

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2204

2001 SENATE AGRICULTURE

SB 2204

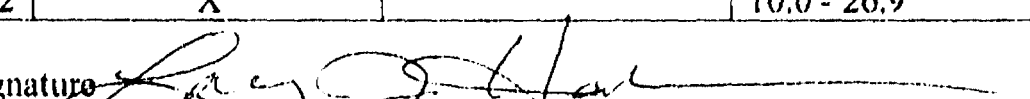
2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2204

Senate Agriculture Committee

☐ Conference Committee

Hearing Date January 25, 2001

Tape Number		Side A	Side B	Meter #
Jan. 25	2		X	20.0 - End
	3	X		0.0 - 10.0
Feb. 1	2	X		10.0 - 26.9
Committee Clerk Signature 				

Minutes:

SENATOR NICHOLS, introduced this bill.

REP. JON NELSON, I signed on to this bill because of the fear that North Dakota might become a dumping ground for some unacceptable seed with a high level of noxious weeds in them.

JIM HENNESEY, Weed Control Officer - Mountrail County testified in support of this bill. See attached testimony.

SENATOR KLEIN, will there be enough available seed that will meet requirements?

JIM HENNESEY, we can go through a reclean process. My concern is that if we don't have quality seed then we end up costing the landowners in chemical costs.

MERLIN LEITHOLD, ND Weed Control Association, testified in support of this bill. 10 noxious weed seeds would be a happy medium.

KEN ERAAS, Noxious Weed Specialist - ND Department of Agriculture. See attached testimony.

BRIAN HOLLINGER, Chairman Mountrail County Weed Control Board. See attached testimony.

ORDEAN FOSSAU, Seed grower and conditioner, testified in support of this bill.

KIM ALBERTY, Agassiz Seed and Supply Inc. testified in opposition of this bill. See attached testimony.

STEVE STREGE, ND Grain Dealers Assoc., testified in opposition of this bill. If the number of weed seed is left where it is we are opposed, however a number in the middle we may support.

GARY KNUDSON, ND Agricultural Assoc. testified in opposition to this bill.

SENATOR KLEIN, 'The concern would be that our with our seed price, consumers will buy out of state?

GARY KNUDSON, That would be a concern that we would have. This is a very critical issue.

LARRY CHESAK, noxious weed law as we have it now at 90 is high but 10 would be very restrictive to a lot of growers of grass seed. I believe it would raise the cost of seed to our producers and eliminate some people that do harvest seed now from being able to market that seed.

SENATOR WANZEK asked KEN BERTSCH and KIM ALBERTY to come up and answer some questions for the committee.

SENATOR KLEIN, Is there consumer responsibilities when purchasing seed?

KIM ALBERTY, Yes, we are not selling the cheapest, we are selling quality seed.

The hearing was closed.

Page 3
Senate Agriculture Committee
Bill/Resolution Number SB 2204
Hearing Date January 25, 2001

February 1, 2001

Discussion was held:

SENATOR NICHOLS; There was some concern by the sellers that maybe this is too low. In the testimony they talked about 40 - 45 noxious weed seed per pound, I would like to see it around 25. I understand the problems and maybe we need to go with 40 which is what the industry seemed to feel was ok.

SENATOR NICHOLS; moved to DO PASS this bill as amended.

SENATOR KROEPLIN; seconded the motion.

Roll call vote: 6 Yeas, 0 No, 0 Absent and Not voting.

SENATOR KROEPLIN will carry the bill.

Date: 2-1-01
Roll Call Vote #: /

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 22 04

Senate _____ Agriculture _____ Committee

☐ Subcommittee on _____
or
☐ Conference Committee

Legislative Council Amendment Number _____

Action Taken DO PASS → amendment

Motion Made By SEN. Klein Seconded By SEN. Nichols

Senators	Yes	No	Senators	Yes	No
Senator Wanzek - Chairman	✓		Senator Kroeplin	✓	
Senator Erbele - Vice Chairman	✓		Senator Nichols	✓	
Senator Klein	✓				
Senator Urlacher	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment _____

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

line 7 page 2 to read 40

Date: 2 - 1 - 01
Roll Call Vote #: 2

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2204

Senate _____ Agriculture _____ Committee

☐ Subcommittee on _____
or
☐ Conference Committee

Legislative Council Amendment Number _____

Action Taken _____

Motion Made By Sen Klein Seconded By Sen Urlacher

Senators	Yes	No	Senators	Yes	No
Senator Wanzek - Chairman	✓		Senator Kroeplin	✓	
Senator Erbele - Vice Chairman	✓		Senator Nichols	✓	
Senator Klein	✓				
Senator Urlacher	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment _____

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

Date: 2-1-01
Roll Call Vote #: 3

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO.

Senate _____ Agriculture _____ Committee

☐ Subcommittee on _____
or
☐ Conference Committee

Legislative Council Amendment Number _____

Action Taken Do PASS → as amended

Motion Made By Sen. Nichols Seconded By Sen. Kroeplin

Senators	Yes	No	Senators	Yes	No
Senator Wanzek - Chairman	✓		Senator Kroeplin	✓	
Senator Erbele - Vice Chairman	✓		Senator Nichols	✓	
Senator Klein	✓				
Senator Urlacher	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Senator Kroeplin

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

REPORT OF STANDING COMMITTEE

SB 2204: Agriculture Committee (Sen. Wanzek, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2204 was placed on the Sixth order on the calendar.

Page 1, line 1, after "reenact" Insert "section 4-09-13 and"

Page 1, after line 3, Insert:

"SECTION 1. AMENDMENT. Section 4-09-13 of the North Dakota Century Code is amended and reenacted as follows:

4-09-13. Tolerances. The tolerances used in determining correctness and accuracy in labeling seed as described in this chapter must be those tolerances used under the Federal Seed Act of August 9, 1939, and subsequent amendments ~~thereto~~ as of July 1, 2001, except that the tolerance for yellow starthistle must be zero and the commissioner may, by rule, establish tolerances that are more strict than the Federal Seed Act tolerances."

Page 2, line 7, replace "ten" with "forty"

Renumber accordingly

2001 HOUSE AGRICULTURE

SB 2204

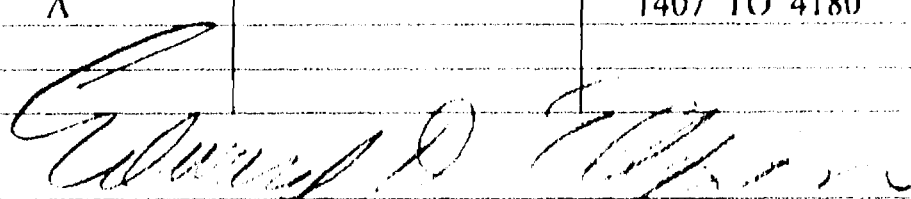
2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2204

House Agriculture Committee

☐ Conference Committee

Hearing Date 3--09--01

Tape Number	Side A	Side B	Meter #
TWO	A		1407 TO 4180
Committee Clerk Signature 			

Minutes:

1A: VICE CHAIRMAN JOHNSON: We will open the hearing on SB 2204:

SEN. NICHOLS: DIST 4 I am here speaking on behalf of SB 2204. In favor of. This Bill arose out of some concerns in our area and also other parts of the state with some problems that arose when seed was put into some CRP Fields during this past year. We have an area near us where we have quite a bit of land that was infested badly with Yellow Starthistle which is a prohibited noxious weeds that we certainly don't want those in this area. You have people here that are much more knowledge and detailed then I am. I do want to say that we made some changes on page two of the Bill, line 13 and 14.. The law now provides for up to 90 seeds per pound of restricted noxious weeds in seed bin. We amended the Bill initially in the senate in order to go to 10 seeds per pound that was changed after committee hearings and that was moved to 40 seeds per pound. There is going to be some discussion about where this level should be but I think that we need to be very cautious because if we do not have our regulations a stringent

Page 2

House Agriculture Committee

Bill/Resolution Number SB 2204

Hearing Date 3--09--01

at those of the surrounding states we are going to tend to be in areas that is used as a last resort in this area when seeds do not quite meet the standards of these other states. We need to be careful where we test this level. People in our area wish it would be moved to at least 25 seeds per pound. I do have amendments that I am going to leave with Rep. Onstad. I do think that you are going to have some testimony with regard to where this level should be. I am not going to recommend now but after you have heard all the testimony. With that Mr Vice Chairman if there are any questions, I will try to answer them.

VICE CHAIRMAN JOHNSON: In the neighboring states now, what is there level.

SEN NICHOLS: There are people here that will go through those levels.

The very by state and by the wheat it self..

VICE CHAIRMAN JOHNSON: Others to offer support for 2204

KEN ERAAS: Agr. Department Noxious Weeds Specialist. Please see the printed testimony I do support the Bill.

REPRESENTATIVE LEMIEUX: My question deals with not only yellow starthistle. but has to do with cleavers in canola. Are you familiar with cleavers. Would you have a problem adding cleavers to the zero tolerance.

KEN: I certainly would not. I have little knowledge on cleavers.

Rep. Koppang: There are many other noxious weeds that have zero tolerance, or do they all have to.

KEN: At this time there is a built in tolerance and federal tolerance and there is not a zero tolerance. There is a tolerance allowed. Starthistle is different

VICE CHAIRMAN JOHNSON: Others to offer support?

JIM HENNESSY: Mountrail County Weed Control Officer. I am here in support of 2204.

Please see printed and attached testimony. And attachments.

REPRESENTATIVE LEMIUEX: Who paid for the cost of clean up. Startthistle.

JIM HENNESSY: Right now the costs are being passed off through the local eneties who imported the seed and also the seed company that is out of state. Nothing solid yet. No exchange of money. Could be a cost share. This is a big deal. The cost share would break our budget.

REPRESENTATIVE: The money's for the wheat board come from where?

JIM: Taxes. Basically there is a 3 mill tax that runs our country wheat board. Also there is the lap program which I explained. Comes through the state. 50---50 cost share. This would probable fall under the newly envasive which is 75 cost share. Where the county would pay the 25 percent and the state 75.

GARY HARTMAN: I am the Burleigh County weed officer. WE support the Bill.

