

2009 SENATE AGRICULTURE

SB 2371

## 2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No.2371

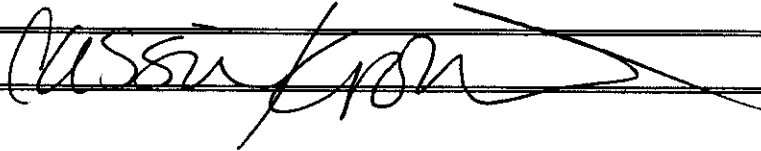
Senate Agriculture Committee

Check here for Conference Committee

Hearing Date: February 5, 2009

Recorder Job Number: 8780

Committee Clerk Signature



Minutes:

**Sen. Flakoll**, opened the hearing on SB 2371, a bill relating to funding limits for certain noxious weed programs. All members (7) were present.

**Sen. Miller**, district 16, testified in favor of the bill.

**Sen. Miller**- This bill deals with the noxious weeds and how the state does cost sharing with the county weed boards, currently we do a 50% cost share, the weed board would like to see that moved to a 75%. The main purpose of that is to get more money for when they need it whenever.

**Judy Carlson**, program coordinator, testified in favor of the bill. See attached testimony, attachments 1, 2 and 3.

**Sen. Behm**- why is baby's breath on there?

**Judy Carlson**- everything can be a weed if it is not in the right place.

**Sen. Klein**- by going up from 50 to 75 what are we pinching off here, are we hurting another program is where I am going?

**Judy Carlson**- the appropriation for weeds is in the department's budget, that would be the same out of the EARP fund.

**Sen. Flakoll**- how many dollars in total available funds are there?

**Judy Carlson**- about 1.3 million out of the EARP. Went over attachment #2, attached amendments with committee.

**Merlin Leithold**, ND weed control association's south central area director, testified in favor of the bill. See attached testimony, attachment #4.

No opposition to the bill.

**Sen. Miller** motioned to move the amendments (attachment #2) and was seconded by **Sen. Klein**, vote 7 yea, 0 nay, 0 absent. **Sen. Wanzek** motioned for a Do Pass as amended and was seconded by **Sen. Klein**, vote 7 yea, 0 nay, 0 absent. **Sen. Miller** was designated to carry the bill to the floor.

**Sen. Flakoll** closed the hearing.

**FISCAL NOTE**  
**Requested by Legislative Council**  
04/28/2009

Amendment to: Engrossed  
SB 2371

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

	2007-2009 Biennium		2009-2011 Biennium		2011-2013 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
<b>Revenues</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Appropriations</b>	\$0	\$0	\$0	\$0	\$0	\$0

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

2007-2009 Biennium			2009-2011 Biennium			2011-2013 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

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

This bill will increase the maximum percent of the cost share by the state to counties. There is no fiscal impact, because the total amount of funds available are appropriated by the Legislature. There may be modest increases and decreases between individual counties, but the net effect is zero.

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

No effect.

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

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

No effect.

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

No effect.

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

No effect.

<b>Name:</b>	Jeff Weispfenning	<b>Agency:</b>	Agriculture
<b>Phone Number:</b>	328-4758	<b>Date Prepared:</b>	04/28/2009

**FISCAL NOTE**  
**Requested by Legislative Council**  
03/17/2009

Amendment to: Engrossed  
SB 2371

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

	2007-2009 Biennium		2009-2011 Biennium		2011-2013 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
<b>Revenues</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Appropriations</b>	\$0	\$0	\$0	\$0	\$0	\$0

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

2007-2009 Biennium			2009-2011 Biennium			2011-2013 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

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

This bill will increase the maximum percent of the cost share by the state to counties. There is no fiscal impact, because the total amount of funds available are appropriated by the Legislature. There may be modest increases and decreases between individual counties, but the net effect is zero.

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

No effect.

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

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

No effect.

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

No effect.

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

No effect.

<b>Name:</b>	Jeff Weispfenning	<b>Agency:</b>	Agriculture
<b>Phone Number:</b>	328-4758	<b>Date Prepared:</b>	03/17/2009

**FISCAL NOTE**  
**Requested by Legislative Council**  
01/26/2009

Bill/Resolution No.: SB 2371

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

	2007-2009 Biennium		2009-2011 Biennium		2011-2013 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
<b>Revenues</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Appropriations</b>	\$0	\$0	\$0	\$0	\$0	\$0

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

2007-2009 Biennium			2009-2011 Biennium			2011-2013 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

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

This bill will increase the maximum percent of the cost share by the state to counties. There is no fiscal impact, because the total amount of funds available are appropriated by the Legislature. There may be modest increases and decreases between individual counties, but the net effect is zero.

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

No effect.

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

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

No effect.

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

No effect.

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

No effect.

<b>Name:</b>	Jeff Weispfenning	<b>Agency:</b>	Agriculture
<b>Phone Number:</b>	328-4758	<b>Date Prepared:</b>	02/04/2009





**REPORT OF STANDING COMMITTEE**

**SB 2371: Agriculture Committee (Sen. Flakoll, Chairman) recommends AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2371 was placed on the Sixth order on the calendar.

Page 1, line 3, after the second comma insert "and to amend and reenact sections 2, 10, 18, and 21 of House Bill No. 1026, as approved by the sixty-first legislative assembly,"

Page 1, line 4, after "programs" insert ", defining invasive species, and to expenditures and authority to control invasive species"

Page 3, after line 27, insert:

**"SECTION 3. AMENDMENT.** Section 2 of House Bill No. 1026, as approved by the sixty-first legislative assembly, is amended and reenacted as follows:

**SECTION 2. Definitions.** As used in sections 2 through 33 of this Act:

1. "Board member area" means a geographical area within the county from which a member of the weed board is appointed.
2. "City weed control officer" means an individual designated by a city weed board to be responsible for the operation and enforcement of sections 2 through 33 of this Act within the city.
3. "Commissioner" means the agriculture commissioner or the commissioner's designee.
4. "Control" means to prevent a noxious weed from spreading by:
  - a. Suppressing its seeds or ~~propagating~~ propagating parts; or
  - b. Destroying either the entire plant or its propagating parts.
5. "County weed control officer" means an individual designated by the county weed board to be responsible for the operation and enforcement of sections 2 through 33 of this Act within each county.
6. "Invasive species" means a plant species the introduction of which causes or is likely to cause economic or environmental harm or harm to human health.
7. "Noxious weed" means a plant propagated by either seed or vegetative parts and determined to be injurious to public health, crops, livestock, land, or other property by:
  - a. The commissioner in accordance with section 6 of this Act;
  - b. A county weed board in accordance with section 11 of this Act; or
  - c. A city weed board in accordance with section 22 of this Act.
- ~~7.~~ 8. "Township road" means an improved public road that is:
  - a. Located outside of an incorporated city;

- b. Not designated as part of a county, state, or federal-aid road system; and
- c. Constructed, maintained, graded, and drained by the township, or by the county if the township is unorganized.

