

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION  
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2206

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Deanna D. Walker  
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10/17/03  
Date

2003 SENATE AGRICULTURE

SB 2206

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2003 SENATE STANDING COMMITTEE MINUTES

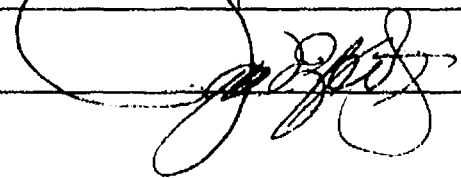
BILL/RESOLUTION NO. SB 2206

Senate Agriculture Committee

Conference Committee

Hearing Date 01/23/03

Tape Number	Side A	Side B	Meter #
1	x		80 - 1483

Committee Clerk Signature 

Minutes:

Chairman Flakoll opened the hearing on SB 2206. All members were present.

Senator Nichols introduced and testified in support of the bill.

This is the other half of the legislation passed last session dealing with noxious weeds and Yellow Starthistle. The Senate Agriculture Committee has already dealt with the Yellow Starthistle bill this session. This bill removes the sunset and provides the number of noxious weed seeds per pound of seed will not exceed 25. Senator Nichols has visited with industry representatives as well as members of the weed boards and while neither side is completely satisfied, both sides have compromised and can live with this level. A committee was set up during the interim and couldn't come up with a conclusion.

Senator Flakoll asked if Senator Nichols is comfortable with this level?

Senator Nichols said he is comfortable with 25 seeds per pound.

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Page 2  
Senate Agriculture Committee  
Bill/Resolution Number SB 2206  
Hearing Date 01/23/03

Jeff Olson, Program Manager for the North Dakota Agriculture Department, testified in support of the bill. (written testimony) (meter # 350)

Senator Seymour asked how long before the last legislative session did we operate without a tolerance for noxious weed seeds in seed?

Mr. Olson said prior to the last session, the tolerance for restricted seeds was 90 seeds per pound. Minnesota, South Dakota and Montana all have tolerances of 25 seeds or less. A lot of the grass seed that comes into North Dakota is grown in Minnesota so it helps us if our tolerances are similar to theirs.

Senator Klein said that last session we dropped the tolerance to 25 and what we are doing here is saying it has worked for two years so we are going to make it permanent.

Mr. Olson said the weed boards are satisfied with the level.

Senator Urlacher said Oregon is also a grass seed state. Within the 25 seeds per pound, some states have other weeds than we do in North Dakota. Is there any concern regarding importing non native weeds from other areas.

Mr. Olson said there is a national standard set for many weeds. We did get a weed in from Argentina about three years ago but it couldn't survive in North Dakota.

Kim Alberty from Agassiz Seed in Fargo testified reluctantly in support of the bill. (written testimony) (meter # 753)

Senator Flakoll asked if he sells seed into Minnesota, he had to meet the 25 seed level anyway?

Mr. Alberty said yes, that is correct.

Senator Seymour asked what would be the perfect solution?

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Date

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Senate Agriculture Committee  
Bill/Resolution Number SB 2206  
Hearing Date 01/23/03

Mr. Alberty said using a sliding scale with different tolerances for different crops would be ideal but only a few states do this and it is difficult to put together.

Senator Klein asked if some seed is harder to clean than others?

Mr. Alberty said some seed, for example blue grass and timothy, have 1 million seeds per pound.

Durum has 20,000 seeds per pound. It is more difficult to clean small seeds out of small seeds.

He feels this could be a problem in years when seed is in short supply.

Senator Urlacher asked who identifies if a seed is not within the tolerances.

Mr. Alberty said there are several ways to determine the tolerance. Most seeds he purchases carry an analysis test from the state where it is produced. He often retests seed through the state seed department lab. The state seed department has a regulatory branch that performs random checks of seed. A grower can submit a seed sample to the state seed department if he thinks it might be over the tolerance.

Larry Chesak of Chesak Seed House, Bismarck testified in support of the bill. (meter # 1171)

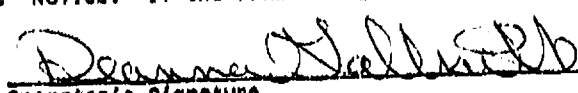
The previous law at 90 seeds was probably a little lax. He would have preferred a number higher than 25 and lower than 90. He served on the interim committee but it seemed impossible to agree on a different level. Many weed seeds come in with hay, some weeds are hard to get rid of, even with chemicals. He thinks the seed industry can live with this bill.

Senator Flakoll asked if Mr. Chesak has sold seed in recent years to Minnesota?

Mr. Chesak said yes. (meter # 1347)

Ken Bertsch, the state seed commissioner, testified in a neutral position on the bill. He primarily stood for questions. He thinks this bill successfully throws a wet blanket on a smoldering fire.