SB 2204 would have originally reduced the seeds per pound from 90 to 100. That was amended to 40 seeds per pound. We are asking this morning to reinstate the BILL to it's original form Take even 10 noxious weed seeds and multiply it times 3 pound per acre seeing rate give you 30 weeds per acre. That gives you a possibility of 30 weeds per acre and multiply those plants by the number of seeds that they can produce and it is said that some of these seeds produce up to 100 thousand up to a million seeds per plant. You can imagine the amount of problem you will have. You could have serious problem in a couple of years. At 40 noxious weeds per pound

the likely hood of a serious infestation triples. We also want you to consider adding an emergency declaration to this so that the spread of new and existing weeds be stopped as soon as possible. County wheat boards are fighting constant battle with noxious weeds. This session sees various bills wanting to take money from our URP fund. Funding for noxious weeds could become a problem possibly by next session. Help us fight before some of these weeds get started.

VICE CHAIRMAN JOHNSON: Any questions of Garry. Any other testimony on SB 2204?

MERLIN LEITHOLD: LOBBYIST NORTH DAKOTA WEED CONTROL ASSOCIATION:
Please see printed testimony.

DARREL FICK: Ward County Weed Control

VICE CHAIRMAN JOHNSON: How many more do we have to offer support of this bill.

ODEAN FOSSEN: I am from Tioga ND. I have been a certified seed grower for 29 years. I am very concerned about this Bill. I would like you members to lower the rate as is at least down to 25. I would like to see it down to 10. The reason is when we have lower standards then other states we become a opportunity to profit of selling of rejected seeds from other states.. into our states. The place to stop seed contamination is in the field where it is grown. Clean up the ground, use clean seed. Seed is a valuable product and it should not be a down graded product. We encourage you to lower the number. Thank you.

VICE CHAIRMAN JOHNSON: Those in opposition:

JIM ALBERT: I am with AGASSIZ SEED SUPPLY FROM WEST FARGO. I am here to oppose part of the bill and support of other parts so I'm not exactly sure where I should be standing today. Please see the written testimony. We have two issues that I think really need

to be separated and addressed. please see printed testimony. We would support the yellowthistle prohibitive noxious zero tolerance, and we feel that introducing any prohibitive weed whether its new and invasive or existing. We are not here to argue that. What we want to separate is the restricted noxious weed issue from that because those are two separate lists as you have before you from us. Our company represents grass seed. First of all we don't think that ND is a dumping ground for poor quality seed as you can see at least 10 other states in our existing laws have more lenience than what we do. We urge you to support a 45 noxious weed per pound limit in this bill.

ONSTAD: THERE ARE GRAVITY TABLES.

Typically other seed growers they basically that crop is samples before you can even qualify for certification. They would not even buy that seed. out in the field and I am assuming must have purchased seed or raising your own seed and typically it has those numbers of noxious weeds in there maybe you should be buying that for seed.

JIM: Yes if it is contaminated, over the tolerance, certainly that is the basis. I think that is what the tolerances were meant to be. It is not an exact science.

CHAIRMAN NICHOLAS: WHO WANTS TO TESTIFY ON THE BILL.

JERRY KNUTSON: ND AGR. ASSOCIATION: Just a brief comment. We hope that this committee will determine what is the level play field. Obviously we don't want to loose business to Montana and S. Dakota. If our rules are that more stringent are we going to preclude some opportunities for some our dealers.

CHAIRMAN NICHOLAS: What I am going to do with this Bill is put it in a SUB COMMITTEE. Representative Pietsch as chairman, and Representative Kingsbury and Rep.

Page 6

House Agriculture Committee

Bill/Resolution Number SB 2204

Hearing Date 3--09--01

Onstada. Take a look at this and see if we can come up with something that is reasonable.

I would ask those people that have a problem with the seeds to work with these people on both sides and come up with something that is workable.

WE WILL CLOSE THE HEARING ON SB 2204

1A: 4180

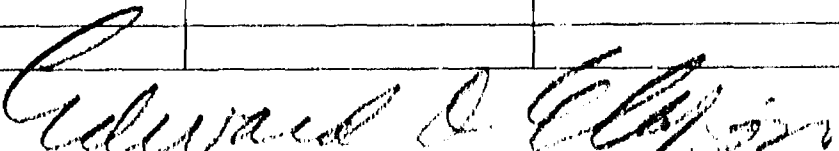
2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2204

House Agriculture Committee

☐ Conference Committee

Hearing Date 3--16--01

Tape Number	Side A	Side B	Meter #
ONE	A		3780 TO 5795
Committee Clerk Signature 			

Minutes:

CHAIRMAN NICHOLAS: WE WILL OPEN THE HEARING ON SB 2204

BILL IS RELATING TO NOXIOUS WEED SEEDS.

REPRESENTATIVE PEITSCH: On page one, line 2, after seeds insert; and to provide an expiration date. On page 2, line 14 replace forty with twenty five. Please see amendments, there are two different amendments. Representative explained as to why they came up with the number that they did. The next legislative session will address this bill.

ONSTAD: CRP PROBLEMS, LOWER TOLERANCES. IT IS IMPORTANT THAT OUR TOLERANCES GET LOWER.

REPRESENTATIVE LLOYD: On line 8 where it is underlined except that the tolerance for yellow star thistle must be zero. Are we making the assumption that is a prohibitive noxious weed now or is that a zero tolerance on a restricted noxious weed?

Page 2

House Agriculture Committee

Bill/Resolution Number SB 2204

Hearing Date 3--16--01

ONSTAD: I am not certain. My understanding is the same as leafy spurge, they are in that category. I don't know if it is prohibitive.

JEFF: Yellow star thistle is a noxious weed. It is prohibitive.

LLOYD: Is this line moot then.

JEFF: The federal definition for zero tolerance could be up to three seeds. Zero dose not mean zero under the federal tolerance level. What this means is to bring zero to zero.

I have not looked at the bill for a while.

REPRESENTATIVE Are we gaining what we want on this Bill.

JEFF: It dose give the seed commissioner a little bit of latitude as far as increasing those tolerances. To be more strict then the federal. The seed commissioner uses the guide lines as the federal seed laws. In that case is where we are getting where zero dose not mean zero. Star thistle spread fast. Zero should be Zero.

REPRESENTATIVE LLOYD: THE AMENDMENT THAT IS NOT NUMBERED UNDER SEED CLASSIFICATION SYSTEM THE VERY LAST WORD SAYS VARIETY AND I AM NOT SO SURE THAT IS WHAT WE MEAN. I THINK WE MEAN SPECIES.

CHAIRMAN NICHOLAS: WE WANT TO MAKE THAT CORRECTION. O.K. ARE THERE ANY OTHER QUESTIONS.

REPRESENTATIVE PIETSCH: MR. CHAIRMAN DO YOU WANT TO MOVE THESE AMENDMENTS.

CHAIRMAN NICHOLAS: YES. REPRESENTATIVE PIETSCH MOVED AS TO THE AMENDMENTS AND SECONDED BY REPRESENTATIVE RENNER. ALL IN FAVOR SAY YES. O.K. THE CHAIR WILL ENTERTAIN A MOTION ON 2204 AS AMEND

Page 3

House Agriculture Committee

Bill/Resolution Number SB 2204

Hearing Date 3--16--01

MENDED. REPRESENTATIVE PIETSCH MOVED FOR A DO PASS AND

REPRESENTATIVE KINGSBURY SECONDED. IS THERE ANY FURTHER

DISCUSSION? THE CLERK WILL TAKE THE ROLL.

THERE WERE """"13 YES""""0 NO""""2 ABSENT""""

REPRESENTATIVE PIETSCH WILL CARRY SB 2204.

10426.0201
Title.

Prepared by the Legislative Council staff for
Senator Nichols
March 9, 2001

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2204

Page 2, line 14, replace "forty" with "twenty-five"

Renumber accordingly

PROPOSED AMENDMENTS TO SENATE BILL 2204

Page 1, line 2, after "seeds" insert "; and to provide an expiration date"

Page 1, after line 10 insert:

"SECTION 2. A new section to chapter 4-09 of the North Dakota Century Code is created and enacted as follows.

Seed classification system - Weed tolerances. The Seed Commission shall establish a seed classification system for annual crops and perennial crops that references tolerances for each restricted noxious weed ~~variety~~." *Species*

Page 3, after line 2 insert:

"SECTION 4. EXPIRATION DATE. This Act is effective through July 31, 2003, and after that date is ineffective."

Renumber accordingly

VR
3/16/01

HOUSE AMENDMENTS TO ENGROSSED SB 2204 HSE AGR. 3-16-01

Page 1, line 1, after "Act" insert "to create and enact a new section to chapter 4-09 of the North Dakota Century Code, relating to the establishment of a seed classification system;"

Page 1, line 2, after "seeds" insert "; and to provide an expiration date"

Page 1, after line 10, insert:

"SECTION 2. A new section to chapter 4-09 of the North Dakota Century Code is created and enacted as follows:

Seed classification system - Weed tolerances. The seed commission shall establish a seed classification system for annual crops and perennial crops which references tolerances for each restricted noxious weed species."

HOUSE AMENDMENTS TO ENGROSSED SB 2204 HSE. AGR. 3-16-01

Page 2, line 14, replace "forty" with "twenty-five"

HOUSE AMENDMENTS TO ENGROSSED SB 2204 HSE. AGR. 3-16-01
Page 3, after line 2, insert:

"SECTION 4. EXPIRATION DATE. This Act is effective through July 31, 2003, and after that date is ineffective."

Renumber accordingly

3-16-01

Date:
Roll Call Vote #:

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO.