**SECTION 4. AMENDMENT.** Section 10 of House Bill No. 1026, as approved by the sixty-first legislative assembly, is amended and reenacted as follows:

**SECTION 10. County weed board - Duties.** Each county weed board shall:

- 1. Implement a program for the control of noxious weeds;
- 2. Provide for the control of noxious weeds along county and township roads and along county highways;
- 3. Establish the time and place of regular board meetings;
- 4. Meet at least once each year;
- 5. Keep minutes of its board meetings and a complete record of all official acts;
- 6. Control and disburse all moneys received by the county from any source for noxious weed or invasive species control;
- 7.
  - a. Provide for the compensation of its members and its secretary and treasurer;
  - b. Reimburse its members and its secretary and treasurer for actual and necessary expenses; and
  - c. Provide a mileage allowance at the same rate as that established for state employees; and
- 8.
  - a. Employ and provide for the compensation of a weed control officer;
  - b. Reimburse the weed control officer for actual and necessary expenses; and
  - c. Provide a mileage allowance at the same rate as that established for state employees."

Page 3, line 30, overstrike "**County**" and insert immediately thereafter "**Local**"

Page 4, line 1, after "county" insert "and city"

Page 4, line 2, after "county" insert "and city"

Page 4, line 3, after "weed" insert "or invasive species"

Page 4, line 6, after "county" insert "or city"

Page 4, line 10, after "weed" insert "or invasive species"

Page 4, line 11, after "county" insert ", the city,"

Page 4, after line 11, insert:

"**SECTION 6. AMENDMENT.** Section 18 of House Bill No. 1026, as approved by the sixty-first legislative assembly, is amended and reenacted as follows:

**SECTION 18. Control of noxious weeds and invasive species within cities.** The governing body of any city having a population of three thousand or more may establish a program for the control of noxious weeds and invasive species within the jurisdictional limits of the city. If a program is not established, the county weed board shall administer a noxious weeds program for the city and may administer an invasive species program for the city.

**SECTION 7. AMENDMENT.** Section 21 of House Bill No. 1026, as approved by the sixty-first legislative assembly, is amended and reenacted as follows:

**SECTION 21. City weed board - Duties.** Each city weed board shall:

1. Implement a program for the control of noxious weeds;
2. Establish the time and place of regular board meetings;
3. Meet at least once each year;
4. Keep minutes of its meetings and a complete record of all official acts;
5. Control and disburse all moneys received by the city from any source for noxious weed or invasive species control;
6.
  - a. Provide for the compensation of its members and its secretary and treasurer;
  - b. Reimburse its members and its secretary and treasurer for actual and necessary expenses; and
  - c. Provide a mileage allowance at the same rate as that established for state employees; and
7.
  - a. Employ and provide for the compensation of a weed control officer;
  - b. Reimburse the weed control officer for actual and necessary expenses; and
  - c. Provide a mileage allowance at the same rate as that established for state employees."

Renumber accordingly

2009 HOUSE AGRICULTURE

SB 2371

## 2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2371

House Agriculture Committee

Check here for Conference Committee

Hearing Date: March 12, 2009

Recorder Job Number: 10800

Committee Clerk Signature

*R. Mae Kuehn*

Minutes:

**Senator Bowman, Sponsor:** I just wanted to tell you about the support that I have based on being a county commissioner and working with our weed boards and also looking at the larger cities that have similar problems that we do. If you look at the language in the bill, that is inclusive with the cities. We are all trying to do the same thing, to get a handle on the best way to control noxious weeds. Now it is inclusive to invasive weeds. The amount of money is increased up to 75% of the board's actual expenditures. This is very important because the cost of chemicals, sprayers, and everything you need continues to go up.

**Blake Schaan for Judy Carlson, Noxious Weeds, Dept. of Agriculture:**

**(Written testimony attached #1)**

**Representative Holman:** In the amendment, the definition of invasive species is something that "causes economic harm, environmental harm, or harm to human health." Is that enough?

**Blake Schaan:** Yes. That is a widely known definition of invasive species.

**Representative Schatz:** The fiscal note doesn't show any money. I'm assuming that if we are going from 50% to 75% it is going to be an increase in money as far as what the Ag. Dept. is going to spend. Do you have an idea of what that will be?

**Blake Schaan:** I'm not sure. Judy would be better to answer that but is unable to be here today.

**Merlin Leithold, South-Central Area Director, ND Weed Control Assn.:**

**(Written testimony attached #2)** This bill increases the percentage of cost share to landowners. It doesn't change the bottom dollar. You're allocated each year according to the tax base. If you are allocated \$23,000 this year and you are eligible for \$23,000 next year, you will still get \$23,000. You will get 75% of every dollar you spend. A lot of counties only get \$16,000 or \$17,000 out of the \$23,000 because they just don't have the funds to cost share. The number one goal of a weed board is to spray county road ditches. From there it goes to cost share. This allows that funding mechanism to increase to the county, so if they are allocated \$23,000, hopefully with the 75% they get their \$23,000. The amendment definition with "economic harm" is good.

**Representative Vig:** The last sentence on the first page of your testimony, "Not all counties can access the dollars." How many counties are involved in the LAP program?

**Merlin Leithold:** Last I heard, 45 counties are eligible for LAP. I'm not sure how many counties receive the full allocation. We always hear at the end of the biennium where there is money left over in the LAP program because the counties can't utilize it.

**Chairman Johnson:** TAG is the acronym for what again?

**Merlin Leithold:** Targeted Assistance Grant program.

**Representative Schatz:** LAP?

**Merlin Leithold:** Landowner Assistance Program. We only have these two programs. A lot of things like bio control fall into TAG. There is a committee set up to review applications.

**Chairman Johnson:** TAG and LAP, is that the same committee that does the approval?

**Merlin Leithold:** There is no committee for LAP. There is a formula that is used to allocate the money to the counties.

**Representative Kingsbury:** How common is it to declare a new noxious weed?

**Merlin Leithold:** On the state list, which is reviewed by the Commissioner and NDSU, it has to cause environmental and economic harm statewide. On a county list, it is added to allow a weed control officer access to inspect the land. I have baby's breath on my county list. It is a tough weed to control. It is taking over pastures. I hope kochia never becomes a noxious weed because it is basically in crop land. As a weed officer, I hate to go after cropland weeds.

**Brian Kramer, ND Farm Bureau:** We support SB 2371. Anything that we can do to get more money into the hands of landowners. If a county mill levy doesn't bring enough money to make the match, this would allow them to use less of their own money and more of the state funds that are available.

