

1999 HOUSE AGRICULTURE
HB 1423

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1423

House Agriculture Committee

Conference Committee

Hearing Date 2-04-99

Tape Number	Side A	Side B	Meter #
ONE HB 1423	X		40 to 53
Committee Clerk Signature <i>Oliver Hanson</i>			

Minutes:

Summary of bill: Relates to the State Seed Commissioner adopting specifications for canola seed.

Rep Lemieux: Appeared before the committee as one of the chief sponsor's of the bill. HB 1423 was introduced in a attempt to bring the canola seed industry in North Dakota up to or to exceed the standards established in Canada. Canada has established high standards that are recognized in the industry as minimums. (Testimony attached)

Are we becoming the ugly little step sister in the canola industry in the world by allowing the sub standard products to be sold to the farmers in North Dakota. The economic impact are such that there are processors that pay premium's for Canadian canola over ND canola.

Rep Nowatzke: Are you concerned about seed standards like the difference between rape seed and canola seed.

Rep Lemieux: We don't think we should be growing varieties that are border line or dip over just a little bit. One of the problems the Canadian authorities have found is that people have tried to register varieties that are about the same as another variety and they say that if you are going to register canola seed lets have a variety that's either got better agronomic characteristics or a better oil content. Something that's going to enhance the industry.

Rep Nowatzki: Maybe we will prevent ourselves from developing seed for niche markets by setting the standards to high. Some that don't even exist yet.

Bill Kuntz: Director of Oilseeds for ND Seed Dept. Neutral on bill. Asking for some amendments. To first of all removing any legislation tying North Dakota to Canadian specifications. We would like to adapt our own specs within the industry in North Dakota.

Chm Nicholas: Question for you. Is there any reason we can't do this now without this legislation?

Bill Kuntz: I don't think you can require certification with the present law. Our current legislation requires that it has to be labeled. And if its labeled it can be labeled with cleavers, a weed prevalent in Canada, in there. If you put certification in there you can take care of this. I would be available to work with Rep Lemieux and the committee to take care of this.

2-11-99.. committee action.. HB 1423

Rep Nowatzki: The amendment as proposed is a "Hog House" amendment as per sae. Motion by Rep Brusegaard to approve the amendments as presented, second by Rep Mueller, motion carried.

Rep Brusegaard then moved a DO PASS as amended on HB 1423, second by Rep Herbel

Vote on HB 1423.. YES 10 NO 0 A BSENT 5 Carrier: Rep Nowatzki

VJR
2/12/99

HOUSE AMENDMENTS TO HOUSE BILL NO. 1423 HOUSE AG 2-15-99

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact subsection 1 of section 4-09-10 of the North Dakota Century Code, relating to canola seed standards.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 1 of section 4-09-10 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

1. a. In seeds of wheat, durum, barley, oats, rye, soybeans, dry beans, and flax the commonly accepted name of the kind and variety of each agricultural seed component in excess of five percent of the whole and the percentage by weight of each. Variety identification is not required for seeds labeled "for vegetative cover only".
- b. In seeds of canola, seed must be certified by the commissioner as meeting the standards of this chapter or have been certified by another state or province having certification standards for canola which meet or exceed standards adopted by this chapter.
- ~~b.~~ c. In all other seeds not named in ~~subdivision~~ subdivisions a and b the commonly accepted name of the kind or the kind and variety of each agricultural seed component in excess of five percent of the whole and the percentage of weight of each.
- e. d. When more than ten percent of the whole consists of an aggregate of agricultural seed components, each present in an amount not exceeding five percent of the whole, each component in excess of one percent of the whole must be named together with the percentage by weight of each. All components must be listed in the order of their predominance. Where more than one component is named, the word "mixture", or the word "mixed", must be shown conspicuously on the label."