SB 2204

House AGRICULTURE Committee

☐ Subcommittee on _____
or
☐ Conference Committee

Legislative Council Amendment Number WITH AMENDS

Action Taken DO PASS

Motion Made By Lloyd Seconded By Phil Miller

Representatives	Yes	No	Representatives	Yes	No
Eugene Nicholas, Chairman	<input checked="" type="checkbox"/>		Rod Froelich	<input checked="" type="checkbox"/>	
Dennis E. Johnson - Vice Chairman	<input checked="" type="checkbox"/>		Doug Lemieux	<input checked="" type="checkbox"/>	
Rick Berg	<input checked="" type="checkbox"/>		Philip Mueller		
Michael Brandenburg			Kenton Onstad		
Joyce Kingsbury	<input checked="" type="checkbox"/>		Sally M. Slandvig		
Myron Koppang	<input checked="" type="checkbox"/>		Dennis J. Renner		
Edward H. Lloyd	<input checked="" type="checkbox"/>		Dwight Wrangham		
Bill Pietsch	<input checked="" type="checkbox"/>				

Total (Yes) 14 No 0

Absent 1

Floor Assignment Rep Mueller

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

3-16-01

Date:
Roll Call Vote #:

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO.

SB 2204

House AGRICULTURE

Committee

☐ Subcommittee on _____

or

☐ Conference Committee

PIETSCHE

RENNER

Legislative Council Amendment Number

RE HALL

Action Taken

DO PASSED

Motion Made By

PIETSCHE

Seconded By

KINGSBURY

Representatives	Yes	No	Representatives	Yes	No
Eugene Nicholas, Chairman	✓		Rod Froelich	✓	
Dennis E. Johnson - Vice Chairman	✓		Doug Lemieux	✓	
Rick Berg			Philip Mueller	✓	
Michael Brandenburg			Kenton Onstad	✓	
Joyce Kingsbury	✓		Sally M. Slandvig	✓	
Myron Koppang	✓		Dennis J. Renner	✓	
Edward H. Lloyd	✓		Dwight Wrangham	✓	
Bill Pietsch	✓				

Total (Yes)

13

No

0

Absent

2

Floor Assignment

Rep PIETSCHE

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

REPORT OF STANDING COMMITTEE

SB 2204, as engrossed and amended: Agriculture Committee (Rep. Nicholas, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2204, as amended, was placed on the Sixth order on the calendar.

Page 1, line 1, after "Act" insert "to create and enact a new section to chapter 4-09 of the North Dakota Century Code, relating to the establishment of a seed classification system;"

Page 1, line 2, after "seeds" insert "; and to provide an expiration date"

Page 1, after line 10, insert:

"SECTION 2. A new section to chapter 4-09 of the North Dakota Century Code is created and enacted as follows:

Seed classification system - Weed tolerances. The seed commission shall establish a seed classification system for annual crops and perennial crops which references tolerances for each restricted noxious weed species."

Page 2, line 14, replace "forty" with "twenty-five"

Page 3, after line 2, insert:

"SECTION 4. EXPIRATION DATE. This Act is effective through July 31, 2003, and after that date is ineffective."

Renumber accordingly

2001 SENATE AGRICULTURE

CONFERENCE COMMITTEE

SB 2204

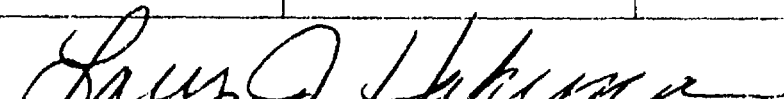
2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2204

Senate Agriculture Committee

~~H~~ Conference Committee

Hearing Date April 5, 2001

Tape Number	Side A	Side B	Meter #
3	X		0.0 - 11.2
Committee Clerk Signature 			

Minutes:

The Conference Committee on SB 2204 was opened by SENATOR ERBELE. Members present were Senators Erbele, Klein, Nichols and Representatives D. Johnson, Renner, Onstad.

SENATOR ERBELE; We have before us the noxious weed bill and would one of you from the House care to explain the amendments that we are looking at?

SENATOR KLEIN; We amended it from 10 to 40 and now it has gone from 40 to 25 and the other verbiage I would like explained.

REP. D. JOHNSON; I would ask Rep. Onstad, he sat on the subcommittee with this bill.

REP. ONSTAD; I sat on the subcommittee and 25 is basically what's in Minnesota. We felt that being consistent with Minnesota, that was the reason for 25. The other part is, it allows a little bit of flexibility with the seed department to look at the some of the tolerance levels that deals with not only your annual crops but you perennial crops. The concern of the whole basis was if you have one field of just one crop that is a situation where you can take care of those noxious

weeds but when you look at the CRP situation you have multiple seeds and grasses. There is where your tolerances have to be a little crucial because that is something that is set aside for 10 - 15 years and that is going to seed. You can go in and eradicate that but it becomes a tougher time because we have less chemicals available in that situation. The third part we talked about is if we can lower the tolerance levels we are spending well over a million dollars in noxious weed control at this point and we felt that if we can lower those tolerance levels on this end maybe we would be saving dollars on the other end. That was the general comments out of our subcommittee on those changes.

SENATOR ERBELE; Senator Nichols you have worked hard on this bill on our side, what did you find?

SENATOR NICHOLS; From my standpoint I would like to see us stay with this amendment because I think especially with Minnesota where we would be in the same total restricted weed area, 25.

SENATOR ERBELE; Do the Minnesota crucials have to because they are one of our bigger producers of seed? Do we get a lot of seed from them?

SENATOR NICHOLS; I am not sure that we get a lot from there. I assume we do get some from them.

SENATOR ERBELE; Do we sell a lot to them?

SENATOR NICHOLS; It would probably mean that if there were seed coming to either area right now, especially at 90 and even at 45 there would be a real tendency to if there were problems we would get the heavier dose.

SENATOR ERBELE; Does anyone know where South Dakota is at on this?

REP. ONSTAD; The 2 states were Montana and Minnesota. South Dakota I am not sure.

SENATOR NICHOLS; explained tolerance levels for certain weeds in different states to the committee from testimony given a hearing for SB 2204.

SENATOR KLEIN; What about the seed dealers?

REP. ONSTAD; No. Ken Bertsch talked about that and the levels and the sampling. He kind of signed on with that second section too. He could understand that being similar to Minnesota and Montana and as far as the seed it self, I think the one person who is involved mainly with the seed is a wholesaler. He bought the seed and then he turns around and sells it.

REP. D. JOHNSON; One thing to remember is if we were to pass legislation like this it would be the first of August before it becomes law.

SENATOR KLEIN; We would be similar to Minnesota, Montana and be OK here just South Dakota would be a little high, or would it all be about the same them?

SENATOR ERBELE; South Dakota from what I can see is actually below us yet.

SENATOR KLEIN; Then we would be across the line with the seed and we wouldn't have a lot of concerns with somebody who may run down to South Dakota and buy their seed, then come up here and be in noncompliance?

SENATOR NICHOLS; They do have some of there seed labeled a little different than they do in South Dakota and Montana.

SENATOR ERBELE; Would grasses and grains be covered under agricultural in section two.

SENATOR NICHOLS; That is old language. There was nothing added here.

SENATOR ERBELE; I mean as that continues on that will be part of the whole section. Are grasses and grains covered in agricultural is what I am asking.

SENATOR KLEIN; If you look at Section 4-09-14, I am assuming that is an agricultural definition. Often times when the language is placed in a particular section that's the agency that

Page 4

Senate Agriculture Committee

Bill/Resolution Number SB 2204

Hearing Date April 5, 2001

needs to address the issue of violation and that could be in the Seed Commission or the Ag.

Commission but that is how we determine that.

REP. ONSTAD; One other thing that came up in our subcommittee and that was with the seed commissioner, this grass seed is not only sold for agricultural it is sold to golf courses also and that come in the tolerance levels. That is something that gets mowed and taken care of.

SENATOR KLEIN moved that the Senate accede to the House amendments.

SENATOR NICHOLS seconded the motion.

Roll call vote: 6 Yeas, 0 No, 0 Absent and Not voting.

Date: April 5, 2001
Roll Call Vote #: 1

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2204

Senate **Agriculture** **Committee**

☐ Subcommittee on _____
or
☒ Conference Committee

Legislative Council Amendment Number _____

Action Taken Senate accide. to House amendments

Motion Made By Sen. Klein Seconded By Sen. Nichols

[illegible]

Total (Yes) 1 No 0

Absent 0

Floor Assignment

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

REPORT OF CONFERENCE COMMITTEE (420)
April 5, 2001 2:12 p.m.

Module No: SR-60-7913

Insert LC: .

REPORT OF CONFERENCE COMMITTEE

SB 2204, as engrossed: Your conference committee (Sens. Erbele, Klein, Nichols and Reps. D. Johnson, Renner, Onstad) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 945 and place SB 2204 on the Seventh order.

Engrossed SB 2204 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE) - 420

07398

(Bill Number) SB 2204 (, as (re)engrossed):

Your Conference Committee

For the Senate:

Sen. Erbe P
Sen. Klein P
Sen. Nichols P

For the House:

Rep. Johnson P
Rep. Renner P
Rep. Enstad P

☐ recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)
723/724 725/726 8724/H726 8723/H725
the (Senate/House) amendments on (SJ/HJ) page(s) 945 - _____

☐ and place _____ on the Seventh order.
727

☐ , adopt (further) amendments as follows, and place
_____ on the Seventh order:

☐ having been unable to agree, recommends that the committee be discharged
and a new committee be appointed. 690/515

((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 _____

1) LC (2) LC (3) DESK (4) COMM.

2001 TESTIMONY

SB 2204

COMMISSIONER OF AGRICULTURE
ROGER JOHNSON



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

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

Testimony of Ken Eraas
Noxious Weeds Specialist
North Dakota Department of Agriculture
Senate Agriculture Committee
Roosevelt Room
January 25, 2001

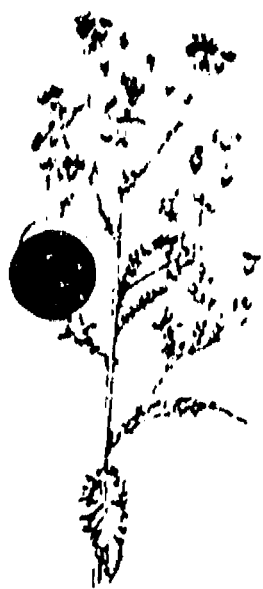
Chairman Wanzek and members of the Senate Agriculture Committee, I am Ken Eraas, Noxious Weeds Specialist in the North Dakota Department of Agriculture. I am here today in support of SB 2204.

