

1999 HOUSE AGRICULTURE

HB 1256


1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1256

House Agriculture Committee

Conference Committee

Hearing Date 1-21-99

Tape Number	Side A	Side B	Meter #
TWO HB 1256	x		30.2 to 53.4
		x	0.0 to 06.2
Committee Clerk Signature 			

Minutes:

Summary of bill..Relates to the designation of industrial hemp as a noxious weed and the definition of noxious weed seeds.

Rep David Monson: Dist 10, After reading the present law, it is in error and this amendment probably isn't necessary. Hemp is not a perennial weed. It is an annual crop living only one season. It should have been listed under restricted noxious weed these past years, if anywhere.

(Testimony attached)

Rep Nichols: Dist 4.. Lend support to this bill.Need to keep up to speed on Research with Canada. Need more alternative crops to fill the gap.

Rep Herbel: How long has it been grown in Canada?

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House Agriculture Committee
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John Leppert, ND Dept of Agriculture.. In favor of HB 1256 with an amendment. I suggest the removal of hemp (*Cannabis sativa*), Hoary cress (*Cardaria draba*), and perennial sowthistle (*Sonchus arvensis*) from the noxious weed list. Hemp or marijuana has never been a threat to cropland, rangeland or wildland in North Dakota. It was added as an aid in drug enforcement. I do not believe the state noxious weed law should be used in this manner. Also, before hemp could become an agricultural crop in the state as some have proposed, it would need to be removed from the list. (Testimony attached).

Meryl Michels: ND Weed Assoc.. In their convention two weeks ago passed a resolution asking the Commissioner of Agr to remove this plant from the Noxious Weed list. In full support of this bill.

Rep Warner: Weed officer can go on a person's land any time they want too, Police officer can't are we going to hinder them in enforcing the law?

John Leppert: I don't think we will hinder them in anyway.

Opposition: Jerry Kemitch: St Criminal Bureau. Not so sure they are in opposition but want us to know there are some concerns if we start raising hemp as per sae in the state always to get around the basic facts. can put some marijuana plants in a field of industrial hemp and disguise it so know one knows the difference. Just plant an odd plant here and there and they will figure it out.

Rep Nowatzke.: what certified seed help.?

Jerry Kemitch: Problem is people sneaking into your farm at night and planting it in the rows.

Jim Swanson: ND Seed Regulator Dept. This bill requires some changes in their policy. They would not support complete removal of Hemp from Noxious Weed list unless include amendment as proposed by Rep Monson.

Page 3

House Agriculture Committee

Bill/Resolution Number Hb 1256

Hearing Date 1-21-99

Motion by Rep Brandenburg for a Do Pass as amended. Second by Rep D. Johnson

Vote total: Yes 14 No 0 Absent 1

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1256

Page 1, line 16, remove the overstrike over "~~hemp (cannabis sativa)~~", insert immediately thereafter "having more than three-tenths of one percent tetrahydrocannabinol", and remove the overstrike over the comma

Page 2, line 3, replace "tetrahydracannibol" with "tetrahydrocannabinol"

Renumber accordingly

Date: /-21-99
Roll Call Vote #: 1

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1256

House Agriculture Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do ~~not~~ pass as amended

Motion Made By Brandenburg Seconded By D. Johnson

Representatives	Yes	No	Representatives	Yes	No
Eugene Nicholas, Chairman	✓		Bob Stefonowicz	✓	
Dennis E. Johnson, Vice Chm	✓				
Thomas T. Brusegaard	✓				
Earl Rennerfeldt	✓				
Chet Pollert	✓				
Dennis J. Renner	✓				
Michael D. Brandenburg	✓				
Gil Herbel	✓				
Rick Berg					
Myron Koppang	✓				
John M. Warner	✓				
Rod Forelich <u>Froelich</u>	✓				
Robert E. Nowatzki	✓				
Phillip Mueller	✓				

Total (Yes) 14 No 0

Absent 0

Floor Assignment Brandenburg

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

REPORT OF STANDING COMMITTEE

HB 1256: Agriculture Committee (Rep. Nicholas, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1256 was placed on the Sixth order on the calendar.