Renumber accordingly

Date: 1-4-89
Roll Call Vote #:

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1423

House AGRICULTURE Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do pass as amended

Motion Made By Brusegaard Seconded By Herbel

Representatives	Yes	No	Representatives	Yes	No
Eugene Nicholas, Chaiman	✓		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 Froelich					
Robert E. Nowatzki	✓				
Phillip Mueller	✓				

Total (Yes) 10 No 0

Absent 5

Floor Assignment Nowatzki

REPORT OF STANDING COMMITTEE

HB 1423: Agriculture Committee (Rep. Nicholas, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (10 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING). HB 1423 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 subsection 1 of section 4-09-10 of the North Dakota Century Code, relating to canola seed standards.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 1 of section 4-09-10 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

1. a. In seeds of wheat, durum, barley, oats, rye, soybeans, dry beans, and flax the commonly accepted name of the kind and variety of each agricultural seed component in excess of five percent of the whole and the percentage by weight of each. Variety identification is not required for seeds labeled "for vegetative cover only".
- b. In seeds of canola, seed must be certified by the commissioner as meeting the standards of this chapter or have been certified by another state or province having certification standards for canola which meet or exceed standards adopted by this chapter.
- ~~b.~~ c. In all other seeds not named in ~~subdivision~~ subdivisions a and b the commonly accepted name of the kind or the kind and variety of each agricultural seed component in excess of five percent of the whole and the percentage of weight of each.
- ~~e.~~ d. When more than ten percent of the whole consists of an aggregate of agricultural seed components, each present in an amount not exceeding five percent of the whole, each component in excess of one percent of the whole must be named together with the percentage by weight of each. All components must be listed in the order of their predominance. Where more than one component is named, the word "mixture", or the word "mixed", must be shown conspicuously on the label."

Renumber accordingly

1999 SENATE AGRICULTURE

HB 1423

1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1423

Senate Agriculture Committee

Conference Committee

Hearing Date 3/11/99

Tape Number	Side A	Side B	Meter #
1	X		0-1048
Committee Clerk Signature <i>Nicia Arguan</i>			

Minutes:

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

Senator Wanzek opened the hearing on HB 1423.

Representative Lemieux introduced the bill. Felt it is important to have standards to follow and this bill would do that.

Bill Kuntz, Director of Field Seed Programs, spoke neutrally on the bill. Testimony enclosed.

Senator Urlacher: These standards follow those of Canada?

Bill Kuntz: We would do that but we need to take special interest in weeds that we don't want in ND.

Senator Urlacher: Are we saying we could benefit from their research.

Bill Kuntz: I think you are right.

Senator Wanzek: We want to be able to set our own standards but use Canada as guidelines.

Page 2

Senate Agriculture Committee
Bill/Resolution Number Hb 1423
Hearing Date 3/11/99

Bill Kuntz: Yes.

Senator Wanzek: Is there many acres of seed production in ND?

Bill Kuntz: Only a couple hundred.

Senator Urlacher: Is there a certain amount of private or state wide weed control?

Bill Kuntz: There is a lot of private research on canola.

Senator Wanzek closed the hearing on HB 1423.

Senator Klein made the motion for a Do Pass.

Senator Mathern seconded.

ROLL CALL: 7 Yes, 0 No

CARRIER: Senator Kroeplin

Date: 3/11
Roll Call Vote #: 1

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1423

Senate Agriculture Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Klein Seconded By Mather

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

Total (Yes) 7 No 0

Absent _____

Floor Assignment Senator Kroeplin

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

REPORT OF STANDING COMMITTEE (410)
March 11, 1999 10:24 a.m.

Module No: SR-44-4519
Carrier: Kroeplin
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1423, as engrossed: **Agriculture Committee (Sen. Wanzek, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1423 was placed on the Fourteenth order on the calendar.

1999 TESTIMONY

HB 1423

Thursday, February 4, 1999

House Agriculture Committee

Thank you Chairman Nicholas and members of the House Ag. Committee. For the record my name is Rep. Doug Lemieux from dist9 Rolette County.

HB1423 was introduced in an attempt to bring the canola seed industry in North Dakota up to or to exceed the standards established in Canada. Canada has established high standards that are recognized in the industry as minimums.

Canola is a fairly new crop in North Dakota and not establishing high seed standards has put North Dakota farmers at an economic disadvantage because our producers are often sold canola seed that does not meet the established standards of the industry.