Currently Minnesota, Montana and South Dakota seed laws have allowable limits for restricted noxious weed seed different than North Dakota. North Dakota standards should not be weaker than neighboring states' standards.

Passage of SB 2204 would bring restricted noxious weed allowances in North Dakota Seed Law (90 seeds per pound) closer to those of neighboring states. This would prevent lower quality seed lots, which are not allowed to be sold in their states of origin, from moving into North Dakota seed marketing channels.

Weed control is a major expense in crop and forage production. Changing the allowable restricted noxious weed seeds would prevent seed from being a potential source of weed introduction and subsequent control expense.

Chairman Wanzek and Agriculture committee members, I urge a do pass on SB 2204. I would be happy to answer any questions you might have.



MOUNTRAIL COUNTY WEED CONTROL

JIM HENNESSY, WEED OFFICER

PO Box 40

STANLEY, ND 58784

(701) 628-2835

FAX: (701) 628-2735

Testimony of Brian Hollinger - Chairman

Mountrail County Weed Control Board

Senate Bill 2204

Jan 25, 2001

11:15 AM

Senate Committee Hearing

BOARD OF DIRECTORS

CHAIRMAN
BRIAN HOLLINGER,
STANLEY, ND

VICE-CHAIRMAN
KELLY HANSON,
STANLEY, ND

SECRETARY
NEIL BAYTELSON,
PARSHALL, ND

DIRECTOR
JERRY HANSON,
NEEDHAM, ND
D. G. HANSON,
PLAZA, ND

Mr Chairman and members of the committee, My name is Brian Hollinger. I am the Chairman of the Board for Mountrail County Weed Control. I am here to testify in support of SB 2204

As a producer and chairman of the Mountrail County Weed Control Board, I am concerned as to the invasion of new and invasive weeds. With the 90 seeds per pound on Restricted Noxious Weeds, I find opportunity for future CRP contracts to be contaminated with Noxious Weeds which could affect the economic well being of producers in Mountrail County and the State as a whole. With the 10 Seeds per pound proposed, producers can know the quality of seed is tolerable but not optimal. Also that the 10 seeds per pound change will also give them room to work with to allow for quality seed supplies.

As a producer who is concerned about economics in farming, I find that not supporting the SB2204 bill could affect my own operation with weed control costs of \$10-12 per acre if seed were to be contaminated with wild oats. Or in the case of Quackgrass, multiple applications at a cost \$8-9 dollars per application.

With continued pressure in this poor farm economy, producers look to CRP contracts, which require the need for grass seed mixes. Previous cases in counties have found seed mixes with Noxious weed contamination to be present. As a producer, this could affect land I farm bordering these potential contracts and burden an operation with unexpected chemical costs.

With great concern to invasive weeds, I urge you to support the SB2204.
Brian Hollinger, Mountrail County Weed Control Chairman

January 9, 2001

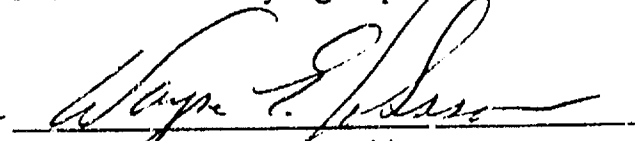
North Dakota Weed Control Association (NDWCA)
724 5th Street
Langdon, ND 58249

State Directors:

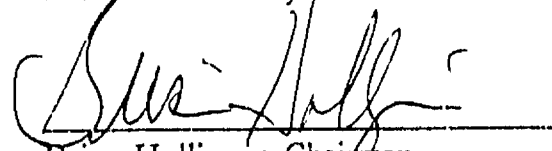
The Mountrail County Ag Improvement Association, Mountrail County Weed Control, and Mountrail County Soil Conservation District would like to propose the following resolution for the State Annual Meeting.

WHEREAS the neighboring states of Montana and South Dakota allow 0 restricted noxious weed seeds/lb and Minnesota allows 25 restricted noxious weed seeds/lb (quackgrass, wildoats, etc.,) in common seed and **WHEREAS** North Dakota allows 90 restricted noxious weed seeds/lb, as stated in the North Dakota State Seed Law (4-09-14.G), it has become a dumping ground for seed that does not meet other state requirements for noxious weeds and **WHEREAS** contamination of fields and lower seed standards causes economic loss to farmers of North Dakota, **THEREFORE BE IT RESOLVED** that the NDWCA support changing the North Dakota Seed Law to lower the number of restricted noxious weeds to 10 restricted noxious weed seeds/lb under section (4-09-14G), and **THEREFORE BE IT KNOWN** that the NDWCA is in full support of the efforts of the State Department of Agriculture in their efforts of establishing a zero tolerance for prohibited noxious weeds such as Spotted, Diffuse & Russian Knapweeds, St Johnswort, Dalmation & Yellow Toadflax, Yellow Starthistle and other invasive weeds of economic consequences.

Mountrail County Ag Improvement


Wayne E. Johnson, President
Mountrail County Ag Improvement

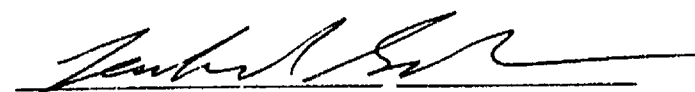
Mountrail County Weed Control


Brian Hollinger, Chairman
Mountrail County Weed Control

Mountrail County Soil Conservation District


Roger Evans, Chairman
Mountrail County Soil Conservation District

NDChapter/ Society for Range Management


Lealand Schoon, Past President
Society for Range Management

MOUNTRAIL COUNTY WEED CONTROL

JIM HENNESSY, WEED OFFICER

PO Box 40

STANLEY, ND 58784

(701) 628-2835

FAX: (701) 628-2735

Testimony of Jim Hennessy - Weed Officer

Mountrail County Weed Control Board

Senate Bill 2204

Jan 25, 2001

11:15 AM

Senate Committee Hearing

BOARD OF DIRECTORS

CHAIRMAN
BRIAN HOLLINGER,
STANLEY, ND

VICE-CHAIRMAN
KELLY HANSON,
STANLEY, ND

SECRETARY
NEIL BATTILSON,
PARSHALL, ND

DIRECTOR
JERRY HAN,
ND

DIRECTOR
GARY HAN,
PLAZA, ND

Mr Chairman and members of the committee, My name is Jim Hennessy. I am the Weed Officer for Mountrail County Weed Control. I am here to testify in support of SB 2204

Introduced plant species cause disasters that affect the well being of North Dakota's Agricultural Communities. Presently the law allows 90 Restricted Noxious Weed Seeds per pound of seed. This when figured allows in a bushel of wheat- 5400 seeds per bushel and in grass seed mixes of 50 lbs per bag would allow 4500 Restricted Noxious Seeds per bag. With a seeding rate of 8 lbs per acre this would allow 720 seeds per acre which is well above average farming practices.

If changed to 10 Restricted Noxious Weed Seeds per pound as proposed, this would allow for 80 seeds of Restricted Noxious Weed Seeds per acre. For example if 80 plants of wild oat produced 200-250 seeds per plant(see attached) the results would be 1600 plants or seeds per acre(Not discounting germination). Absinth wormwood would produce 1,000,000 seeds per plant and if allowing for the old standard of 90 / lb this would produce 90,000,00 seeds minus germination loss.

With the increase of invasive weeds in most states, some Restricted noxious weeds are listed in other states as Prohibited Noxious Weeds because of the rapid spread in that state. For Example: In South Dakota Quackgrass is a Prohibited Noxious Weed; In North Dakota it's a Restricted Noxious Weed and we presently allow 90 /pound.

Presently we are dealing with a Restricted Noxious Weed in Mountrail County that costs the landowners and the State of N.D. to control Yellow Toadflax under New

and Invasive Weed Survey . By decreasing the allowable number of seeds from 90 to 10 will help prevent increased spread of these invasive weeds.

Consistency in standards among neighboring states is not happening , so I urge the passing of this **Senate Bill 2204** for the protection of our North Dakota Ag Communities.

Jim Hennessy - Mountrail County Weed Control

12. "Lot" means a definite quantity of seed identified by a lot number or other mark, every portion or bag of which is uniform, within permitted tolerances, for the factors which appear in the labeling.
13. "Noxious weed seeds" means the seeds of either of the following classifications:
 - a. "Prohibited noxious weed seeds" means the seeds of perennial weeds which reproduce by seed or spread by underground roots, stems, and other reproductive parts and which, when established, are highly destructive and difficult to control by ordinary good cultural practice including the seeds of leafy spurge (*euphorbia esula* L.), field bindweed (*convolvulus arvensis* L.), Canada thistle (*cirsium arvense* (L.) scop.), perennial sow thistle (*sonchus arvensis* L.), Russian knapweed (*centaurea repens* L.), absinth wormwood (*artemisia absinthium* L.), hemp (*cannabis sativa* L.) having more than three-tenths of one percent tetrahydrocannabinol, musk thistle (*carduus nutans* L.), spotted knapweed (*centaurea maculosa* Lam.), hoary cress (*cardaria draba* (L.) Desv.), and yellow starthistle (*centaurea solstitialis* L.).
 - b. "Restricted noxious weed seeds" means the seeds of weeds which are highly objectionable in fields, lawns, and gardens, but which can be controlled by good cultural practices or other means, including the seeds of dodder (*cuscuta* species), hedge bindweed (*convolvulus sepium* L.), wild oats (*avena fatua* L.), and quackgrass (*agropyron repens* (L.) Beauv.).
14. "Official seed-certifying agency" means:
 - a. An agency authorized under the laws of a state, territory, or possession to officially certify seed which has standards and procedures approved by the United States secretary of agriculture to assure the genetic purity and identity of the seed certified; or
 - b. An agency of a foreign country determined by the United States secretary of agriculture to adhere to procedures and standards for seed certification comparable to those adhered to generally by seed-certifying agencies under subdivision a.
15. "Person" means any individual, partnership, corporation, limited liability company, company, society, or association.
16. "Pest" means any invertebrate animal, pathogen, parasitic plant, or similar organism causing or capable of causing injury or damage to any plant or part of a plant or any processed, manufactured, or other product of a plant.
17. "Phytosanitary certificate" means a document issued or authorized by the commissioner indicating that the seed or tubers were inspected and considered to be free from quarantine pests and practically free from injurious pests according to the sanitary requirements of the importing country.
18. "Pure seed" means agricultural and vegetable seed, exclusive of inert matter, and all other seed not of the kind or variety being considered.
19. "Record" means all information relating to lot identification, source, origin, variety, amount, processing, testing, labeling, distribution, and file sample of the seed.
20. "Seed department" means the seed department of this state.
21. "Seizure" means the legal process carried out by court order against a definite amount of seed.