Page 1, line 9, overstrike "perennial"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1266: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1266 was placed on the Sixth order on the calendar.

Page 1, line 4, replace "Upon completion of a" with "The"

Page 1, line 5, remove "cost-benefit study and approval of the workers compensation board of directors, the"

Page 1, line 6, after "operations" insert "only if the following requirements are satisfied:

1. Completion of a certified appraisal of the building and property to be purchased;
2. Completion of a physical inspection of the building to be purchased demonstrating that the building is structurally sound and suitable for housing bureau operations;
3. Completion of a cost-benefit analysis demonstrating that purchasing a building and property would be economically advantageous in that it would generate a higher yield compared to investing the anticipated purchase price with the same investment allocation as the workers' compensation fund;
4. The cost-benefit analysis must consider alternative locations to house bureau operations;
5. The building and property purchase must include adequate land to satisfy parking requirements of bureau staff and anticipated visitors; and
6. Approval of the purchase by the workers compensation board of directors after consideration of the certified appraisal, physical inspection report, and cost-benefit analysis"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1274: Education Committee (Rep. R. Kelsch, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1274 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "provisional" with "interim reciprocity"

Page 1, line 6, replace "Provisional" with "Interim reciprocity"

Page 1, line 7, replace "a provisional" with "an interim reciprocity"

Page 1, line 8, after "certificate" insert "in accordance with sections 15-47-46 and 15-41-25" and after "valid" insert "regular"

Page 1, line 10, after "a." insert "The certification is based upon a minimum of a bachelor's degree with a major that meets the issuing state's requirements in elementary education, middle-level education, or a content area taught in public high schools;

- b. The certification requires the completion of a professional education sequence from a state-approved teacher education program, including supervised student teaching;

c."

Page 1, line 12, replace "b" with "d"

Page 1, line 14, replace "c" with "e"

Page 1, replace lines 16 and 17 with:

- "2. An interim reciprocity certificate granted under this section is valid for two years. The individual shall submit evidence of progress on the individual's educational plan to the education standards and practices board at the end of the two-year period. The interim reciprocity certificate may be renewed for one additional two-year period if satisfactory progress is demonstrated."

Page 1, line 18, replace "a provisional" with "an interim reciprocity"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1340: Education Committee (Rep. R. Kelsch, Chairman) recommends DO NOT PASS (9 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1340 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1370: Education Committee (Rep. R. Kelsch, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (8 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING). HB 1370 was placed on the Sixth order on the calendar.

Page 1, line 2, after the semicolon insert "and"

Page 1, line 4, replace "; and to repeal section 15-36-11 of the North Dakota" with a period

Page 1, remove line 5

Page 1, line 10, remove "1."

Page 1, remove lines 13 through 17

Page 1, replace lines 20 through 24 with:

"Exception to certificate requirement. An individual without a valid certificate who is teaching under contract with a school may teach and be employed to teach if approved by the education standards and practices board. The education standards and practices board shall establish by rule the terms and conditions of approval. The terms and conditions may include payment of fines to the board, enrollment in and completion of continuing education courses, and a deadline for filing a completed application. Approval to teach and be employed to teach without a valid North Dakota certificate may only be granted if the individual has previously held a valid North Dakota certificate, currently holds a valid teaching certificate or license in another jurisdiction, or has filed a completed application with the board."

Page 2, remove lines 1 and 2

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1373, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman) recommends DO NOT PASS (14 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1373 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1376: Education Committee (Rep. R. Kelsch, Chairman) recommends DO NOT PASS (9 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). HB 1376 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1383: Finance and Taxation Committee (Rep. Belter, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS

1999 SENATE AGRICULTURE

HB 1256

1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1256

Senate Agriculture Committee

Conference Committee

Hearing Date 3/12/99

Tape Number	Side A	Side B	Meter #
1	X		2433-5135
2	X		1912-2289
3/25 1	X		5620-END
3/25 1		X	0-390
Committee Clerk Signature <i>Tricia Ferguson</i>			

Minutes:

Senator Wanzek called the meeting to order, roll call was taken, all were present.