1. Percent of oil
2. Protean content of meal
3. Oil type

The other concerns of growers in North Dakota has been the potential for weed seeds that are not native to North Dakota such as "cleavers" to be brought into the state because they are not even listed on our weed lists.

Thank You for your consideration of HB1423

HB 1423 Senate Agricultural Committee
Thursday, March 11, 1999

Testimony Submitted by Bill J. Kuntz, Director
Field Seed Programs
North Dakota State Seed Department

Mr. Chairman and members of the Committee.

My name is Bill J. Kuntz, Director of Field Seed Programs for the North Dakota State Seed Department. I have the responsibility for administering seed certification services for the State Seed Department.

The North Dakota State Seed Department is not taking a position for or against this bill. However if it is the wishes of the industry to set standards for canola seed sold, this bill provides the best industry method of setting seed Standards. Seed certification systems are used in the seed industry for most crops grown in the state and around the world. Standards would be established by canola grower and industry groups through the administrative process. Canola seed standard guidelines set by the Association of Official Seed Certifying Agencies would be followed to assure the movement of seed from state to state and other countries.

I would be happy to answer any questions.

From Bill Kunitz

4-09-10. Labeling requirements for agricultural seed. Each container of agricultural seed which is sold, offered for sale, exposed for sale, transported for sale, or held in storage with the intent to sell for planting purposes within this state must bear thereon or have attached thereto in a conspicuous place, or there must be properly delivered with bulk sales or movements of said seed, a plainly written or printed label or tag in the English language giving the following information, which statement may not be modified or denied in the labeling or on another label attached to the container:

1. a. In seeds of wheat, durum, barley, oats, rye, soybeans, dry beans, and flax the commonly accepted name of the kind and variety of each agricultural seed component in excess of five percent of the whole and the percentage by weight of each. Variety identification is not required for seeds labeled "for vegetative cover only".
- b. In seeds of canola seed must be certified by the commissioner as meeting the standards of this chapter or have been certified by another state or province having certification standards for canola that meet or exceed standards adopted by this chapter.
- b.c. In all other seeds not named in subdivision a. & b., the commonly accepted name of the kind or the kind and variety of each agricultural seed component in excess of five percent of the whole and the percentage of weight of each.
- e.d. When more than ten percent of the whole consists of an aggregate of agricultural seed components, each present in an amount not exceeding five percent of the whole, each component in excess of

New wording
to present code

one percent of the whole must be named together with the percentage by weight of each. All components must be listed in the order of their predominance. Where more than one component is named, the word "mixture" or the word "mixed", must be shown conspicuously on the label.

2. Lot number of other lot identification.
3. Origin, state or foreign country where grown. If the origin is unknown, that fact must be stated.
4. Percentage by weight of all weed seeds.
5. The name and rate of occurrence per pound [453.59 grams] of each kind of restricted noxious weed seeds present, if the restricted noxious weed seeds are present singly or collectively in amounts:
 - a. In seeds of grasses and small seeded legumes, in excess of thirteen seeds per pound [453.59 grams]; and
 - b. In other agricultural seeds including the cereals, oil seed crops, millets, and seeds of similar size, in excess of five seeds per pound [453.59 grams].
6. Percentage by weight of agricultural seed which may be designated as crop seed, other than those required to be named on the label.
7. Percentage by weight of inert matter.
8. For each agricultural seed:
 - a. Percentage of germination, exclusive of hard seed. Total germination and hard seed may be stated as such, if desired.

- b. Percentage of hard seed, if present. Total germination and hard seed may be stated as such, if desired.
 - c. The calendar month and year the test was completed to determine such percentages.
- 9. The full name and address of the person who labeled said seed, or who sells, offers for sale or exposes said seed for sale within this state.
- 10. For treated seeds as defined in this chapter, for which a separate label may be used:
 - a. A word or statement indicating that the seed has been treated;
 - b. The commonly accepted, coined, chemical or abbreviated chemical (generic) name of the applied seed protectant pesticide; and
 - c. If the substance in the amount present with the seed is harmful to human or other vertebrate animals, a caution statement such as "Do not use for food or feed or oil purposes". The caution for mercurials and similar toxic substances must be a poison statement or symbol.
- 11. That the seed container itself is a hermetically sealed container as defined by rules adopted by the commissioner.
- 12. A disease test result for seed borne diseases. For the purpose of this subsection, the words "disease test result" have the meaning ascribed to them by rules adopted by the commissioner.