Cooperative Extension Service

CIRCULAR
W-218

NORTH DAKOTA STATE UNIVERSITY - FARGO, NORTH DAKOTA 58102
UNITED STATES DEPARTMENT OF AGRICULTURE COOPERATING

RENNVILLE COUNTY AGENT'S OFFICE

MOHALL, N. DAK. 58761

Revised JANUARY 1977

WEED SEEDS AND SEEDLINGS

LARRY W. MITICH
Extension Agronomist

O. A. STEVENS
Botanist Emeritus
Department of Botany

WEEDS are one of the chief problems of the farmer, and weed seeds in the soil are a continuous source of increased operating expenses and of losses in crop yields. Many weed seeds are scattered by wind, some by water and by animals, but the chief sources of seeds in the soil are from weed seed planted in uncleaned crop seed, and those produced by the weeds which were allowed to mature.

A single plant will bear thousands of seeds. A pure stand of field pennycress (Frenchweed) was found to produce 150,000 seeds per square yard. (See list on back page for additional weed seed yields.)

Many weed seeds have hard seed coats, do not germinate readily and may remain alive in the soil for many years. Seeds of wild mustard, curly dock and redroot pigweed have germinated after being buried in the ground for 50 years. The tiny seeds of common mullein and common eveningprimrose also remained alive, but grass seeds did not survive so well.

Field pennycress, wild oats and common lambsquarters are the first to grow in the spring. Redroot pigweed and giant ragweed start a little later; green and yellow foxtails (pigeongrass) are tender to frost and start late in the spring. Common purslane does not start until the soil is warm and dry.

Not many seeds germinate during midsummer. Some field pennycress seeds germinate in fall. Seedlings from these fall germinated seeds live through the winter and continue growing in the spring. Greenflower pepperweed (peppergrass), some other mustards and prickly lettuce do the same. Wild oat, wild mustard and other weed seeds may germinate in the fall but the plants fail to live through the winter.

Green and yellow foxtails (pigeongrass), wild oats and wild buckwheat, preferably when ground, can be used for feed in place of barley up to two-fifths of a grain ration. Cockles, mustards and small weed seeds are not good for feed and should be destroyed.

To free the soil of weed seeds, allow them to grow and then destroy the seedlings. Attention to the natural time of

germination will help to plan the most effective work. One or more cultivations at the proper time before seeding, or summerfallow before June 1, will destroy quantities of seedlings. After that date the growing plants rapidly reduce the soil moisture and soon begin to ripen seeds.

Always clean seed grain. A thimbleful of redroot pigweed seeds would be hidden in a cupful of wheat or clover, but would amount to 5,500 seeds.

Generally weed seedlings are more susceptible to herbicides than well established plants. This is especially true for kochia, which becomes resistant to selective herbicides beyond the seedling stage. Weeds, like all plants, grow rapidly under favorable growing conditions in the spring. An actively growing plant is more easily killed with herbicides than is one approaching maturity. Ideal temperatures for spraying are between 65 and 85 degrees F. Below 60 degrees weeds are killed very slowly; above 90 degrees there is danger of crop injury.

Use selective herbicides to eliminate weed seedlings from crops. In wheat and barley, either 2,4-D or MCPA is used to control most broadleaf seedlings.

EPTC (Eptam) controls grassy weeds, including wild oats, and many broadleaf weeds in flax. Or dalapon can be used to control the broadleaf seedlings. Wild buckwheat seedlings are somewhat resistant to 2,4-D and MCPA, except in their seed leaf (cotyledon) stage. Dicamba (Banvel) and bromoxynil give selective wild buckwheat control in spring seeded wheat. Bromoxynil also is recommended for buckwheat control in barley. Endothall (Herbicide 273) can be used for this purpose in sugarbeets.

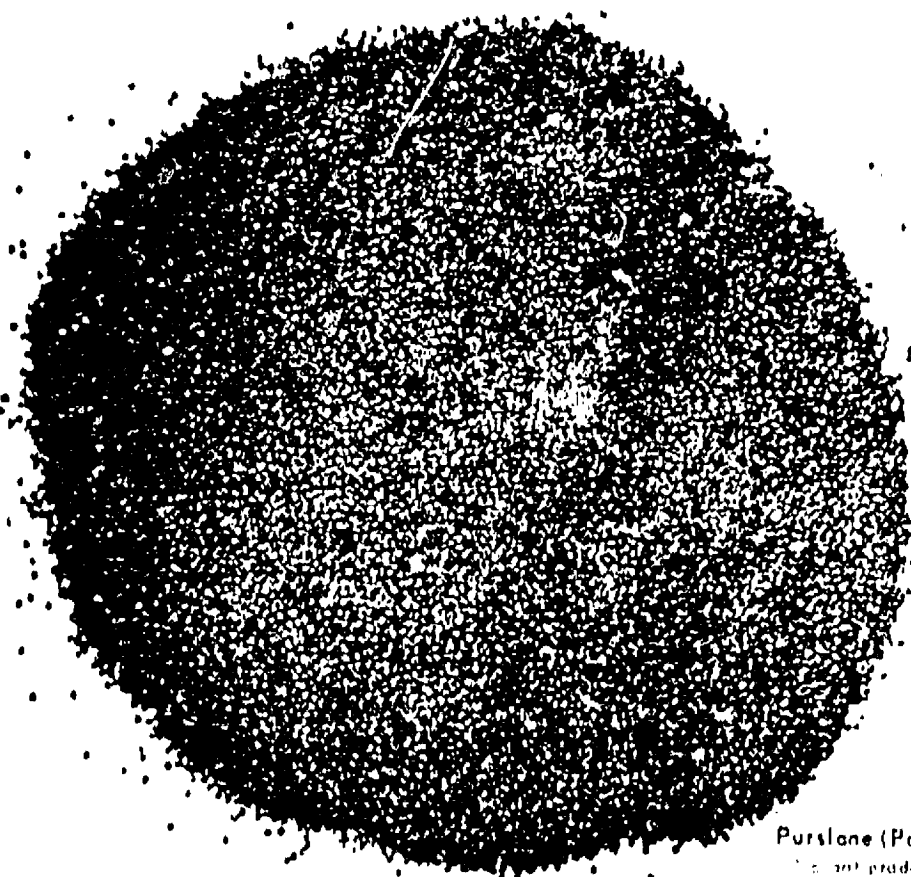
Crops in which preemergence chemicals can be used for broadleaf and grassy weed control include soybeans, dry beans, sugarbeets, corn, sunflowers and potatoes. Both post and pre-emergence chemicals are available for the control of wild oat in barley, wheat, flax, sugarbeets as well as in several other crops.

SEED PRODUCT OF INDIVIDUAL WEEDS

Actual yield of an average, well developed plant. The weight in grams per 1000 (or mg. each) can be used to judge the size of an unfamiliar seed by comparing its weight with that of some other kind.

	No. per plant	Wt.	No. in 1 oz.		No. per plant	Wt.	No. in 1 oz.
Barley, Foxtail	2,120	1.1	25,800	Mustard, Haresear. . . .	3,800	2.1	13,500
Barnyardgrass	7,160	1.4	20,200	Mustard, Tumble	80,400	0.17	167,000
Buckwheat, Wild	11,900	7.0	4,000	Mustard, Wild.	2,700	1.9	15,000
Burdock, Common. . . .	31,600	7.5	3,800	Oat, Wild	250	17.5	1,600
Catchfly,				Pennycress, Field	7,040	0.8	35,400
Nightflowering	1,800	0.8	35,400	Pepperweed	6,000	0.25	113,400
Cinquefoil, Rough	18,600	0.13	218,000	Pigweed, Prostrate . . .	11,600	0.95	30,000
Coneflower, Prairie . . .	7,000	0.4	70,700	Pigweed, Redroot	117,400	0.38	74,600
Dandelion	15,000	0.5	56,700	Pigweed, Tumble	129,000	0.23	123,300
Dock, Curly	29,500	1.4	20,200	Plantain, Common	36,150	0.2	141,700
Doxlder, Field	16,000	0.8	35,400	Purslane, Common	52,300	0.13	218,000
Doxlder, Hazel	7,000	2.2	12,900	Ragweed, Common. . . .	3,380	3.9	7,200
Dragonhead	19,600	2.6	10,900	Ragweed, Giant	1,650	17.4	1,600
Eveningprimrose	118,500	0.3	94,500	Shepherdspurse	38,500	0.1	283,500
Flixweed	75,650	0.12	236,000	Smartweed, Pale	19,300	1.5	18,900
Foxtail, Green	34,000	1.5	18,900	Sowthistle, Perennial . .	9,750	0.4	70,500
Foxtail, Yellow	6,120	4.2	6,700	(one stem)			
Goldenrod, Rigid	3,290	0.5	56,700	Spurge, Leafy	140	3.5	8,100
Gumweed	29,700	0.6	17,200	(one stem)			
Hemlock, Water	5,500	1.5	18,900	Spurge, Thymeleafed . .	2,670	0.3	94,500
Knotweed	6,380	0.7	40,000	Stinkgrass	82,100	.075	375,000
Lambsquarters, Common	72,150	0.7	10,000	Sunflower, Common . . .	7,200	6.6	4,300
Lettuce, Prickly	27,900	0.5	56,700	Sunflower, Maximilian .	2,600	2.2	12,900
Mallow, Dwarf	47,500	1.3	21,800	Thistle, Canada (1 stem)	680	1.6	17,700
Marshelder	82,150	1.2	23,600	Thistle, Russian	24,700	1.7	16,700
Mullein, Common	223,200	0.09	315,000	Witchgrass	11,400	0.6	47,200
Mustard, Dog	8,480	0.4	70,500	Wormwood, Biennial . . .	1,075,000	0.07	375,000

The above table, The Number and Weight of Seeds Produced by Weeds by O. A. Stevens, is compiled from a more detailed report on North Dakota weed seeds in the American Journal of Botany for November, 1932.