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Senate Agriculture Committee  
Bill/Resolution Number SB 2206  
Hearing Date 01/23/03

Everyone from retail to production can live with it and the bill will bring a sense of reality to the situation that has been rather controversial over the last few years.

Chairman Flakoll closed the hearing on SB 2206.

It was moved by Senator Erbele, seconded by Senator Klein and passed on a roll call vote that the Senate Agriculture Committee take a Do Pass action on SB 2206. Voting in favor of the bill were Senator Flakoll, Senator Erbele, Senator Klein, Senator Urlacher, Senator Nichols, and Senator Seymour. There were no negative votes cast. Senator Klein will carry the bill to the floor.

Chairman Flakoll moved on to other business of the Senate Agriculture Committee.

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01/17/03  
Date

Date: 1/23/03

Roll Call Vote #: 2206

**2003 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO.**

Senate Agriculture Committee

Check here for Conference Committee

Legislative Council Amendment Number Do Pass

Action Taken Do Pass

Motion Made By Sen. Erbele Seconded By Sen. Klein

Senators	Yes	No	Senators	Yes	No
Senator Tim Flakoll, Chair	✓		Senator Ronald Nichols	✓	
Senator Robert S. Erbele, V. Chair	✓		Senator Tom Seymour	✓	
Senator Jerry Klein	✓				
Senator Herb Urlacher	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Sen. Klein

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

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10/17/03  
Date

REPORT OF STANDING COMMITTEE (410)  
January 23, 2003 1:42 p.m.

Module No: SR-13-0981  
Carrier: Klein  
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE  
SB 2206: Agriculture Committee (Sen. Flakoll, Chairman) recommends **DO PASS**  
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2206 was placed on the  
Eleventh order on the calendar.

(2) DESK, (3) COMM

Page No. 1

SR-13-0981

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01/17/03  
Date



2003 HOUSE AGRICULTURE

SB 2206

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10/17/03  
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2206

House Agriculture Committee

Conference Committee

Hearing Date 3-06-03

Tape Number	Side A	Side B	Meter #
ONE	A		15.9 TO 25.6
Committee Clerk Signature <i>Edward D. Ellyson</i>			

Minutes:

CHAIRMAN NICHOLAS: We would be happy to take your testimony on SB 2206.

KIM ALBERTY: I am president of Agassiz Seed in West Fargo. I am here to provide testimony on SB 2206. {Kim had written testimony that he passed out, please read}

CHAIRMAN NICHOLAS : Any questions committee members.

REP. MUELLER : This discontent on some parties part. Dose that have to do with a lower Number then twenty five.

KIM: No actually our company is primarily or a large focus of our company is grass seed industry. We felt that with a fairly small but growing segment of the seed industry in ND starting to look at grass that a slightly higher number forty five for mathematically purposes. In testing samples would have been beneficial to the industry. The concerns potential harmful effects at times with ND growers with high consumption CRP'S those types of programs that

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*Deanna Hall*  
Operator's Signature 10/17/03  
Date

Page 2  
House Agriculture Committee  
Bill/Resolution Number SB 2206  
Hearing Date 3 -06--03

very fluffy, chafe native grass in real small seed legumes. It could cost them more money,. It would be a trade off. We would be able to live with the twenty five. But it could cost ND farmers more money.

REP. ONSTAD : This is consistent with other states.

KIM: Yes.

KEN BERTSCH: This is a companion bill to a bill we heard before. This the 25% is a compromise. The industry is pretty confident that we can live with the 25 permanently.

CHAIRMAN NICHOLAS : It is a good compromise bill.

JEFF OLSON: Jeff brought in testimony in on SB 2206.

SENATOR NICHOLS : Senator Nichols came in and simply put he is for the bill.

CHAIRMAN NICHOLAS:

THE CHAIR WILL ENTERTAIN A MOTION ON THIS BILL

REPRESENTATIVE BOE: MOVED FOR A DO PASS.

REPRESENTATIVE MUELLER: SECONDED THE MOTION

THE ROLL WAS TAKEN. THERE WERE 11 YES 0 NO 2 ABSENT

REPRESENTATIVE WRANGHAM CARRIED THE BILL.

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Deanne Hall  
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10/17/03  
Date

SB 2206  
3-6-07

Date:  
Roll Call Vote #:

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO.