**Ken Junkert, Plant Industries Program Manager, Dept. of Agriculture (overseeing the noxious weed program):**

The funding for noxious weed control is HB 1009 which is the Commissioner of Agriculture's Budget. That budget is now in Senate Appropriations. Currently there is about \$1.7 million available for control of weeds through the Commissioner's budget. The funding source is a mix of general funds, special funds, and federal funds. We accept some U.S. Forest Service federal dollars to push out to the counties to help control weeds. **The breakdown:**

Historically about 70% of the dollars available in the grant line are directed towards the Landowner Assistance Program. About 30% of the funds are available for the Targeted Assistance Grant Program. The TAG Program is fairly new. The idea for the TAG Program was to allow counties to come to the department and tell us about their special needs.

If they had issues that needed to be addressed right away, we wanted them to ask for a grant for that. What inhibited us from getting money out to the counties is the advice from the Attorney General's office that we could not fund invasive weed control programs because the law only addressed noxious weeds. If we had a county that suddenly had a new problem, we had two options. Not to address it or try to get it listed immediately on the county weed list and go through all the steps before they could apply for funding. We do have concerns that sometimes these county weed lists are getting lengthy. If you are a landowner and your land is split between two county lines, what one county has on a list may be different than the other. We are looking forward to getting more money out to the counties. As I look at the amendment that you are considering, it looks like funding would be for public land also. We do worry sometimes in dry years or in excessively wet years, that there is money available and the counties don't have the match. The dollars are appropriated to use and we are trying to put mechanisms in place to get it on the land and get the control accomplished.

**Representative Uglem:** What happens to the funds that are not used?

**Ken Junkert:** The Environment Rangeland Protection (ERP) fund has continuing appropriation authority. Those funds just carry over. An ERP report was provided to the Appropriations Committee which shows the starting balance in the fund and it goes through all the uses that are currently in various appropriation bills right now. This biennium, with all the uses in place, it looks like the ERP fund will be close to being tapped out. The ERP fund started out with a few things appropriated from it and over time it has been expanded upon.

**Representative Holman:** The utilization of the money going from 50 to 75% means it could cost you more so is this going to change the practice on your side as far as how those funds are used.

**Ken Junkert:** No. This will just give us an opportunity to work with those counties that have had a difficult time raising the matching money. We have poor counties and richer counties based on the mills they have available in their budgets. We see some holes in some counties that just don't have the resources. I am excited to go to these counties and provide them some additional funds. The total money available to us has not been increased in the House appropriation bill for the Commissioner.

**Chairman Johnson:** We will work on this bill tomorrow so you have a chance to review this with amendments. I would like to know on lands including public lands, is that going to tap into this fund to the point where there's not going to be enough money?

**Ken Junkert:** The "public lands" is a new wrinkle. We are currently trying to inventory all the public lands noxious weed management plans. We had a meeting following our hearing where we brought in all the public land managers. It was well attended. We had federal and state agencies. One interesting point at that meeting, I did not hear the federal agencies crying out for more money.

**Representative Wall:** How much are application costs now?

How many acres are being sprayed now as compared to 5 or 10 years ago?

**Ken Junkert:** I will refer to Merlin for application costs. We can bring a report as to the number of acres being sprayed.

**Merlin Leithold:** For application costs, last year we were getting \$75 an hour. For acreage, an hour of hand spraying you don't get a lot done. With boom spraying you can get a lot done. Tordon costs about \$15 to 20/acre. If you are putting 2-4-D amine in, amine is around \$15/gallon. A quart of that is another roughly \$3 to \$3.50/acre. Then your surfactant, at a quart for every 100 gallons of water which is an oil additive, that running about \$12/gallon so

it's another 50 cents there. We have been told that our chemical bids will be running 15-20% higher on some chemicals.

**Opposition:** None

**Chairman Johnson:** Closed the hearing.

## 2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2371

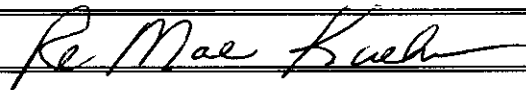
House Agriculture Committee

Check here for Conference Committee

Hearing Date: March 12, 2009 (**Committee Work**)

Recorder Job Number: 10848

Committee Clerk Signature



Minutes:

**Representative Mueller:** We're taking the money out of the ERP fund?

**Ken Junkert:** As the budget sets right now, \$61,700 of General Funds, \$1.347 million of Special Funds, \$345,000 of Federal Fund Authority for that grant line. The \$1.3 million comes from ERP. The majority of the dollars are allocated through the Environment Rangeland Protection Fund. The funds that are in that fund are the Pesticide Registration Fees. Every two years all pesticides in North Dakota need to be registered. For the next biennium we are estimating 10,100 products to be registered.

**Representative Mueller:** The ERP fund will have less money in it for some of the other things the ERP fund does if this passes. Would that be correct?

**Ken Junkert:** No. The budget for our grant line is in the Ag. Commissioner's budget. That line item has not been increased. Counties that would qualify for our programs would have to provide less match in order to access our dollars. So if we give them \$100, they would only have to show \$25 instead of \$50 to get a hold of our money. Match is an issue for some counties. Their budgets are low. Some have a lot of noxious weed problems. We're trying to get more cash out. The money is best served on the private land owner's basis and for grants to go out to target problems that the counties haven't been able to deal with.

**Representative Belter:** We are dealing with the same number of dollars. Apparently we have not been using up the funds.

**Ken Junkert:** Counties go through an allocation process. We run our funds through a formula. Based on ability to raise local dollars or weather conditions, they are not using all of the funds available to them. We give a lot of flexibility to use up those dollars. But at some point they can't use them, we want to make those dollars are available to others.

**Representative Uglem:** If less match is required and you still put out the same amount of money, will less money go into actual weed control because the locals aren't putting as much in?

**Ken Junkert:** What Cass County raises for weed control is different than what Sioux County has. Sioux Co. has \$14,000 available for noxious weed control. Cass County has over \$100,000. If a county is putting less money towards our match, they use that money for the landowner assistance program. We haven't seen evidence of abuse.

**Chairman Johnson:** With the amendments, we had some concern about public land.

**Ken Junkert:** We discussed it in the department and don't have a problem with it. We're fine with the amendment as it stands. We have a big job ahead of us with

**Representative Belter:** If the match goes to 75% that will encourage more usage which means aren't you going to run out of money. Or is there so much money that you can pay 75%.

**Ken Junkert:** We have the money to pay 75%. Seventy percent of our grant funds go to the Landowner Assistance Program which is driven by a formula and mill levy issues. This spring it may be difficult for the county weed boards to get in and start weed control.

**Chairman Johnson:** With the LAP program is it first-come first-serve. If you are out of money then it is over?

**Ken Junkert:** Yes. Each county runs it a little different. Some make cash payments available or some tell them to go to the local dealer and you can pick up so many gallons. We require them to give us the landowner's names, where it has been used, and the number of acres. There is a big need for purchasing equipment and replacing vehicles. We believe our emphasis should be on-the-ground weed control.