Biennial Wormwood (*Artemisia biennis*)
1,000 seeds to show size



Toad Rush (*Juncus bufonius*)
1,000 seeds to show size



Purslane (*Portulaca oleracea*)
Plant produced 52,300 seeds

SOUTH DAKOTA
Noxious-Weed Seeds
2000

Prohibited

Bindweed, field	<i>Convolvulus arvensis</i>
Cress, hoary	<i>Cardaria draba</i>
Horsenettle	<i>Solanum carolinense</i>
Knapweed, Russian	<i>Centaurea repens</i> (syn.)
Quackgrass	<i>Agropyron repens</i>
Sowthistle, perennial	<i>Sonchus arvensis</i>
Spurge, leafy	<i>Euphorbia esula</i> <i>Euphorbia pseudovirgata</i>
Thistle, Canada	<i>Cirsium arvensis</i>

Restricted

Bindweed, hedge	<i>Convolvulus sepium</i>
Bluegrass, annual	<i>Poa annua</i>
Carrot, wild	<i>Daucus carota</i>
Dodder	<i>Cuscuta</i> spp.
Foxtail, giant	<i>Setaria faberi</i>
Knapweed, spotted	<i>Centaurea maculosa</i>
Mustard, wild	<i>Brassica arvensis</i> (= <i>B. kaber</i>) (syn.) <i>Brassica juncea</i> <i>Brassica nigra</i>
Oat, wild	<i>Avena fatua</i>
Pennycress, field	<i>Thlaspi arvense</i>
Thistle, musk	<i>Carduus nutans</i>
Thistle, plumeless	<i>Carduus acanthoides</i>

RESOLUTION

By the North Dakota Weed Control Association concerning restricted noxious weed seeds/lb. of common seed.

WHEREAS, the neighboring states of Montana and South Dakota allow 0 restricted noxious weed seeds/lb. And Minnesota allows 25 restricted noxious weed seeds/lb. (Quackgrass, wild oats etc.) in common seed and,

WHEREAS, North Dakota allows 90 restricted noxious weed seeds/lb. as stated in the North Dakota state seed law (4-09-14G), it has become a dumping ground for seed that does not meet other states requirements for noxious weeds and,

WHEREAS, contamination of fields and lower seed standards cause economic loss to farmers in North Dakota.

THEREFORE BE IT RESOLVED, that the North Dakota Weed Control Association (NDWCA) support changing the North Dakota state seed law to lower the number of restricted noxious weed seeds to 10 restricted noxious weed seeds under section (4-09-14G) and,

THEREFORE BE IT KNOWN, that the NDWCA is in full support of the North Dakota Department of Agriculture in their efforts of establishing a zero tolerance for prohibited noxious weed seeds such as Spotted knapweed, Diffuse knapweed, Russian knapweed, Yellow starthistle and other invasive weeds of economic consequence such as St. Johnswort, Dalmation and Yellow toadflax,.

Signed this 23rd day of January 2001

Joan Lorge
President
North Dakota Weed Control Association

CLARENCE WELTZ
Commissioner 1st District
(701) 862-3377

STANLEY WRIGHT
Commissioner 2nd District
(701) 628-2628

DAVID J. HYNEK
Commissioner 3rd District
(701) 755-3372

Mountrail County Commissioners

Mountrail County Courthouse
101 North Main Street - Box 69
Stanley, North Dakota 58784-0069
Tel. (701) 628-2145 Fax (701) 628-3975

January 24, 2001

Mountrail County Commissioners
P.O. Box 69
Stanley N.D. 58784

RESOLUTION

WHEREAS, the neighboring states of Montana and South Dakota allow 0 restricted noxious weed seeds/lb. And Minnesota allows 25 restricted noxious weed seeds/lb. (Quackgrass, wild oats etc.) in common seed and,

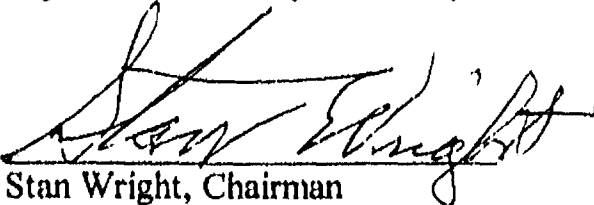
WHEREAS, North Dakota allows 90 restricted noxious weed seeds/lb. as stated in the North Dakota state seed law (4-09-14G), it has become a dumping ground for seed that does not meet other states requirements for noxious weeds and,

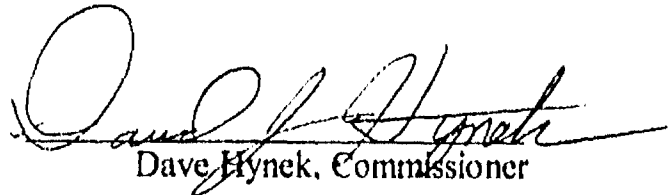
WHEREAS, contamination of fields and lower seed standards cause economic loss to farmers in North Dakota.

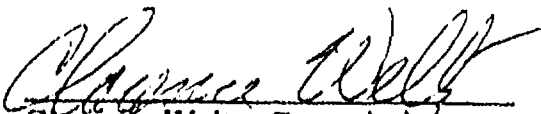
HEREFORE BE IT RESOLVED, that Mountrail County Commissioners support changing the North Dakota state seed law to lower the number of restricted noxious weed seeds to 10 restricted noxious weed seeds under section (4-09-14G) and,

THEREFORE BE IT KNOWN, that the Mountrail County Commissioners is in full support of the North Dakota Department of Agriculture in their efforts of establishing a zero tolerance for prohibited noxious weed seeds such as Spotted knapweed, Diffuse knapweed, Russian knapweed, Yellow starthistle and other invasive weeds of economic consequence such as St. Johnswort, Dalamatia and Yellow toadflax..

Signed this 24rd day of January 2001


Stan Wright, Chairman
Mountrail County Commissioners


Dave Hynek, Commissioner


Clarence Wertz, Commissioner

**Northwest District Meeting
December 6, 2000 – Minot REC**

The meeting was called to order by Northwest District Director, Bob Kornkven. Minutes of the last meeting were read and approved as read with one correction noted by Galen Schroeder. Paulette read the financial report with a motion to approve by Greg Simonson and second by Wayne Johnson. Griggs was the only county not having paid the 2000 membership dues. In looking at the check-offs due, there were 4 counties which had not reported as yet on varieties allocated in 1999.

Jim Hennessy introduced the following resolution submitted by the Mountrail County Ag Improvement Association:

Whereas the neighboring states of Montana and South Dakota allow 0 restricted noxious weed seeds/lb and Minnesota allows 25 restricted noxious weed seeds/lb (quackgrass, wildoats, etc.,) in common seed and **Whereas** North Dakota allows 90 restricted noxious weed seeds/lb as stated in the N.D. State Seed Law (4-09-14.G), it has become a dumping ground for seed that does not meet other states requirements for noxious weeds and

Whereas contamination of fields and lower seed standards causes economic loss to farmers of North Dakota

Therefore Be It Resolved, that the NDCISA support changing the North Dakota Seed Law to lower the number of restricted noxious weeds to 10 restricted noxious weed seeds/lb under section (4-09-14G), and **Therefore Be It Known** that the NDCISA is in full support of the efforts of the State Department of Agriculture in their efforts of establishing a zero tolerance for prohibited noxious weeds such Spotted, Diffuse, Russian Knapweeds, St. Johnswort, Dalmation & Yellow Toadflax, Yellow Starthistle and other invasive weeds of economic consequence.

Jim Swanson noted that CRP mixes are a problem and that State Seed doesn't get access to the seed to test and therefore the problem is only seen after the seed is planted in the field. With ND having quackgrass only on the "restricted" weedlist, lots failing for quack in Montana and South Dakota (where quack is a "prohibited" weed) are then able to be sold into North Dakota. Swanson mentioned that the Seed Commission has decided not to take a stand on the resolution. Ordean Fossaa, seed commission member said his personal feelings are that the resolution should be adopted. Advise to the group if the resolution passes at the state, is to find legislative sponsors for it. Jim Hennessy and Ordean Fossaa have met with their legislative representatives and plan to proceed with introducing it to the legislature if it is passed at the state meeting.

Jim Hennessy moved to have the Northwest District support the adoption of the resolution. Second by Dale Tinjum. Motion carried. The resolution will go to the state meeting.

Approved

In response to Senate Bill 2204

North Dakota is not a "dumping ground", for poor quality seed as some would lead you to believe. Our existing weed seed laws make at least ten other states more lenient in the number of noxious weed seeds allowed. In section 4-09-10 paragraph 5 part A of the North Dakota Seed Law, any seed containing in excess of 13 restricted noxious weed seeds per pound must be labeled accordingly. This alerts growers to that fact and they have the opportunity to refuse that seed at the time of purchase.

When compared to our closest neighbors, to put us on a level playing field with them, we are already very similar. We have listed the following table for comparison:

Montana		North Dakota
Total weeds 2%		1%
Weed list		
Wild oats	44 per pound	Wild oats
Dodder	17 per pound	Dodder
St. Johnswort	17 per pound	Hedge Bindweed
Curly Dock	44 per pound	Quackgrass
Joint Goatgrass	17 per pound	
Darnel	17 per pound	
Parisan darnel	17 per pound	
Yellow Toadflex	8 per pound	
<hr/>		
181 per pound legal		90 per pound legal

South Dakota	North Dakota
Total weeds 2%	1%
Restricted noxious weeds are included in the 2% total weeds allowed. So there could be 2% if no other weeds were present. With the crops of Bluestems - Indiangrasses - Gramas and Prairie Sandreed total weeds Allowed is 5% which as above could be all Restricted noxious weeds.	
<hr/>	
90 per pound legal	

Minnesota	North Dakota
Total weeds 1%	1%
25 restricted noxious weeds total allowed	90 per pound legal
Wild Oats is not a restricted weed.	

