kerzman:** I think Rep. Skarphol was hitting on it. I think it's in wildlife services. I think it was more for control. They used airplanes and things like that. This is kind of a new study. They wanted to study poisoning them but they have to be careful that you don't poison good birds. My question was why there was a reduction in the funds. It was mostly self funded. Why would we take half the funds away?

**Rep. Klein:** I can't answer why the funding changed.

**Chm. Svedjan:** It happened in the Senate.

**Rep. Klein:** the bill was heard in the Ag section. I don't know what went on in discussion there.

**Rep. Monson:** It is \$159,000. It's just that \$79,500 is from the oil seed council and the other is from the ERP fund. It is still the same total amount of money. It references that number twice.

**Rep. Aarsvold:** Just to take off on Rep. Kerzman's observation for being produce or money. It comes at the request of the produces of the oil seed council and those folks who make contributions to the ERP fund when they purchase chemicals. There are no general fund dollars involved here. I think they are cutting new ground so to speak in terms of identifying other strategies that I hope will be more effective at what we've done in the past. The problem persists and is even growing in some areas of our state. I would certainly encourage the committee to pass the bill and make the appropriation available for that very important study.

**Rep. Wald motioned for a Do Pass. Rep. Ekstrom seconded the motion. The motion carried by a roll call vote of 17 ayes, 5 nays and 2 absent and not voting. Rep. Klein was designated to carry the bill.**



Date: *March 7, 2007*  
Roll Call Vote #:

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. *SB 2179*

**House Appropriations Education and Environment Division**

## Committee

☐ Check here for Conference Committee

**Legislative Council Amendment Number**

### Action Taken

**Motion Made By**

## Seconded By

[illegible]

Total (Yes) 5 No 0

Absent 2

## Floor Assignment

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

Date: 3/9/07  
Roll Call Vote #: 1

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2179

House Appropriations Full Committee

☐ Check here for Conference Committee

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

Action Taken No Pass

Motion Made By Wald Seconded By Ekstrom

Representatives	Yes	No	Representatives	Yes	No
Chairman Svedjan	✓				
Vice Chairman Kempenich	✓				
Representative Wald	✓		Representative Aarsvold	✓	
Representative Monson	✓		Representative Gulleason	✓	
Representative Hawken	✓				
Representative Klein	✓				
Representative Martinson	✓				
Representative Carlson		✓	Representative Glassheim	✓	
Representative Carlisle		✓	Representative Kroeber	✓	
Representative Skarphol		✓	Representative Williams	✓	
Representative Thoreson		✓			
Representative Pollert	✓		Representative Ekstrom	✓	
Representative Bellew		✓	Representative Kerzman	✓	
Representative Kreidt	✓		Representative Metcalf		
Representative Nelson	✓				
Representative Wieland		✓			

Total (Yes) 17 No 5

Absent 2

Floor Assignment Rep. Klein

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

**REPORT OF STANDING COMMITTEE (410)**  
March 9, 2007 2:38 p.m.

Module No: HR-45-4894  
Carrier: Klein  
Insert LC: . Title: .

**REPORT OF STANDING COMMITTEE**

**SB 2179, as reengrossed: Appropriations Committee (Rep. Svedjan, Chairman)**  
recommends **DO PASS** (17 YEAS, 5 NAYS, 2 ABSENT AND NOT VOTING).  
Reengrossed SB 2179 was placed on the Fourteenth order on the calendar.

2007 TESTIMONY

SB 2179

Roger Johnson  
Agriculture Commissioner  
www.agdepartment.com



Phone (701) 328-2231  
Toll Free (800) 242-7535  
Fax (701) 328-4567

600 E Boulevard Ave., Dept. 602  
Bismarck, ND 58505-0020

Testimony of Wayne Carlson  
**Senate Bill 2179**  
Senate Agriculture Committee  
Roosevelt Room  
January 26, 2007

*Same  
given to  
Senate  
appropriations  
and to  
House agriculture*

---

Chairman Flakoll and members of the Agriculture Committee, I am Wayne Carlson, Program Manager for Livestock Services. I am here today in support of SB 2179 which provides \$159,000 funding to mitigate crop damage for blackbirds. In addition I would like to pledge our department's cooperation in being the financial agent for these funds.

Blackbirds damaging sunflower fields have been a problem since sunflowers gained popularity as a cash crop in last seventies and early eighties. Sunflower acreage In North Dakota reached its peak in 1979 with 3.5 million acres grown. Since then acreage has continued to decline. Much of this decline is due to increased depredation by blackbirds.