**Chairman Johnson:** 70% goes to LAP and 30% to TAG.

**Ken Junkert:** That is correct. That is an administrative decision made by the Ag. Commissioner. We don't allow TAG grants for public lands.

**Chairman Johnson:** If this amendment is adopted, if public gets in there, that is the part that is used toward the public.

**Ken Junkert:** Yes it is very clear that the legislative intent would be for grant funds to be used on public lands. It would be similar to the issue in Emmons County with the land in dispute that is along the reservoir. There would be an ability to raise grant funds to take care of that need.

**Representative Mueller:** In looking at the amendments, we are striking all the language on page 4. Line 30 and 31 talk about "as referenced in 1026." Explain to me what striking that will be doing.

**Ken Junkert:** As we were trying to compare the amendments to the bill, we were comfortable as the amendment went forward. I think it is adding a section to give authority to the commissioner to control invasive species. It is giving us the authority to spend grant funds in order to accomplish this.

**Anita Thomas, Legislative Council:** The first engrossment had the phrase "invasive weeds" with the intent that Ken described. We have a whole chapter on noxious weeds with specific liability duties. Just adding the phrase "invasive species" didn't take care of what the

department wanted to accomplish. That is why some sections are removed from the engrossed version and you have the new section 4 that specifically addresses invasive species. It leaves alone the noxious weed chapter.

**Representative Uglem:** Moved the amendment 90977.0202.

**Representative Kingsbury:** Seconded it.

**Voice Vote taken. Passed.**

**Representative Boe:** Moved Do Pass as amended.

**Representative Holman:** Seconded.

A Roll Call vote was taken. **Yes: 12, No: 0, Absent: 1**, (Representative Brandenburg).

**Representative Johnson will carry the bill.**

March 3, 2009

VR  
3/12/09  
1082

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2371

Page 1, line 1, after "to" insert "provide for the control of invasive species; to"

Page 1, line 3, replace "and to amend and reenact" with "relating to the distribution of state appropriations for noxious weed control."

Page 1, remove lines 4 through 6

Page 4, remove lines 1 through 31

Page 5, remove lines 1 through 18

Page 5, line 21, remove "Local" and overstrike "~~share~~" and insert immediately thereafter "Distribution"

Page 5, line 25, remove "or invasive species"

Page 6, line 2, remove "or invasive species"

Page 6, line 3, overstrike the first "the" and insert immediately thereafter "a" and replace "the" with "a"

Page 6, replace lines 4 through 28 with:

**"SECTION 4. County and city weed boards - Control of Invasive species - Acceptance of grants.**

1. If a county or a city weed board determines that an invasive species is present within its jurisdiction, the weed board shall notify the commissioner.
2. a. If grant funds for the control of invasive species are available to the commissioner, the commissioner may forward the funds to a weed board for the purpose of controlling the invasive species on public land and assisting private landowners in their efforts to voluntarily control the invasive species provided:
  - (1) The commissioner determines that, without intervention, the invasive species is likely to become a noxious weed during the ensuing five-year period; and
  - (2) The weed board files a plan with the commissioner detailing the manner in which and the time within which the funds are to be expended.
- b. Notwithstanding any other law, a county or a city weed board may accept a grant under this subsection and implement a plan, approved

2022

by the commissioner, for the control of invasive species within its jurisdiction.

3. In addition to grant funds available from the commissioner, a county or a city weed board may accept funds from any other source to control invasive species within its jurisdiction.
4. For purposes of this section, an invasive species means a plant species that has been introduced into this state and which the North Dakota state university extension service determines has caused or is likely to cause:
  - a. Economic harm;
  - b. Environmental harm; or
  - c. Harm to human health."

Renumber accordingly

Date: 3/12/09

Roll Call Vote #: 1

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2321

House Agriculture Committee

Check here for Conference Committee

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

Action Taken  Do Pass  Do Not Pass  Amended

Motion Made By Rep. Boe Seconded By Rep. Holman

Representatives	Yes	No	Representatives	Yes	No
Dennis Johnson, Chair	✓		Tracy Boe	✓	
Mike Brandenburg, Vice Chair	AB		Rod Froelich	✓	
Wesley R. Belter	✓		Richard Holman	✓	
Joyce M. Kingsbury	✓		Phillip Mueller	✓	
David S. Rust	✓		Benjamin A. Vig	✓	
Mike Schatz	✓				
Gerry Uglem	✓				
John D. Wall	✓				

Total (Yes) 12 No 0

Absent 1

Bill Carrier Rep. Johnson

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

Date: 3/12/09

Roll Call Vote #: \_\_\_\_\_

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2327

House Agriculture Committee

Check here for Conference Committee

Legislative Council Amendment Number 90977.0202

Action Taken  Do Pass  Do Not Pass  Amended

Motion Made By Rep. Uglen Seconded By Rep. Kingsbury

Representatives	Yes	No	Representatives	Yes	No
Dennis Johnson, Chair			Tracy Boe		
Mike Brandenburg, Vice Chair			Rod Froelich		
Wesley R. Belter			Richard Holman		
Joyce M. Kingsbury			Phillip Mueller		
David S. Rust			Benjamin A. Vig		
Mike Schatz					
Gerry Uglen					
John D. Wall					

*Joyce Vote  
amendment  
passed*

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

Absent \_\_\_\_\_

Bill Carrier \_\_\_\_\_

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

**REPORT OF STANDING COMMITTEE**

SB 2371, as engrossed: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2371 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "provide for the control of invasive species; to"

Page 1, line 3, replace "and to amend and reenact" with "relating to the distribution of state appropriations for noxious weed control."

Page 1, remove lines 4 through 6

Page 4, remove lines 1 through 31

Page 5, remove lines 1 through 18

Page 5, line 21, remove "**Local**" and overstrike "**share**" and insert immediately thereafter "**Distribution**"

Page 5, line 25, remove "or invasive species"

Page 6, line 2, remove "or invasive species"

Page 6, line 3, overstrike the first "the" and insert immediately thereafter "a" and replace "the" with "a"

Page 6, replace lines 4 through 28 with:

**"SECTION 4. County and city weed boards - Control of Invasive species - Acceptance of grants.**

1. If a county or a city weed board determines that an invasive species is present within its jurisdiction, the weed board shall notify the commissioner.
2. a. If grant funds for the control of invasive species are available to the commissioner, the commissioner may forward the funds to a weed board for the purpose of controlling the invasive species on public land and assisting private landowners in their efforts to voluntarily control the invasive species provided:
  - (1) The commissioner determines that, without intervention, the invasive species is likely to become a noxious weed during the ensuing five-year period; and
  - (2) The weed board files a plan with the commissioner detailing the manner in which and the time within which the funds are to be expended.
- b. Notwithstanding any other law, a county or a city weed board may accept a grant under this subsection and implement a plan, approved by the commissioner, for the control of invasive species within its jurisdiction.