Senator Wanzek opened the hearing on HB 1256.

Representative Monson introduced bill. Bill changes the definition of hemp as a noxious weed.

Senator Mathern: Why did they have a fiscal note on the other one and not this one?

Representative Monson: On the other one it was due to licensing requirements.

Senator Klein: Would we be amending the spelling error again?

Representative Monson: Yes.

Senator Sand: Can you bring us up to speed on hemp nationally?

Representative Monson: Moving ahead quickly.

Senator Mathern: Do you have any responses as to how to handle the problem with finding low

levels of drug in the blood test.

Page 2

Senate Agriculture Committee
Bill/Resolution Number Hb 1256
Hearing Date 3/12/99

Representative Monson: They have other things that show up such as poppy seeds, I think they are going overboard.

Senator Urlacher: Are there requirements or licensing procedures in other states?

Representative Monson: I'm not sure what other states are doing, I modeled mine from Canada.

Senator Sand: Discuss the dollar potential of hemp.

Representative Monson: Approximately 225-275 dollars an acre.

Senator Mathern: Am I wrong in thinking they should be involved in this (NDSU)?

Representative Monson: I would hope that the law in HB 1428 would with those requirements would take them off the list of universities that would lose any funding over this.

Dave Nelson from the ND Ag. Department spoke in support of bill. Mentioned the three changes in the bill to make it the same.

Senator Wanzek: What we would be doing is making it the same?

Dave Nelson: Correct.

Senator Wanzek closed the hearing on HB 1256.

MARCH 12, 1999

Discussion was held.

Senator Klein made the motion to move the amendments.

Senator Kinnoin seconded.

Motion carried.

Bill was held.

MARCH 25, 1999

Discussion was held.

Page 3
Senate Agriculture Committee
Bill/Resolution Number Hb 1256
Hearing Date 3/12/99

Hoghouse amendments were handed out. Discussion was held on those.

Senator Klein made the motion to adopt the amendments.

Senator Kinnoin seconded.

Discussion. Motion carried.

Senator Klein made the motion for a Do Pass as Amended.

Senator Sand seconded.

ROLL CALL: 7 Yes, 0 No

CARRIER: Senator Sand

JCS
3/16/99

SENATE AMENDMENTS TO PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1256

ENGR. HB. 1256

AGRIC.

3/16/99

Page 1, line 13, overstrike the first "1" and insert immediately thereafter "1" and overstrike the second "1" and insert immediately thereafter "1"

Page 1, line 14, overstrike "1." and insert immediately thereafter "(l.) scop."

Page 1, line 15, overstrike "1" and insert immediately thereafter "1" and overstrike "picris pall" and insert immediately thereafter "repens L."

Page 1, line 16, overstrike "absinthim" and insert immediately thereafter "absinthium L.", remove the overstrike over "~~hemp (cannabis sativa)~~" and insert immediately thereafter "L.", remove the overstrike over ")" and insert immediately thereafter "having more than three-tenths of one percent tetrahydrocannabinol", remove the overstrike over the comma, and after "nutans" insert "L."

Page 1, line 17, overstrike "maculosalam" and insert immediately thereafter "maculosa lam.", overstrike "and", and overstrike "1" and insert immediately thereafter "(l.)desv.) and yellow starthistle (centaurea solstitialis L."

Page 1, line 21, after "sepium" insert "L."

Page 1, line 22, after "fatua" insert "L." and overstrike "1." and insert immediately thereafter "(l.)"

Renumber accordingly

Date: 3/12
Roll Call Vote #: 1

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1256

Senate Agriculture Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass Amendments

Motion Made By Klein Seconded By Kinnoin

Senators	Yes	No	Senators	Yes	No
Senator Wanzek	✓				
Senator Klein	✓				
Senator Sand	✓				
Senator Urlacher	✓				
Senator Kinnoin	✓				
Senator Kroeplin	✓				
Senator Mathern	✓				

Total (Yes) 7 No 0

Absent _____

Floor Assignment _____

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

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1256

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 63-01.1-12.2 of the North Dakota Century Code, relating to noxious weed certification.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Section 63-01.1-12.2 of the North Dakota Century Code is amended and reenacted as follows:

63-01.1-12.2. Noxious weed certification – Gravel, scoria, and sand pits and hay land.