DRAFT COPY

MUSTARD AND RAPESEED (CANOLA)

General Field Standards (including open-pollinated and synthetic canola)

1. The crop must be planted on land that has not produced rapeseed, canola or mustard during the previous five years for Foundation seed production, or the previous three years for Certified seed production.
2. Field inspection shall be conducted during the bloom stage.
3. The field shall be considered the unit of certification.

Specific Field Standards (including open-pollinated and synthetic canola)

Factor	Standards for each class	
	Foundation	Certified
Off-type plants ¹	1:2,000	1:500
Plants of other Brassica species ¹ (including wild mustard)	1:10,000	1:10,000
Inseparable other crops ¹	1:2,000	1:500
Isolation (feet) ²	1,320	660

¹ Maximum permitted ratio of plants.

² Minimum distance from other varieties of rapeseed, canola, mustard, or non-certified seed of the same variety. Distance between classes of the same variety shall be at least 10 feet.

General Field Standards (hybrid canola)

1. The crop must be planted on land that has not produced rapeseed, canola or mustard during the previous five years for both the Foundation and Certified classes of hybrid production.
2. At least two field inspections shall be made, one at seedling to pre-bloom and one during bloom. The first inspection should be done to allow for roguing prior to bloom.
3. The field shall be considered the unit of certification; fields should be isolated by the proper distance.
4. Breeder or Foundation seed must be used to establish all fields of hybrid canola for certification. The direction of the cross must remain unchanged throughout the certification program unless adequate data is provided to the North Dakota State Seed Department to show that no change in variety performance results from the reversal of parentage.

Specific Field Standards (hybrid canola)

Factor	Standards for each class	
	Foundation	Certified
Off-type plants ¹	1:15,000	1:15,000
Plants of other Brassica species ¹ (including wild mustard)	1:10,000	1:10,000
Objectionable weeds ³	?	?
Inseparable other crops ¹	1:2,000	1:500
Isolation (feet) ²	2,640	2,640

¹ Maximum permitted ration of plants.

² Minimum distance from other varieties of rapeseed, canola, mustard, non-certified seed of the variety.

³ Cleavers

Seed Standards

Factor	Standards for each class	
	Foundation	Certified
Pure seed (minimum)	99.0%	99.0%
Inert matter (maximum)	1.0%	1.0%
Total weed seeds (maximum per pound)	.05%	.10%
Prohibited weed seeds	None	None
Objectionable weed seeds (per pound) ⁵	7	14
Other varieties (maximum)	0.05%	0.25%
Other kinds (maximum)	0.01%	0.01%
Other crop seeds (maximum)	0.05%	0.25%
Germination (minimum)	85.0%	85.0%
Sclerotia (per pound) ^{1 & 2}	?	?
Blackleg test	*	*
Erucic Acid & Glucosinolate Content ^{3 (Canola)}	Pass	Pass
Hybrid Canola only ⁴	Percent hybrid seed	Percent hybrid seed

* The applicant must obtain a blackleg test on each seedlot. The test must be conducted by a laboratory approved by the North Dakota State Seed Department and be blackleg free.

¹ Sclerotia or fragments of sclerotia of *Sclerotinia sclerotiorum*.

² Seedlots containing more than ? sclerotia per pound maybe labeled substandard.

³ North Dakota State Seed Department requires a certificate from an accredited laboratory indicating a satisfactory erucic and glucosinoate content prior to final certification for all canola.

⁴ A declaration stating the minimum percent hybrid seed and the method of determining the hybridity must be submitted to the North Dakota State Seed Department prior to final certification.

⁵ Objectionable weed seeds are dodder, wild mustard, wild oats and cleavers.