3. In addition to grant funds available from the commissioner, a county or a city weed board may accept funds from any other source to control invasive species within its jurisdiction.
4. For purposes of this section, an invasive species means a plant species that has been introduced into this state and which the North Dakota state university extension service determines has caused or is likely to cause:
  - a. Economic harm;
  - b. Environmental harm; or
  - c. Harm to human health."

Renumber accordingly

2009 SENATE AGRICULTURE

CONFERENCE COMMITTEE

SB 2371

## 2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2371

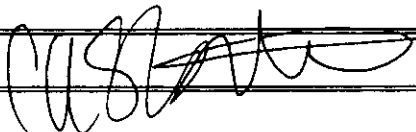
Senate Agriculture Committee

Check here for Conference Committee

Hearing Date: April 21, 2009

Recorder Job Number: 12058

Committee Clerk Signature



Minutes:

**Sen. Miller** opened the conference committee on SB 2371 senators, **Sen. Wanzek, Behm** and house **Rep. Uglem, Wall** and **Mueller** were present.

**Sen. Miller-** I think I am pretty much ok with what has happened in the bill with what the house has done with it but there is a portion dealing with this invasive species and trying to get some sort of funding to a degree so that the board can go after some of those. So what I did is prepared some amendments( see attachment #1) and what they do is authorize some the agriculture commissioner to use up to \$50,000 of the total appropriations for environmental use for this. So that is basically what I would like to see accomplished here. This would open up some money so if there was a federal grant that was available the Ag commissioner could provided that match if necessary.

**Rep. Mueller-** I think it looks good over all.

**Sen. Miller-** the money in the EARP fund is sitting there for the use of anything, I suppose if the money ran out before someone made a request that would be to bad.

**Rep. Mueller-** are these new EARP money? Is it a new \$50,000 we are talking about here and do you have any information about that?

**Sen. Miller-** I don't know what the current state of that is but it is not new money, it is just authorization language so you can use up to that total amount that is available in that fund. It is a matter of giving some kind of ease in this program so that you don't have to do all the administrative stuff to control an outbreak. Generally there was around \$1million in the EARP fund and that is about where it is at.

**Sen. Wanzek-** there is a lot of uses of the EARP fund.

**Sen. Miller** had **Judy Carlson** to come to the podium to answer questions that the committee had.

**Judy Carlson**, Agriculture Department, came to the podium.

**Judy-** we met with Sen. Miller and some of the weed people, we don't want more money out of the EARP fund we just want to be able to spend the EARP fund money that are appropriated for noxious weed control, we want to be able to use a part of that to help the counties with endangered species. So this would help with non-federal grants. So we are not getting more money out of the EARP fund, we just want to spend part of the noxious weed appropriations that comes from the EARP fund.

**Rep. Mueller-** how much currently does the department get from the EARP fund?

**Judy Carlson-** I think it is around \$1.4 million, it has since gone up over the years.

**Rep. Muller-** do you know what the total amount is generated for the EARP fund on a daily basis?

**Judy Carlson-** they have a 2 year budget and I believe that it is around \$3.4 million or something.

**Rep. Mueller** motioned for the Senate to accede to the house amendments and to adopt further amendments 90977.0203 and was seconded by Sen. Wanzek. Vote 6 yea, 0 nay, 0 absent.

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2371

That the House recede from its amendments as printed on pages 874 and 875 of the Senate Journal and pages 943 and 944 of the House Journal and that Engrossed Senate Bill No. 2371 be amended as follows:

Page 1, line 1, after "to" insert "provide for the control of invasive species; to"

Page 1, line 3, replace "and to amend and reenact" with "relating to the distribution of state appropriations for noxious weed control."

Page 1, remove lines 4 through 6

Page 4, remove lines 1 through 31

Page 5, remove lines 1 through 18

Page 5, line 21, remove "Local" and overstrike "share" and insert immediately thereafter "Distribution"

Page 5, line 25, remove "or invasive species"

Page 6, line 2, remove "or invasive species"

Page 6, line 3, overstrike the first "the" and insert immediately thereafter "a" and replace "the" with "a"

Page 6, replace lines 4 through 28 with:

**"SECTION 4. County and city weed boards - Control of Invasive species - Acceptance of funds.**

1. If a county or a city weed board determines that an invasive species is present within its jurisdiction, the weed board shall notify the commissioner.
2. a. If funds for the control of invasive species are available to the commissioner, the commissioner may forward the funds to a weed board for the purpose of controlling the invasive species on public land and assisting private landowners in their efforts to voluntarily control the invasive species provided:
  - (1) The commissioner determines that, without intervention, the invasive species is likely to become a noxious weed during the ensuing five-year period; and
  - (2) The weed board files a plan with the commissioner detailing the manner in which and the time within which the funds are to be expended.

- b. Notwithstanding any other law, a county or a city weed board may accept funds under this subsection and implement a plan, approved by the commissioner, for the control of invasive species within its jurisdiction.
- 3. In addition to any funds available from the commissioner, a county or a city weed board may accept funds from any other source to control invasive species within its jurisdiction.
- 4. For purposes of this section, an invasive species means a plant species that has been introduced into this state and which the North Dakota state university extension service determines has caused or is likely to cause:
  - a. Economic harm;
  - b. Environmental harm; or
  - c. Harm to human health.

**SECTION 5. ENVIRONMENT AND RANGELAND PROTECTION FUND - INVASIVE SPECIES CONTROL.** The agriculture commissioner may use up to \$50,000 of the amount available to the commissioner from the environment and rangeland protection fund, in accordance with House Bill No. 1009, as approved by the sixty-first legislative assembly, for the purpose of controlling invasive species as provided by section 4 of this Act."

Renumber accordingly

**REPORT OF CONFERENCE COMMITTEE  
(ACCEDE/RECEDE)**

Bill Number 2371 (, as (re)engrossed):

Date: April 21, 09

Your Conference Committee Sen. Agriculture

For the Senate:

For the House:

YES / NO			YES / NO		
Sen. Miller	x	X	Rep. Uglem	x	X
Sen. Wanzek	x	X	Rep. Wall	x	X
Sen. Behm	x	X	Rep. Mueller	x	X

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) \_\_\_\_\_ - \_\_\_\_\_

\_\_\_\_\_, and place \_\_\_\_\_ on the Seventh order.

adopt (further) amendments as follows, and place \_\_\_\_\_ on the Seventh order: 90977.0203

\_\_\_\_\_, having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) \_\_\_\_\_ was placed on the Seventh order of business on the calendar.