Reducing the maximum number of restricted noxious weeds allowed per pound from 90 to 10 could increase the cost of grass seed 10% to 25% to the producers in North Dakota under some conditions. When cleaning many of the smaller or lighter grass seeds the clean out could double or more to get the seed free of the weeds, causing the price to increase dramatically.

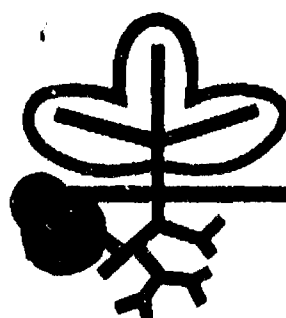
Using the latest CRP signup as an example this change could add an extra \$1,000,000.00 to the cost of planting 100,000 acres. This calculation is based on an average cost for native grass mixture of \$40.00 per acre adding 25% to the cost equaling \$50.00 per acre on 100,000 acres.

I do not disagree that lowering the tolerance for cereal grains would not be a problem. Grass seeds are a different story. The physical difference is a large part of the problem. Most small grains contain about 15,000 seeds per pound, and weigh 48 pounds per bu and higher. Grass seed on the other hand has much smaller seed of lighter test weight. For example Bromegrass 150,000 seeds per pound, Timothy 1,235,000, Alfalfa 200,000, Crested Wheatgrass 225,000, Kentucky Bluegrass 1,800,000. With test weights of 20 to 35 pounds per bu.

At the present time we have a fledgling grass seed production industry starting in North Dakota making the proposed change at this time would be devastating to this industry. Growers who are attempting to diversify farming operations in a very difficult agricultural economy would be forced to abandon this attempt at diversification.

We would like you to consider amending this bill to 50 restricted noxious weed seeds per pound.

Kim D. Alberty
President
Agassiz Seed & Supply, Inc.



AGASSIZ

SEED & SUPPLY

Forages • Cereals • Alfalfa • Corn • Lawn • Turf
Inoculants • Treatments • Twine • Motomco • Seedburo
Harper Brooms • Nashua Tape • Ames Scoops

In response to Senate Bill 2204

North Dakota is not a "dumping ground", for poor quality seed as some would lead you to believe. Our existing weed seed laws make at least ten other states more lenient in the number of restricted noxious weed seeds allowed.

In section 4-09-10 paragraph 5 part A of the North Dakota Seed Law, any seed containing in excess of 13 restricted noxious weed seeds per pound must be labeled accordingly. This alerts North Dakota growers to the quality of the seed and they have the opportunity to refuse that seed and ask for a different lot of seed.

VERNAL ALFALFA	LOT 6926
PURITY 99.45% GERMINATION	81%
CROP .45% HARDSEED	9%
INERT .05% TOTAL GERM & HARDSEED	90%
WEEDS .05% TESTED	FEBRUARY 2001
ORIGIN SOUTH DAKOTA	NOXIOUS WEEDS .00%
NET WT. 50 LBS.	

VERNAL ALFALFA	LOT 6926
PURITY 99.45% GERMINATION	81%
CROP .45% HARDSEED	9%
INERT .05% TOTAL GERM & HARDSEED	90%
WEEDS .05% TESTED	FEBRUARY 2001
ORIGIN SOUTH DAKOTA	NOXIOUS WEEDS
NET WT. 50 LBS.	11 DODDER PER POUND
	8 WILD OATS PER POUND

It has also been said, we need to be put on a level playing field with our neighboring states. We feel we already are. We have listed the following table for comparison:

Montana		North Dakota	
Total weeds 2%		Total weeds 1%	
Weed list		Weed list	
Wild oats	45 per pound	Wild oats	
Dodder	9 per pound	Dodder	
Perennial sowthistle	0 per pound	Hedge Bindweed	
Curly Dock	45 per pound	Quackgrass	
Joint Goatgrass	0 per pound		
Quackgrass	0 per pound		
Parisan darnel	9 per pound		
Yellow Toadflax	0 per pound		
<hr/>		<hr/>	
108 per pound legal		90 per pound legal	

South Dakota	North Dakota
Total weeds 2%	Total weeds 1%
Restricted noxious weeds are included in the 2% total weeds allowed. So there could be 2% if no other weeds were present. With the crops of Bluestems - Indiangrasses - Gramas and Prairie Sandreed total weeds allowed is 5% which as above could be all restricted noxious weeds.	
	Weed list
	Wild oats
	Dodder
	Hedge Bindweed
	Quackgrass
	<hr/>
	90 per pound legal

Minnesota	North Dakota
Total weeds 1%	Total weeds 1%
	Weed list
	Wildoats
	Dodder
	Hedge Bindweed
	Quackgrass
25 restricted noxious weeds total allowed	
<u>Wild Oats is not a restricted weed.</u>	<hr/>
	90 per pound legal

We agree that lowering the tolerance for cereal grains and beans would not be a problem. Grass seeds are a different story. The physical differences are the problem when mechanically cleaning the seed. Most small grains and beans contain between 3,000 and 15,000 seeds per pound, and weigh 48 to 60 pounds per bu. Grass seed on the other hand has much smaller seed of lighter test weight. For example Bromegrass 150,000 seeds per pound, Alfalfa 200,000 seeds per pound, Crested Wheatgrass 225,000 seeds per pound, Timothy 1,235,000 seeds per pound, Kentucky Bluegrass 1,800,000 seeds per pound. With test weights of 12 to 35 pounds per bu.

The noxious weed test sample size, for some of these smaller seeded grasses, is 10 grams. Therefore one restricted noxious weed in that sample would equal 45 per pound, making it illegal to sell these lots in North Dakota, with the proposed 40 per pound limit.

At the present time we have a fledgling grass seed production industry starting in North Dakota. Making the proposed change at this time would be devastating to this industry. Growers who are attempting to diversify farming operations in a very difficult agricultural economy could be forced to abandon this attempt at diversification.

As we look to the future of agriculture in North Dakota, we also need to look at the past. Think about what crops your farms were producing 10 or 15 years ago compared to today. Thinking about those changes we don't know where North Dakota seed production may be in 10 or 15 years. Making our seed laws too restrictive today could limit seed production possibilities for the future.

We would like you to consider amending this bill to 45 restricted noxious weed seeds per pound.

Kim D. Alberty
President
Agassiz Seed & Supply, Inc.



MOUNTRAIL COUNTY WEED CONTROL

JIM HENNESSY, WEED OFFICER

PO Box 40

STANLEY, ND 58784

(701) 628-2835

FAX: (701) 628-2735

Testimony of Jim Hennessy Mountrail County Weed Control Officer Senate Bill 2204

March 9, 2001 - 9:30 AM

House Ag Committee Hearing

BOARD OF DIRECTORS

**CHAIRMAN
BRIAN HOLLINGER,
STANLEY, ND**

**VICE-CHAIRMAN
JELLY HANSON,
STANLEY, ND**

**SECRETARY
NEIL BARTELSON,
PARSHALL, ND**

**DIRECTOR
JERRY LILAN,
NEW, ND**

**DIRECTOR
GARY HANSON,
PLAZA, ND**

Mr Chairman and members of the House Ag Committee, My name is Jim Hennessy. I am the Weed Control Officer for Mountrail County. I am here to testify in support of Senate Bill 2204.

Mountrail County Weed Control is actively involved in the control of Noxious Weeds and New & Invasive Weeds in the county. Considerable time and effort this past summer were put into the control and suppression of the Yellow Starthistle Invasion that was introduced through CRP Grass seed to 650 acres. This brings a concern to every resident of the county of the possibly threat it poses to farmland and grasslands in Mountrail County. This points out the need for a more uniform seed law that will be consistent with other states. Minnesota presently allows 25 Restricted Noxious Weed Seeds per pound, and 0 Prohibited Noxious Weeds Seeds.

As producers and county weed boards fight the Noxious Weed Invasion at the cost of taxpayers. The New and Invasive weed Survey presently allows for a 75 % cost share on newly invasive weeds and the Landowner Assistance Program allows 50% cost share on other noxious weeds. Under the present tolerances and allowable weed seed levels, it puts the State's Noxious Weed budget in a no win situation.

As producers who buy seed, the need for a lower allowable Restricted Noxious Weed Seeds per pound is unquestionable. The average producer who would allow 40 Restricted Weed Seeds per lb would also accept 2400 Wild Oat seeds per bushel of Wheat. In a 50 lb bag of grass seed this would

allow 2000 Restricted Weed Seeds. Even at the level of 25 per lb gives room for improvement, but allows for consistency with other state such as Minnesota. Why would we want seed that is unacceptable in another state to be allowed in our own.

Mountrail County presently has 53,000 acres enrolled in CRP contracts, while the State of North Dakota has 3.16 million acres enrolled(see attached). The present tolerances and allowable restricted weed seeds would lend itself toward infestations of highly invasive weeds in a State that is the leader in CRP acres.

As Weed Control Officer for Mountrail County , I recommend a do pass for the Senate Bill 2204 as amended

NDSSD File #1:

Prohibited Noxious Weed Seeds are perennial weeds, which reproduce by seed or spread by underground roots and are highly destructive and difficult to control

Restricted Noxious weed Seeds are weeds, which are highly objectionable in fields, which can be controlled by good cultural practices or other means

The following chart represents the four **Restricted Noxious Weed Seeds** in North Dakota and their comparison to Montana, South Dakota, and Minnesota.

Number Per Pound Allowed				
Weed Seed	ND	MT	SD	MN
Quackgrass	Restricted 90	Restricted 0	Prohibited 0	Restricted 25
Dodder	Restricted 90	Restricted 9	Restricted 2% (11,200/lb)	Restricted 25
Hedge Bindweed	Restricted 90	Common	Restricted 2% (350/lb)	Common 1%
Wild Oats	Restricted 90	Restricted 45 grass 5 other seed	Restricted 2% (512/lb)	Common 1%

North Dakota allows a maximum of 90 cumulative Restricted Noxious Seeds per pound for all crops listed.