1. The commissioner, after consultation with the North Dakota state university extension service, may adopt rules for certifying that gravel, scoria, or sand surface mining operations and land producing hay for sale or for resale are not contaminated with noxious weeds. The rules must identify the extent noxious weeds are allowed with certification.
2. The county weed board, after consultation with the North Dakota state university extension service, may certify gravel, scoria, or sand surface mining operations and land producing hay for sale or for resale as not contaminated with noxious weeds.
3. The commissioner shall adopt a schedule of fees that county weed boards and the North Dakota state university extension service may charge for inspecting, testing, analyzing, and certifying gravel, scoria, or sand surface mining operations and hay land.
4. Certification of gravel, scoria, or sand surface mining operations or hay land is not a warranty of any kind as to the quality of the gravel, scoria, sand, or hay produced from an inspected and certified location. The only representation made is that land from which sand, scoria, and gravel is surface mined or land producing hay for sale or resale has been inspected for contamination by noxious weeds under rules adopted by the commissioner."

Re-number accordingly

Date: 3/25
Roll Call Vote #: 1

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1232e

Senate Agriculture Committee

Subcommittee on _____
or

Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass Amendments

Motion Made By Klein Seconded By Kinnoin

Senators	Yes	No	Senators	Yes	No
Senator Wanzek	✓				
Senator Klein	✓				
Senator Sand	✓				
Senator Urlacher	✓				
Senator Kinnoin	✓				
Senator Kroeplin	✓				
Senator Mathern	✓				

Total (Yes) 7 No 0

Absent _____

Floor Assignment _____

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

Date: 3/25
Roll Call Vote #: 2

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1256

Senate Agriculture Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass as Amended

Motion Made By Klein Seconded By Sand

Senators	Yes	No	Senators	Yes	No
Senator Wanzek	✓				
Senator Klein	✓				
Senator Sand	✓				
Senator Urlacher	✓				
Senator Kinnoin	✓				
Senator Kroeplin	✓				
Senator Mathern	✓				

Total (Yes) 7 No 0

Absent _____

Floor Assignment Senator Sand

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

REPORT OF STANDING COMMITTEE

HB 1256, as engrossed: Agriculture Committee (Sen. Wanzek, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1256 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 63-01.1-12.2 of the North Dakota Century Code, relating to noxious weed certification.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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2. The county weed board, after consultation with the North Dakota state university extension service, may certify gravel, scoria, or sand surface mining operations and land producing hay for sale or for resale as not contaminated with noxious weeds.
3. The commissioner shall adopt a schedule of fees that county weed boards and the North Dakota state university extension service may charge for inspecting, testing, analyzing, and certifying gravel, scoria, or sand surface mining operations and hay land.
4. Certification of gravel, scoria, or sand surface mining operations or hay land is not a warranty of any kind as to the quality of the gravel, sand, or hay produced from an inspected and certified location. The only representation made is that land from which sand and gravel is surface mined or land producing hay for sale or resale has been inspected for contamination by noxious weeds under rules adopted by the commissioner."

Renumber accordingly

1999 TESTIMONY

HB 1256

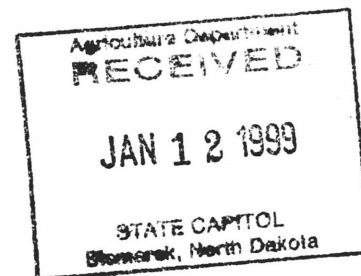
NDSU

HB1256

DEPARTMENT OF PLANT SCIENCES
RESEARCH-TEACHING-EXTENSION

North Dakota State University
L. M. Hall
P.O. Box 5051
Fargo, North Dakota
58105-5051

January 11, 1999



Tel. 701.231.7971
Fax 701.231.8474
aschneit@plains.nodak.edu

Roger Johnson
Commissioner of Agriculture
Department of Agriculture
600 East Boulevard
Bismarck, ND 58505

Biotechnology
Breeding
Forestry
Genetics
Horticulture
Physiology
Production
Weed Science

Dear Commissioner Johnson:

I am writing in regards to the revision of the North Dakota State Noxious Weeds List. I am requesting that three weeds species be removed from the current list and one new weed added. This would result in a total of ten plants on the state noxious weed list.