DATE: \_\_\_\_\_

CARRIER: \_\_\_\_\_

LC NO.	of amendment
LC NO.	of engrossment
Emergency clause added or deleted	
Statement of purpose of amendment	

MOTION MADE BY: Mueller

SECONDED BY: Wanzek

VOTE COUNT 6 YES 0 NO 0 ABSENT

**REPORT OF CONFERENCE COMMITTEE**

**SB 2371, as engrossed:** Your conference committee (Sens. Miller, Wanzek, Behm and Reps. Uglem, Wall, Mueller) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 874-875, adopt amendments as follows, and place SB 2371 on the Seventh order:

That the House recede from its amendments as printed on pages 874 and 875 of the Senate Journal and pages 943 and 944 of the House Journal and that Engrossed Senate Bill No. 2371 be amended as follows:

Page 1, line 1, after "to" insert "provide for the control of invasive species; to"

Page 1, line 3, replace "and to amend and reenact" with "relating to the distribution of state appropriations for noxious weed control."

Page 1, remove lines 4 through 6

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2. a. If funds for the control of invasive species are available to the commissioner, the commissioner may forward the funds to a weed board for the purpose of controlling the invasive species on public land and assisting private landowners in their efforts to voluntarily control the invasive species provided:
  - (1) The commissioner determines that, without intervention, the invasive species is likely to become a noxious weed during the ensuing five-year period; and
  - (2) The weed board files a plan with the commissioner detailing the manner in which and the time within which the funds are to be expended.
- b. Notwithstanding any other law, a county or a city weed board may accept funds under this subsection and implement a plan, approved

by the commissioner, for the control of invasive species within its jurisdiction.

3. In addition to any funds available from the commissioner, a county or a city weed board may accept funds from any other source to control invasive species within its jurisdiction.
4. For purposes of this section, an invasive species means a plant species that has been introduced into this state and which the North Dakota state university extension service determines has caused or is likely to cause:
  - a. Economic harm;
  - b. Environmental harm; or
  - c. Harm to human health.

**SECTION 5. ENVIRONMENT AND RANGELAND PROTECTION FUND - INVASIVE SPECIES CONTROL.** The agriculture commissioner may use up to \$50,000 of the amount available to the commissioner from the environment and rangeland protection fund, in accordance with House Bill No. 1009, as approved by the sixty-first legislative assembly, for the purpose of controlling invasive species as provided by section 4 of this Act."

Renumber accordingly

Engrossed SB 2371 was placed on the Seventh order of business on the calendar.

2009 TESTIMONY

SB 2371

Roger Johnson  
Agriculture Commissioner  
www.agdepartment.com



Attachment #1

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 Judy Carlson, Program Coordinator  
Senate Bill 2371  
Senate Agriculture Committee  
Roosevelt Room  
8:30 am, February 5, 2009**

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Chairman Flakoll, and members of the Senate Agriculture Committees, I am Judy Carlson, a Program Coordinator at the department of agriculture. I am here today in support of Senate Bill 2371, which would make it easier for weed boards to use cost share funds for weed control.

Our goal is to get state appropriated funds to weed boards to control weeds as simply and efficiently as possible. Fighting weeds is a constant battle—our annual weed survey for 2007 indicates there are nearly 3 million acres in North Dakota infested with state noxious weeds.

We worked extensively with the Interim Agriculture Committee and support HB 1026. However, we proposed changes to this bill which the House Agriculture committee suggested would best be heard in separate legislation. At the North Dakota Weed Control Association's annual conference, two resolutions were passed which we would like to address in this bill:

- Increase reimbursement rate from 50% to 75% for cost share programs
- Allow funding to be used to control invasive species.

In the current weed law, counties are reimbursed 50% of their expenditures. HB 1026 removes the percentage or match required for the Landowner Assistance Program (LAP) (Section 18 HB 1026, page 8) but leaves the 50% requirement for other cost share programs (Targeted Assistance Grants) (Section 17 HB 1026, page 8). The amount of available funding for the grant programs would not change with this bill.

This bill will help distribute funding to counties that have limited budgets, and may need more assistance in weed control efforts to meet the necessary match requirements in the law.

The amendment addresses control of invasive species. Currently, we can only fund control of noxious weeds on the state, county or city weed list. We would like the flexibility to assist counties to immediately control invasive weeds

We have had to require weed boards to add a weed to their list before we cost-share control.

This can take time because the weed board needs to meet, consult with the North Dakota state university extension service and get approval from the commissioner before the listing is final.

There are times that an invasive species has a few acres, and it would be ideal to control immediately and not take the time to put on a weed list, which you may want to remove as soon as the acreage is controlled. An example of such a situation is yellow star thistle. It came in CRP grass mixtures and was added to the state noxious weed list.

Chairman Flakoll and committee members, I urge the Senate Agriculture Committee to adopt the amendment as presented and urge a "do pass" recommendation for SB 2371. Thank you for your consideration, and I would be happy to answer any questions.

PROPOSED AMENDMENTS TO SENATE BILL 2371

Page 1, line 4, after "programs" insert ", and to amend and reenact sections 2, 10, 18, and 21 of House Bill No. 1026, as approved by the sixty-first legislative assembly, relating to defining 'invasive species' and to expenditures and authority to control invasive species"

Page 3, line 30, replace "County" with "Local"

Page 4, line 1, after "county" insert "and city"

Page 4, line 2, after "county" insert "and city"

Page 4, line 3, after "weed" insert "or invasive species"

Page 4, line 6, after "county" insert "or city"

Page 4, line 10, after "weed" insert "or invasive species"

Page 4, line 11, after "county" insert ", the city,"

Page 4, after line 11, insert:

**SECTION 4. AMENDMENT.** Section 2 of House Bill No. 1026, as approved by the sixty-first legislative assembly, is amended and reenacted as follows:

**Section 2. Definitions.** As used in sections 2 through 33 of this Act:

1. "Board member area" means a geographical area within the county from which a member of the weed board is appointed.
2. "City weed control officer" means an individual designated by a city weed board to be responsible for the operation and enforcement of sections 2 through 33 of this Act within the city.
3. "Commissioner" means the agriculture commissioner or the commissioner's designee.
4. "Control" means to prevent a noxious weed from spreading by:
  - a. Suppressing its seeds or propagating parts; or

b. Destroying either the entire plant or its ~~propagating~~propagating parts.

5. "County weed control officer" means an individual designated by the county weed board to be responsible for the operation and enforcement of sections 2 through 33 of this Act within each county.

6. "Invasive species" means a plant species whose introduction causes or is likely to cause economic or environmental harm or harm to human health.

7. "Noxious weed" means a plant propagated by either seed or vegetative parts and determined to be injurious to public health, crops, livestock, land, or other property by:

- a. The commissioner in accordance with section 6 of this Act;
- b. A county weed board in accordance with section 11 of this Act; or
- c. A city weed board in accordance with section 22 of this Act.