Despite the decline in acres, the sunflower industry still plays a crucial part in North Dakota agriculture. North Dakota producers have used sunflowers in crop rotations to prevent diseases in wheat and other crops. The majority of the sunflower acres are seeded in the central part of the state, which also happens to be the central migratory route for blackbirds. It is estimated these

migratory birds cause \$5-10 million dollars of damage to sunflower production every year. The losses to individual fields can be even more devastating with reported field damages from 50% to 100% of total value. Each summer our office fields numerous calls from frustrated farmers that are desperate because entire fields are being destroyed and the farmers have very few alternatives to alleviate their problem.

Through the years, North Dakota sunflower producers have tried several methods of control, which include the use of fire arms, Avitrol, and propane cannons. These methods have had little success in overall control of blackbirds, because they are used more as frightening devices and do little to reduce blackbird numbers. Cattail management and the use of Rodeo have also been found to be effective tools to eliminate cattails as blackbird roosting areas. However, these do little to reduce overall numbers of blackbirds. North Dakota producers have become frustrated because there are no methods available to them to reduce the number of blackbirds, which in turn would reduce the damage done by the birds.

It is important that something be done to curb the losses in sunflower fields by blackbirds. This project is another tool that will help in providing the necessary incentives for growers to continue growing sunflowers in this state. Therefore, Chairman Flakoll and committee members, I would like to recommend a "do pass" on SB 2179. I would like to thank you for the opportunity to testify and would be happy to answer any questions you may have.

Testimony of Mike Clemens  
National Sunflower Association  
Before the Senate Agriculture Committee  
Friday, January 26, 2007  
SB 2179

Chairman Flakoll, members of the Senate Agriculture Committee, I am Mike Clemens. I farm near Wimbledon and am here today representing the National Sunflower Association. On behalf of North Dakota sunflower farmers, I would encourage your support of SB 2179.

In 2006, sunflower farmers received the great news that Frito Lay was switching all of their major potato chip brands to the exclusive use of NuSun® sunflower oil in the US and Canada. NuSun® is the only oil on the label for Lay's, Ruffles, and Wavy Lays, a strong commitment from a very large company. This is creating a great deal of interest in growing sunflowers in the country side. As a result of Frito Lay's commitment, sunflower prices are very firm and North Dakota State University crop analysis shows that sunflower is one of the most profitable crops to produce. The unfortunate fact, however, is that many producers cannot risk the impact of blackbirds destroying all or a portion of their crop. This is at a time when acreage needs to increase by 600,000 acres to meet this new and existing demand. The biggest single issue standing in the way of this need is the threat of blackbird damage.

USDA Wildlife Services estimates that blackbirds are responsible for \$10,000,000 dollars in losses annually to the sunflower crop in North Dakota. In 2006, USDA Wildlife Services identified 5,800 acres of cattail wetlands as blackbird roost habitat. These areas were treated with an aquatic herbicide to make them less attractive to the blackbirds. This assistance was provided to 90 landowners in 22 counties. Propane cannons and pyrotechnic frightening devices were also loaned and distributed to farmers. Twenty acre sunflower conservation wildlife plots were also used to try and minimize the damage. Even with efforts such as these the blackbird population continues to increase and cause more damage to crops in North Dakota. Sunflower farmers are looking for another strategy to deal with this huge problem.

There is some positive news on the blackbird front. Research coming out of Texas indicates that gravel road baiting may be a good alternative. Getting the blackbirds to take the treated bait in the fall has been the challenge. Gravel road baiting using the avicide DRC 1339 may hold more promise in controlling blackbirds since they require daily grit and use gravel roads. This avicide is labeled for use by USDA personnel only. Roadside baiting coupled with existing methods may provide improvements and passage of SB2179 is critical in implementing these programs.

SB2179 would provide funds to employ five part-time persons in strategic locations within North Dakota sunflower/blackbird damage areas. These people would work from July 15 to October 31. Locations would be in proximity of traditionally heavy damage areas and equally scattered out to minimize travel costs. In addition existing USDA Wildlife Services hunter/trappers in the blackbird damage areas such as Granville, McLeod and Dawson would be brought into the program during the specified time period to assist where needed at no additional salary cost giving a total of eight people working on this program.

Their responsibilities would be to do the following:

1. Store and distribute propane cannons to growers requesting cannons.
2. Assist growers in field placing the cannons to gain the most efficacy.
3. Assist growers in determining which wetlands are contributing to the damage and get the cattails in those wetlands sprayed.
4. Assist USDA Wildlife Services research in servicing cages and feeders at sunflower conservation wildlife plots.
5. Identify areas where blackbirds are taking grit from gravel roads and establish a baiting system using avicide DRC 1339. Monitor for non-target species.
6. Assist individual growers whenever possible in breaking up roosts when very large flocks are present and doing extensive damage.
7. Pick up and repair cannons after the damage season. Provide assistance to growers in repairing their cannons.