House AGRICULTURE COMMITTEE

Check here for Conference Committee

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

Action Taken DO PASS

Motion Made By BOE Seconded By MULLER

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN NICHOLAS	✓				
VICE CHAIRMAN POLLERT	✓				
REPRESENTATIVE BELTER	✓				
REPRESENTATIVE BOEHNING	✓				
REPRESENTATIVE KELSCH					
REPRESENTATIVE KINGSBURY	✓				
REPRESENTATIVE KREIDT	✓				
REPRESENTATIVE UGLEM	✓				
REPRESENTATIVE WRANGHAM	✓				
REPRESENTATIVE BOE	✓				
REPRESENTATIVE FROELICH					
REPRESENTATIVE MELLER	✓				
REPRESENTATIVE ONSTAD	✓				

Total (Yes) 11 No 0

Absent 2

Floor Assignment WRANGHAM

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10/17/03  
Date

REPORT OF STANDING COMMITTEE (410)  
March 6, 2003 12:22 p.m.

Module No: HR-40-4085  
Carrier: Wrangham  
Insert LC: . Title: .

**REPORT OF STANDING COMMITTEE**  
**SB 2206: Agriculture Committee (Rep. Nicholas, Chairman) recommends DO PASS**  
(11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2206 was placed on the  
Fourteenth order on the calendar.

(2) DESK, (3) COMM

Page No. 1

HR-40-4085

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2003 TESTIMONY

SB 2206

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10/17/03  
Date

Roger Johnson  
Agriculture Commissioner  
www.agdepartment.com



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Bismarck, ND 58505-0020

**NORTH DAKOTA DEPARTMENT OF AGRICULTURE  
LEGISLATIVE TESTIMONY**

Testimony of Jeff Olson  
Program Manager  
Senate Bill 2206  
January 23, 2003  
9:00 a.m.  
Senate Agriculture Committee  
Roosevelt Room

*Same to  
House*

Chairman Flakoll and members of the committee, my name is Jeff Olson, Program Manager with the North Dakota Department of Agriculture. I am here to provide testimony in support of SB 2206. We testified in support of a similar legislation, SB 2204, in the 2001 Legislative Session relating to defining the tolerance of restricted seeds.

The state of North Dakota allocates approximately \$1.7 million dollars each biennium for weed control. This does not count the dollars spent at the federal and local level. Because of this investment each year, we feel that eliminating the noxious weed seeds from commercial seeds would go a long way in trying to get control of the most problematic weeds in the state.

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Reducing the tolerance on restricted weeds would help in trying to gain control of the weed infestations that exist in North Dakota. A particular problem is with Quack grass, which is a difficult perennial invader to control in crop, hay, and pastureland. This lower tolerance will prevent North Dakota from being the dumping ground for infested seed. The 25 seed per pound tolerance is similar to Minnesota's tolerance. This would also provide for a uniform standard between the states that would be attainable by a seed grower.

Thank you for your consideration of this bill. I would be happy to answer any questions.

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12/17/03  
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Forage • Grass • Lawn • Turf • Garden

Alfalfa • Inoculants • Cereals • Treatments

Seedburo • Harper Brooms • Motomco

Testimony of Kim Alberty  
Senate Bill 2206


Chairman Flakoll and members of the committee, my name is Kim Alberty I am president of Agassiz Seed in West Fargo. I am here to provide testimony reluctantly in support of SB2206.

I am disappointed that the considerable work of the committee appointed by the Seed Commissioner was not accepted by all parties involved, and that the unique physical characteristics of grass seeds and small seeded legumes is not acknowledged. I feel that the 25 restricted noxious weed seeds per pound is a livable compromise that our industry can work with.

Thank you for your time, I would answer any questions at this time.

445 7th Street NW • West Fargo, ND 58078 • 701-282-8118 • Fax 701-282-9119  
www.agassizseed.com E-mail: info@agassizseed.com

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Forage • Grass • Lawn • Turf • Garden  
Alfalfa • Inoculants • Cereals • Treatments  
Seedburo • Harper Brooms • Molomco

Testimony of Kim Alberty  
Senate Bill 2206

Mr. Chairman and members of the House Agriculture Committee, my name is Kim Alberty and I am president of Agassiz Seed in West Fargo. I am here to provide testimony in support of SB2206.

I am disappointed that after the considerable work done by the committee (appointed by the Seed Commissioner to create a compromise on this issue), that the recommendations made by this committee were not accepted by all parties involved. In my opinion, it is unfortunate that the unique physical characteristics of grass seeds and small seeded legumes are not acknowledged in this legislation, and that at times this will have a negative impact on North Dakota farmers.

Nonetheless, I do feel that the 25 restricted noxious weed seeds per pound level is proving to be a livable compromise, one that our industry can work with. I believe that the decrease from the 90 per pound level under the previous law to a permanent level of 25 per pound makes the North Dakota requirements at least as strict as surrounding states.

Thank you for your time, I would answer any questions at this time.

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