78. "Township road" means an improved public road that is:

- a. Located outside of an incorporated city;
- b. Not designated as part of a county, state, or federal-aid road system; and
- c. Constructed, maintained, graded, and drained by the township, or by the county if the township is unorganized.

**SECTION 5. AMENDMENT.** Section 10 of House Bill No. 1026, as approved by the sixty-first legislative assembly, is amended and reenacted as follows:

**SECTION 10. County weed board - Duties.** Each county weed board shall:

1. Implement a program for the control of noxious weeds;
2. Provide for the control of noxious weeds along county and township roads and along county highways;
3. Establish the time and place of regular board meetings;

4. Meet at least once each year;
5. Keep minutes of its board meetings and a complete record of all official acts;
6. Control and disburse all moneys received by the county from any source for noxious weed or invasive species control;
7. a. Provide for the compensation of its members and its secretary and treasurer;
- b. Reimburse its members and its secretary and treasurer for actual and necessary expenses; and
- c. Provide a mileage allowance at the same rate as that established for state employees; and
8. a. Employ and provide for the compensation of a weed control officer;
- b. Reimburse the weed control officer for actual and necessary expenses; and
- c. Provide a mileage allowance at the same rate as that established for state employees.


**SECTION 6. AMENDMENT.** Section 18 of House Bill No. 1026, as approved by the sixty-first legislative assembly, is amended and reenacted as follows:


**SECTION 18. Control of noxious weeds and invasive species within cities.** The governing body of any city having a population of three thousand or more may establish a program for the control of noxious weeds and invasive species within the jurisdictional limits of the city. If a program is not established, the county weed board shall administer a noxious weeds program for the city and may administer an invasive species program for the city.

**SECTION 7. AMENDMENT.** Section 21 of House Bill No. 1026, as approved by the sixty-first legislative assembly, is amended and reenacted as follows:

**SECTION 21. City weed board - Duties.** Each city weed board shall:

1. Implement a program for the control of noxious weeds;
2. Establish the time and place of regular board meetings;

- 
3. Meet at least once each year;
  4. Keep minutes of its meetings and a complete record of all official acts;
  5. Control and disburse all moneys received by the city from any source for noxious weed or invasive species control;
  6. a. Provide for the compensation of its members and its secretary and treasurer;
  - b. Reimburse its members and its secretary and treasurer for actual and necessary expenses; and
  - c. Provide a mileage allowance at the same rate as that established for state employees; and
  7. a. Employ and provide for the compensation of a weed control officer;
  - b. Reimburse the weed control officer for actual and necessary expenses; and
  - c. Provide a mileage allowance at the same rate as that established for state employees.



Renumber accordingly

## North Dakota County and City Listed Noxious Weeds

Rev 3 Sept 2008

The 12 state noxious weeds are enforced by all cities and counties in North Dakota. Counties and cities do have the option to add additional weeds onto a list for enforcement only in their jurisdiction. The following are the weeds which have been added to individual county and city noxious weed lists.

Barnes – yellow toadflax  
Billings – black henbane, common burdock, hoary cress, houndstongue  
Bowman – marsh sowthistle, Scotch thistle, baby's breath  
Burke – common tansy  
Cavalier – false chamomile, milkweed, common tansy  
Dickey – downy brome  
Grand Forks – kochia  
Grand Forks City – kochia  
Grant – black henbane, hoary cress, yellow toadflax, baby's breath, houndstongue  
Kidder - houndstongue  
LaMoure-yellow toadflax  
Logan – yellow toadflax  
McIntosh – yellow toadflax  
McKenzie – black henbane, common burdock, yellow toadflax, houndstongue  
Mountrail – common tansy, yellow toadflax, houndstongue  
Nelson - perennial sowthistle  
Pembina – common milkweed, kochia  
Ramsey – annual sowthistle, false chamomile  
Ransom – houndstongue  
Richland – houndstongue  
Rolette – common tansy, orange hawkweed  
Sargent – bull thistle  
Sheridan – bull thistle, common milkweed, yellow toadflax  
Slope – hoary cress, st. johnswort, houndstongue  
Stark – black henbane, hoary cress, yellow toadflax  
Traill – common milkweed, kochia  
Walsh – false chamomile  
Ward – false chamomile, yellow toadflax  
Wells – common milkweed, perennial sowthistle



**NORTH DAKOTA WEED CONTROL ASSOCIATION**  
**3196 119<sup>th</sup> Ave SE, Valley City, ND 58072**  
[www.ndweeds.homestead.com](http://www.ndweeds.homestead.com)

Derek Erick  
NDWCA President  
P.O. Box 5005  
Minot, ND 58702-5005  
701-852-1970  
[wcweeds@ndak.net](mailto:wcweeds@ndak.net)

Bruce Fagerholt  
NDWCA 1st Vice-President  
7591 Hwy 18  
Hoople, ND 58243  
701-894-6292

Stan Wolf  
NDWCA 2<sup>nd</sup> Vice-President  
1201 West Main Ave  
West Fargo, ND 58078  
701-298-2388  
[wolfs@casscountynd.gov](mailto:wolfs@casscountynd.gov)

Becky Schroeder  
Executive Secretary  
3196 119<sup>th</sup> Ave SE  
Valley City, ND 58072  
701-570-3545 (cell) 701-845-1081  
[schroeder.becky@yahoo.com](mailto:schroeder.becky@yahoo.com)

**TESTIMONY OF MERLIN LEITHOLD**  
**LOBBYIST # 324**  
**SB 2371**  
**SENATE AGRICULTURE COMMITTEE**

**FEBRUARY 5<sup>th</sup>, 2009**

Good Morning Chairman Flakoll and members of the Senate Agriculture Committee.

My name is Merlin Leithold. I am the ND Weed Control Association's South-Central Area director, the association's lobbyist, and I am also the weed officer in Grant County.

The idea for SB 2371 came as a result that counties are having a difficult time trying to fund a strong weed control program. With the increase in costs to spray road ditches, less money is available for the county cost share program.

To receive state funds, under the LAP (Landowner Assistance Program) a county submits a form (see attached form) showing the amount that each participating landowner spent on weed control, and it also shows the amount that the county spent on each landowner. Currently the state reimburses the county 50% of the total dollars that the county paid to the landowners. With Canada thistle acres increasing, counties are seeing more participants in cost share. Counties cannot access all the dollars allocated to them by the Ag Dept. with the 50% match.

Another program in the Ag Dept is the TAG granting program. Here again counties that apply can only receive a 50% match. This makes it difficult for a county to submit a large funding proposal.

What SB 2371 would do is allow counties to access more state funds. This would in turn free up more county funds for cost share to additional landowners, raise the percentage of cost share to landowners, cost share a wider variety of chemicals, and run more effective roadside spraying programs.