I suggest the removal of hemp (*Cannabis sativa*), hoary cress (*Cardaria draba*), and perennial sowthistle (*Sonchus arvensis*) from the noxious weed list. Hemp or marijuana has never been a threat to cropland, rangeland or wildland in North Dakota. It was added as an aid in drug enforcement. I do not believe the state noxious weed law should be used in this manner. Also, before hemp could become an agricultural crop in the state as some have proposed, it would need to be removed from the list.

Hoary cress is a very minor weed in the state, and I have never had any indication that it would become wide spread. In the 1997 state survey there were 262 acres of hoary cress reported in North Dakota, compared to 8,235 acres (an obvious over estimate) in 1992. I have had only one phone call asking how to control it in nearly 20 years.

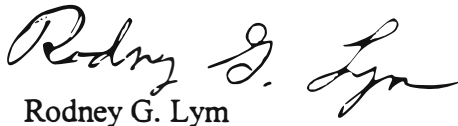
The removal of perennial sowthistle is a harder decision to make. It was the first plant ever declared noxious in North Dakota. During the wet years of the 1940's perennial sowthistle was a problematic cropland weed, especially in the northeast corner of the state. However, with the advent of herbicides and changes in cropping practices, this plant has become just another weed that occasionally interferes with crop production, not a widespread economic threat. With the recent wet years sowthistle has become more prevalent, but most of the plants people see are the annual weeds, annual sowthistle and spiny sowthistle, not the state-listed perennial sowthistle.

I suggest that yellow starthistle (*Centaurea solstitialis*) be added to the North Dakota Noxious Weed list. This plant was first discovered in the state in Beach in 1985. The plants were removed and burned. Yellow starthistle had not been reported in the



state again until this past summer of 1998 when several hundred acres were found in CRP in Kidder County. Yellow starthistle has the potential to quickly spread and could rapidly become the number one weed problem of untilled land in the state. Yellow starthistle heavily infests non-cropland in the Pacific Northwest states and most of California. It is the only noxious weed I am aware of that has become resistant to some herbicides (Tordon in Idaho). Yellow starthistle spreads by seed and is rather easy to control when it first becomes established. However, because it is a prolific seed producer a few acres can become several hundred acres in a very short time. Thus, rapid action to contain and control this weed now will prevent thousands of acres from becoming infested in the near future.

Sincerely,

A handwritten signature in cursive script that reads "Rodney G. Lym". The signature is written in black ink and is positioned to the left of the typed name.

Rodney G. Lym
Professor

copy ✓ Dr. Schneiter
John Leppert

HB 1256

COMMISSIONER OF AGRICULTURE
ROGER JOHNSON



PHONE (701) 328-2231
(800) 242-7535
FAX (701) 328-4567

DEPARTMENT OF AGRICULTURE
State of North Dakota
600 E. Boulevard Ave. Dept. 602
Bismarck, ND 58505-0020

19 January 1999

Rodney G. Lym
Professor, Plant Science Department
P.O. Box 5051
North Dakota State University
Fargo, ND 58105-5051

Dear Dr. Lym:

I am writing in response to your request that three weed species be removed and one new weed be added to the North Dakota State Noxious Weeds List. I concur with your view that hemp (*Cannabis sativa*), hoary cress (*Cardaria draba*), and perennial sowthistle (*Sonchus arvensis*) ought to be removed, and that yellow starthistle (*Centaurea solstitialis*) should be added to the current list of North Dakota State Noxious Weeds.