USDA APHIS ND Field Station, National Wildlife Research Center, would train these persons in blackbird biology and use of DRC 1339. The five part-time employees would be under the direct supervision of Dr. George Linz, USDA APHIS ND Field Station, National Wildlife Research Center. The full time hunter/trappers would be on loan to this project for the three and half month period and would be under the direction of Dr. George Linz. The Commissioner of Agriculture or his designate would administer the project, disperse the funds, assist in the hiring and training and will work in close cooperation with Dr. Linz.

The budget for the biennium would be broken out as follows:

Salary: five part-time employees	\$41,600
Travel: five part-time employees	27,900
Equipment: five part-time employees	5,000
Travel costs Wildlife Services employees	<u>5,000</u>
	\$79,500 annually or \$159,000/biennium

Sunflowers can be a high income crop for North Dakota farmers if blackbirds can be controlled. Supplying NuSun sunflower oil to Frito Lay is a new dynamic market opportunity. I encourage you to help sunflower farmers in North Dakota fight blackbirds and meet this new market demand by supporting SB2179.



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North Dakota Association of  
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North Dakota Barley Council  
North Dakota Beef  
Association  
North Dakota Corn Growers  
Association  
North Dakota Corn Utilization  
Council  
North Dakota Crop  
Improvement and Seed  
Association  
North Dakota Department of  
Agriculture  
North Dakota Dry Bean Council  
North Dakota Elk Growers  
North Dakota Farm Bureau  
North Dakota Farm Credit Council  
North Dakota Grain Dealers  
Association  
North Dakota Grain Growers  
Association  
North Dakota Lamb and Wool  
Producers  
North Dakota Oilseed Council  
North Dakota Pork Producers  
North Dakota Soybean Growers  
Association  
North Dakota State Seed  
Commission  
North Dakota Wheat  
Commission  
Northern Canola Growers  
Association  
Northern Plains Potato Growers  
Association  
Northern Pulse Growers  
Association  
Red River Valley Sugarbeet  
Growers

Testimony of Deana Wiese

North Dakota Ag Coalition

Senate Bill 2179

January 26, 2007

Chairman Flakoll and members of the Senate Agriculture Committee:

My name is Deana Wiese, and I am here today as the administrator of the North Dakota Ag Coalition. On behalf of the Ag Coalition, I encourage your support of SB 2179.

The Ag Coalition has been a unified voice for North Dakota agricultural interests for 20 years. Today, we represent 30 statewide organizations and associations that represent specific commodities or have a direct interest in agriculture. Through the Ag Coalition, these members seek to enhance the business climate for North Dakota's agricultural producers.

The Ag Coalition takes a position on only a limited number of issues brought to us by our members. These issues have significant impact on North Dakota's agriculture industry. Providing farmers with the tools to raise productive high-yielding crops is one of those issues.

The funding included in SB 2179 would assist farmers in locating and eradicating roosting areas of blackbirds, which are currently harmful to numerous crops, especially sunflowers and corn. Providing a means of controlling these pests will have a significant impact on crop yields leading to a strengthened ag economy.

Therefore, we encourage your support of SB 2179.

(2)

Testimony of Ward Eichhorst  
SB 2179  
February 7, 2007

As you may know, North Dakota is the number one producer of sunflower. There was 1.9 million acres of sunflower planted in the United States in 2006. Most of that acreage (1.14 million) is in North Dakota. Harvest is just around the corner but, unfortunately, the blackbird has commenced harvest before the combine. I would like to take this opportunity to explain the blackbird's impact on this farm and the sunflower industry.

Our farm is located about 1.5 miles south of Lake Audubon's east shore and the outlet for the McClusky Canal. The blackbirds migrate to an area (13-147-82 and 24-147-82) owned by the State of North Dakota and the U.S. Fish and Wildlife Service. This area encompasses about 640 acres of water and cattails for the blackbirds and is located northeast of our farm. A photo of this area is enclosed. Phil Mastrangelo, State Director of USDA-APHIS, has seen the site. We submitted an application a couple of years ago to have Rodeo sprayed on some of our land that has cattails located on it with which Phil and his staff helped us. However, I do not believe anything has been done with the government owned area. The birds stream over our yard for one hour from this area to the sunflower fields and then back to roost at night.

In addition to the use of Rodeo, we have utilized rifles, shotguns, airplanes and spraying of BirdShield and Avitrol to combat the birds. The plan to implement bird plot fields has not been approved for McLean County. I am all for solutions but I look at this idea in the same light as giving the henhouse key to the fox. The problem lies with the blackbirds and they need to be dealt with now.