On behalf of the ND Weed Control Association, I ask you to give this bill a do pass.

Thank you



**LAP VOUCHER FOR PAYMENT**  
 NORTH DAKOTA DEPARTMENT OF AGRICULTURE  
 NOXIOUS WEEDS DIVISION  
 SFN 19633 (8-07)

County or City

Mail To: ND Department of Agriculture  
 Noxious Weeds Division  
 600 E. Boulevard Ave Dept 602  
 Bismarck ND 58505-0020  
 Ph.: (701) 328-2231/800-242-7535  
 Fax: (701) 328-2240

Mail check to:

Name		
Address		
City	State	Zip Code

This voucher is for work accomplished during the time period \_\_\_\_\_, County/city weed board may be reimbursed at 50% of the actual expenditures to an amount not to exceed their current Landowners Assistance Program (LAP) allocation.

NAME	COMPLETE ADDRESS	TYPE OF CONTROL COST-SHARED	CASH EXPENDITURES	
			LAND-OWNER	WEED BOARD
			SUBTOTAL	SUBTOTAL
			\$	\$
TOTAL LANDOWNER EXPENDITURES		TOTAL WEED BOARD EXPENDITURES		
		\$		

I certify that the information on this page and following pages is true; that the money charged was actually paid for the purposes stated; that the money was expended only within the period shown on this form; that the services charged were actually rendered and that no part of such bill, claim, account or demand has been paid; that the goods charged were actually delivered and were of the value charged.

Signature of Key Contact Person	Date
Signature of Auditor	Date

**FOR DEPARTMENT OF AGRICULTURE USE ONLY**

LAP ALLOCATION	
\$	
LAP ALLOCATION AVAILABLE	
\$	
WEED BOARD EXPENDITURES	
\$ x 50%	
STATE PAYMENT APPROVED	INITIAL/DATE
\$	
LAP ALLOCATION FUNDS REMAINING	

Roger Johnson  
Agriculture Commissioner  
www.agdepartment.com



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

#1  
Judy Carlson  
3/12/09

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

**Testimony of Judy Carlson, Program Coordinator**  
**Engrossed Senate Bill 2371**  
**House Agriculture Committee**  
**Peace Garden Room**  
**9:00 am, March 12, 2009**

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Chairman Johnson, and members of the House Agriculture Committee, I am Judy Carlson, a Program Coordinator at the department of agriculture. I am here today in support of Engrossed Senate Bill 2371, which would make it easier for weed boards to use cost share funds for weed control.

Our goal is to get state appropriated funds to weed boards to control weeds as simply and efficiently as possible. Fighting weeds is a constant battle—our annual weed survey for 2007 indicates there are nearly 3 million acres in North Dakota infested with state noxious weeds.

We worked extensively with the Interim Agriculture Committee and support HB 1026.

However, we proposed changes to this bill which this committee suggested would best be heard in separate legislation. At the North Dakota Weed Control Association's annual conference in January 2009, two resolutions were passed which are addressed in this bill:

- Increase reimbursement rate from 50% to 75% for cost share programs
- Allow funding to be used to control invasive species.

In the current weed law, counties are reimbursed 50% of their expenditures. HB 1026 (noxious weed interim agriculture committee re-write) removes the percentage or match required for the Landowner Assistance Program (LAP) (Section 18 HB 1026, page 8) but leaves the 50% requirement for other cost share programs (Targeted Assistance Grants) (Section 17 HB 1026, page 8). This bill will help get more funding to counties that have limited budgets and may need more assistance in weed control efforts.

Currently, we can only fund control of noxious weeds on the state, county or city weed list. We would like the flexibility to assist counties to immediately control invasive weeds. We have had to require weed boards to add a weed to their county list before we could cost-share control. This can take time because the weed board needs to meet, consult with the North Dakota state university extension service and get approval from the commissioner before the listing is final. There are times that an invasive species infests just a few acres or less, and it would be ideal to control immediately and not put on a weed list--which you may want to remove when the acreage is controlled.

This bill would not change the amount of available funding (Environment and Rangeland Protection Fund, EARP) for the grant programs.

Chairman Johnson and committee members, I urge a "do pass" recommendation for Engrossed SB 2371. Thank you for your consideration, and I would be happy to answer any questions.



# NORTH DAKOTA WEED CONTROL ASSOCIATION

3196 119<sup>th</sup> Ave SE, Valley City, ND 58072

www.ndweeds.homestead.com

#2

Merlin Leithold  
2371  
3/12/09

Dwain Fick  
NDWCA President  
P.O. Box 5005  
Minot, ND 58702-5005  
701-852-1970  
wcweeds@ndak.net

Bruce Fagerholt  
NDWCA 1st Vice-President  
7591 Hwy 18  
Hoople, ND 58243  
701-894-6292

Stan Wolf  
NDWCA 2<sup>nd</sup> Vice-President  
1201 West Main Ave  
West Fargo, ND 58078  
701-298-2388  
wolfs@casscountynd.gov

Becky Schroeder  
Executive Secretary  
3196 119<sup>th</sup> Ave SE  
Valley City, ND 58072  
701-570-3545 (cell) 701-845-1081  
schroeder.becky@yahoo.com

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## TESTIMONY OF MERLIN LEITHOLD LOBBYIST # 324 SB 2371 HOUSE AGRICULTURE COMMITTEE

March 12<sup>th</sup>, 2009

Good Morning Chairman Johnson and members of the House Agriculture Committee.

My name is Merlin Leithold. I am the ND Weed Control Association's South-Central Area director, the association's lobbyist, and I am also the weed officer in Grant County.

The idea for SB 2371 came as a result that counties are having a difficult time trying to fund a strong weed control program. With the increase in costs to spray road ditches, less money is available for the county cost share program.

To receive state funds, under the LAP (Landowner Assistance Program) a county submits a form (see attached form) showing the amount that each participating landowner spent on weed control, and it also shows the amount that the county spent on each landowner. Currently the state reimburses the county 50% of the total dollars that the county paid to the landowners. With Canada thistle acres increasing, counties are seeing more participants in cost share. Not all counties can access all the dollars allocated to them by the Ag Dept. with the 50% match.

Another program in the Ag Dept is the TAG granting program. Here again counties that apply can only receive a 50% match. This makes it difficult for some counties to submit a larger funding proposal.

What SB 2371 would do is allow counties to access more state funds. This would in turn free up more county funds for cost share to additional landowners, raise the percentage of cost share to landowners, cost share a wider variety of chemicals, and run more effective roadside spraying programs.

SB 2371 does not impact the fiscal note in the Ag departments' budget. It does not change the allocation given to each county.

SB 2371 also addresses invasive weeds. This bill would allow counties quicker access to funds to control new weeds that have not been declared noxious by either their county or the state.

On behalf of the ND Weed Control Association, I ask you to give this bill a do pass.

Thank you