The North Dakota State House has already proposed legislation (HB1256) relating to the issue of industrial hemp and other legislation may be pending that relate to this subject as well. I concur in your assessment that hemp is in no way threatening to the state's agriculture.

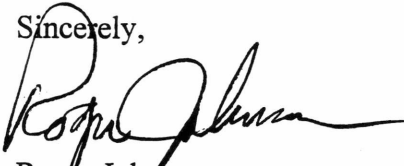
Perennial sowthistle is no longer a statewide economic threat to agriculture, because of the availability of effective herbicides, and the amount of hoary cress present in the state's farmland is minimal and appears not to be spreading. Consequently, there are no good reasons for continuing to designate them as being *noxious*.

The discovery of yellow starthistle in Kidder County last summer is very worrisome indeed. Its ability to spread rapidly and your characterization that it could "become the number one weed problem of untilled land in the state" make it imperative that it be added to the State Noxious Weed List. Producers and landowners must eradicate this terrible threat to the state's agricultural base as quickly as possible.

Therefore, based on your recommendation, I shall begin the rule making process to make these changes to the North Dakota State Noxious Weed List as part of chapter 63-01.1 of the North Dakota Century Code.

Thank you for your efforts on behalf of North Dakota agriculture and for your assistance in making this determination.

Sincerely,

A handwritten signature in black ink, appearing to read "Roger Johnson", with a long, sweeping horizontal flourish extending to the right.

Roger Johnson
Commissioner

RJ:jl

NORTH DAKOTA HOUSE OF REPRESENTATIVES

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360



Assistant House
Majority Leader
COMMITTEES:
Appropriations

Representative David Monson
District 10
P.O. Box 11
Bismarck, ND 58269-0008

TESTIMONY FOR HB 1256

Prepared by Representative David Monson

Thursday, January 21, 1999

Good Morning Mr. Chairman and members of the Ag Committee. This is a simple bill that does only one thing. It removes the designation of industrial hemp (cannabis sativa, having .3% or less THC content) from the list of "prohibited noxious weed seed". I have an amendment to this bill that I am submitting at the request of Jim Swanson of the State Seed Department. After reading present law, it is in error and this amendment probably isn't necessary. Hemp is not a perennial weed. It is an annual crop living only one season. It should have been listed under restricted noxious weed these past years, if anywhere.

With the production of industrial hemp in Canada now, we are learning a lot about industrial hemp first hand. We were always told cannabis sativa could not be distinguished easily by variety between marijuana and industrial hemp. That is not true any more. My friend in Manitoba who raised industrial hemp last year told me how they could tell the difference. The Canadian government did field tests in his fields to assure that his was low in THC. They have a little tool to clamp on the leaves or stems and it identifies the difference immediately on the spot. There is also a chemical test using a vial of solution that turns dark purple in seconds if THC is present. The visual differences are obvious at a glance as well. Industrial hemp is a single stalk growing with few if any branches with seeds close to the stem at the top. Marijuana is much more branched and has numerous seed spikes I am told. It would be similar to looking at a field of sunflowers and spotting the ones that revert back to wild stock, having numerous tiny heads. For these reasons, it is time to make a distinction and remove low THC hemp from the list of prohibited noxious weeds.

If you have any questions, I would be happy to answer them.



MARK A. JOHNSON
EXECUTIVE DIRECTOR

January 22, 1999

Senator Terry M. Wanzek, Chairman
Senate Agriculture Committee
State Capitol
Bismarck, ND 58505

Dear Senator Wanzek:

As you suggested, I spoke with Representative Monson regarding the potential to amend HB1256 to address our noxious weed certification issue. He stated that if the Senate passes HB1428 with the "hemp" language from HB 1256, as anticipated; he would not object to a "hog-house" amendment to accomplish our goals.

On the reverse side of this memo are amendments that we feel would address our concern about adding scoria, to the certification section that currently addresses only gravel and sand.

If there are any questions or you would like me to address your committee regarding this issue, please let me know.

Sincerely,

Terry Traynor,
NDACo Assistant Director