This year we planted 420 acres of contracted confection sunflower. I would estimate that 10 percent of the crop has been consumed by the blackbirds. At an average of 1200 lbs/acres over 40 acres at \$0.17/lb, that equates to an estimated \$8500 loss. That is money that I would rather see applied to our ever-increasing cost of production or our annual \$10,000 health insurance obligation.

This should be a great time to produce sunflower in ND with the announcement earlier this year by the National Sunflower Association and Frito Lay, Inc. The commitment from Frito-Lay, Inc. to use NuSun sunflower oil in their potato chips and other products will require additional acres to meet demand. This partnership needs to work and must not be jeopardized by blackbirds. Those acres will be hard to acquire if producers feel compelled to plant other crops because of the blackbird pressure.

My recommendation would be to get blackbirds off the list of protected migratory birds so that some measure of control can be implemented. Until we can see some decline in the number of birds in our area, we can not afford to grow sunflowers here.

Senate Bill 2179 has disclosed an appropriation of \$159,000. The sunflower loss on our farm alone was about \$12,750 or eight percent of this bill's appropriation. Other producers across the state have incurred greater losses.

In my opinion, sunflower production in this state is at the crossroads. It can either move forward or backward. If Senate Bill 2179 is not enacted or other control measures initiated, then blackbird pressure is going to force all sunflower production in this state to an area west of Highway 83 where the prairie pothole is not as numerous. Sunflower acreage and yield will be greatly reduced and eventually, demand will not be satisfied.

Testimony of John Sandbakken  
National Sunflower Association  
Before the House Agriculture Committee  
Friday, March 2, 2007  
SB 2179

*Same  
given to  
Senate  
appropriations*

Chairman Johnson, members of the House Agriculture Committee, I am John Sandbakken and am here today representing the National Sunflower Association. On behalf of North Dakota sunflower farmers, I would encourage your support of SB 2179.

In 2006, sunflower farmers received the great news that Frito Lay was switching all of their major potato chip brands to the exclusive use of NuSun® sunflower oil in the US and Canada. NuSun® is the only oil on the label for Lay's, Ruffles, and Wavy Lays, a strong commitment from a very large company. This is creating a great deal of interest in growing sunflowers in the country side. As a result of Frito Lay's commitment, sunflower prices are very firm and North Dakota State University crop analysis shows that sunflower is one of the most profitable crops to produce. The unfortunate fact, however, is that many producers cannot risk the impact of blackbirds destroying all or a portion of their crop. This is at a time when acreage needs to increase by 600,000 acres to meet this new and existing demand. The biggest single issue standing in the way of this need is the threat of blackbird damage.

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There is some positive news on the blackbird front. Research coming out of Texas indicates that gravel road baiting may be a good alternative. Getting the blackbirds to take the treated bait in the fall has been the challenge. Gravel road baiting using the avicide DRC 1339 may hold more promise in controlling blackbirds since they require daily grit and use gravel roads. This avicide is labeled and has been used in sunflower fields. Roadside baiting coupled with existing methods may be the answer and passage of SB2179 can help to answer this question.

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Association

North Dakota Department of  
Agriculture

North Dakota Dry Bean Council

North Dakota Elk Growers

North Dakota Farm Bureau

North Dakota Farm Credit Council

North Dakota Grain Dealers  
Association

North Dakota Grain Growers  
Association

North Dakota Lamb and Wool  
Producers

North Dakota Oilseed Council

North Dakota Pork Producers

North Dakota Soybean Growers  
Association

North Dakota State Seed  
Commission

North Dakota Wheat  
Commission

North Dakota Canola Growers  
Association

North Dakota Plains Potato Growers  
Association

North Dakota Pulse Growers  
Association

Red River Valley Sugarbeet  
Growers

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North Dakota Ag Coalition

Senate Bill 2179

March 2, 2007

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The Ag Coalition has been a unified voice for North Dakota agricultural interests for 20 years. Today, we represent 30 statewide organizations and associations that represent specific commodities or have a direct interest in agriculture. Through the Ag Coalition, these members seek to enhance the business climate for North Dakota's agricultural producers.

The Ag Coalition takes a position on only a limited number of issues brought to us by our members. These issues have significant impact on North Dakota's agriculture industry. Providing farmers with the tools to raise productive high-yielding crops is one of those issues.

The issue of blackbird damage is inhibiting many North Dakota producers, specifically sunflowers and corn producers, from growth and expansion both economically and in terms of acreage. There are significant opportunities for North Dakota to expand its acreage in both of these crops. However, blackbirds are inhibiting this expansion. The funding included in SB 2179 would assist farmers in locating and eradicating roosting areas of blackbirds. Providing a means of controlling these pests will have a significant impact on crop yields and acreage, leading to a strengthened ag economy.

Therefore, we encourage your support of SB 2179.