Montana allows 0 to 45 Restricted Noxious Seeds per pound depending on weed species. These total Restricted seeds are not cumulative. Total combined amount allowed is 108. (wild oats 45, curly dock 45, dodder 9, persian daniel 9)

South Dakota allows a maximum of 2% cumulative Restricted Noxious Seeds per pound. For example, a total may include approximately 350 hedge bindweed per pound, 512 wild oats per pound, and 11,200 dodder per pound.

Minnesota allows a maximum of 25 cumulative Restricted Noxious seeds per pound for all crops. Common weeds allowed in Minnesota include 1% wild oats (approximately 255) and 1% hedge bindweed (approximately 175) per pound.

Montana, South Dakota and Minnesota require Restricted Noxious Seeds to be identified on the label by name and number per pound if any are present.

North Dakota requires Restricted Noxious Seeds be identified on the label only when the levels exceed 13 per pound in grasses and 5 per pound on all other crops.

A more extensive listing of restricted weeds is attached in file number two.

MINNESOTA
Noxious-Weed Seeds
2000

Prohibited

Bindweed, field	<i>Convolvulus arvensis</i>
Hemp	<i>Cannabis sativa</i>
Knapweed, Russian	<i>Centaurea repens</i> (syn.)
Peppergrass, perennial	<i>Lepidium draba</i> (syn.)
Sowthistle, perennial	<i>Sonchus arvensis</i>
Spurge, leafy	<i>Euphorbia esula</i>
Thistle, bull	<i>Cirsium vulgare</i>
Thistle, Canada	<i>Cirsium arvense</i>
Thistle, musk	<i>Carduus nutans</i>
Thistle, plumeless	<i>Carduus acanthoides</i>

Minnesota law prohibits the sale of agricultural seed containing any prohibited noxious-weed seeds.

Restricted

Alyssum, hoary	<i>Berteroa incana</i>
Dodder	<i>Cuscuta</i> spp.
Foxtail, giant	<i>Setaria faberi</i>
Frenchweed	<i>Thlaspi arvense</i>
Horsenettle	<i>Solanum carolinense</i>
Mustard, wild	<i>Brassica arvensis</i>
Nightshade, eastern black	<i>Solanum ptycanthum</i>

MINNESOTA - continued
Noxious-Weed Seeds
2000

Restricted- continued

Plantain, buckhorn

Plantago lanceolata

Quackgrass

Agropyron repens

Radish, wild

Raphanus raphanistrum

Agricultural seeds shall be labeled to show the name and number of each kind of restricted noxious-weed seeds per pound.

The sale of agricultural seed is prohibited if it contains restricted noxious-weed seeds in excess of 25 seeds per pound.

Minnesota law prohibits the sale of agricultural seed containing in excess of one percent by weight of all weed seeds.

CRP Acreage, September 2000, and October 2000 Rental Payments 1/

STATE NAME	Acres Enrolled	Number of Contracts
ALABAMA	456,584	8,944
ALASKA	23,984	58
ARIZONA	33	1
ARKANSAS	144,632	2,343
CALIFORNIA	129,896	380
COLORADO	2,088,487	10,461
CONNECTICUT	281	20
DELAWARE	2,162	215
FLORIDA	36,664	1,847
GEORGIA	234,199	7,275
HAWAII	2	1
IDaho	731,545	4,639
ILLINOIS	792,279	41,626
INDIANA	270,869	15,552
IOWA	1,598,828	57,677
KANSAS	2,520,238	32,063
KENTUCKY	263,573	8,045
LOUISIANA	131,685	2,230
MAINE	24,350	764
MARYLAND	34,449	2,502
MASSACHUSETTS	91	16
MICHIGAN	274,200	9,634
MINNESOTA	1,458,280	33,658
MISSISSIPPI	790,747	14,307
MISSOURI	1,425,914	25,077
MONTANA	3,227,590	16,132
NEBRASKA	1,048,049	15,845
NEVADA	151	1
NEW HAMPSHIRE	131	12
NEW JERSEY	2,057	104
NEW MEXICO	592,334	2,570
NEW YORK	53,797	1,787
NORTH CAROLINA	94,515	5,006
NORTH DAKOTA	3,163,759	29,426
OHIO	230,308	12,672
OKLAHOMA	996,906	8,126
OREGON	417,239	2,037
PENNSYLVANIA	66,113	2,078
PUERTO RICO	666	18
SOUTH CAROLINA	203,018	7,380
SOUTH DAKOTA	1,328,087	16,611
TENNESSEE	231,721	6,252
TEXAS	3,898,136	22,478
UTAH	139,531	961
VERMONT	326	24
VIRGINIA	44,147	1,893
WASHINGTON	1,082,863	7,543
WEST VIRGINIA	994	40
WISCONSIN	592,956	23,552
WYOMING	277,822	976
NATIONAL TOTAL:	31,438,441	462,855

1 Approximate because of incomplete continuous signup data.

Summary of Total CRP Contracts in Mountrail County:

Total Number of CRP Contracts:	469
Total Acres Accepted:	53,113.3
Total Producers with Shares:	643



North Dakota
**CROP IMPROVEMENT
& SEED ASSOCIATION**

February 22, 2001

Senator Ron Nichols
State Capitol
600 E. Boulevard Ave.
Bismarck, ND 58505-0500

Dear Senator Nichols:

At the recently held annual meeting of the North Dakota Crop Improvement and Seed Association (NDCISA), the following resolution was passed:

Whereas the neighboring states of Montana and South Dakota allow limited restricted noxious weed seeds/lb and Minnesota allows 25 restricted noxious weed seeds/lb in common seed and **Whereas** North Dakota allows 90 restricted noxious weed seeds/lb as stated in the ND State Seed Law(4-09-14.G), it has become a dumping ground for seed that does not meet other states requirements for noxious weeds and

Whereas contamination of fields and lower seed standards causes economic loss to farmers of North Dakota

Therefore Be It Resolved, that the NDCISA support changing the North Dakota Seed Law to lower the number of restricted noxious weeds to 25 restricted noxious weed seeds/lb under section (4-09-14G), and **Therefore Be It Known** that the NDCISA is in full support of the efforts of the State Department of Agriculture in their efforts of establishing a zero tolerance for prohibited noxious weeds such as Spotted, Diffuse, & Russian Knapweeds, and Yellow Starthistle and other invasive weeds of economic consequence such as St. Johnswort, Dalmation and Yellow Toadflax.

This resolution was introduced by Mountrail County and the NDCISA supports changing the number of restricted noxious weeds to 25 seeds per/lb which would be consistent with Minnesota law.

Thank you for your consideration.

Sincerely,

Paulette Neva
Executive Secretary
NDCISA

cc: Jim Hennessey, Mountrail County Agent

Loftsgard Hall • Box 5607 University Station • Fargo, North Dakota 58105
Phone: 231-8067 • Fax: 231-8474 • E-Mail: neva@prairie.nodak.edu

**NORTH DAKOTA WEED CONTROL ASSOCIATION
TESTIMONY FROM
MERLIN LEITHOLD
LOBBYIST # 515
SB 2204**

Good Morning, Mr. Chairman, members of the House Agriculture Committee. For the record, my name is Merlin Leithold. I am here this morning representing the ND Weed control Association. SB 2204, originally would have reduced the seeds per pound from 90 to 10. SB 2204 was amended to 40 seeds per pound. We are asking you this morning to consider reinstating the bill to its original form. When you take even 10 noxious weed seeds per pound and multiply it times a seeding rate of 3 pounds per acre, that gives you 30 noxious weed seeds per acre. That gives you a possibility of 30 noxious weed plants per acre. Multiply those plants by the number of seeds they can produce, and you can have a serious infestation in a matter of a couple of years. At 40 noxious weeds per pound, the likelihood of a serious infestation triples.

We would also ask you to consider adding an emergency declaration to this so that the spread of new and existing weeds be stopped as soon as possible.

County weed boards are fighting a constant battle with noxious weeds. This session, we see various bills wanting to take money from EARP. Funding for noxious weeds could become a problem possibly by next session. Help us fight to stop some of these weeds before they get started. I would be happy to answer any questions.

Thank-you

COMMISSIONER OF AGRICULTURE
ROGER JOHNSON



SB 2204

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

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

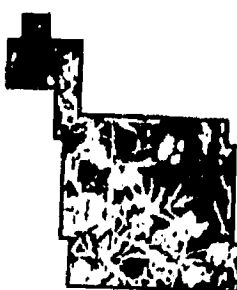
**Testimony of Ken Eraas
Agriculture Department Noxious Weeds Specialist
Senate Bill 2204
House Agriculture Committee
Peace Garden Room
10:00 AM, March 9, 2001**

Chairman Nicholas and members of the House Agriculture Committee, I am Ken Eraas, Noxious Weeds Specialist in the North Dakota Department of Agriculture. I am here today in support of SB 2204.

Yellow starthistle is an invasive plant, which has been declared a noxious weed in North Dakota. It is extremely invasive and damaging. Yellow Starthistle produces in excess of 100,000 seeds per plant with seed germination of over 90% being normal. Although an annual plant, its roots extend from three to six feet, effectively out competing native, desirable plants. It is extremely toxic to horses and causes an irreversible brain condition, which renders the animal useless.

For these reasons, I support lowering the tolerance for Yellow starthistle seed to zero. This would help prevent the introduction of this serious weed threat into North Dakota through contaminated seed sources. North Dakota has had a case of contaminated seed being planted on over 700 acres which cost over \$16,000 to control. This type of expense can be prevented by a zero tolerance for this weed.

I also am in support of provisions in the bill which lower the tolerances of restricted noxious weed seeds in seed offered for sale. This becomes particularly important with the Quack grass, which is a difficult to control perennial invader of crop, hay and pastureland. The section of this bill relating to this tolerance was amended to 40 seeds per pound. I would ask you to consider amending this to 25 seeds per pound. This is presently the tolerance in Minnesota. This would provide for uniform standard between the states that would be attainable by a seed grower..



Ward County Weed Control

PO Box 5005 • Minot, ND 58702
Office 852-1970 • Mobile 720-2436
Derrill Fick - County Weed Officer

Weed Control Board

Charles Welser
RR 4, Minot

Arvid Carlson
RR 6, Minot

Jerome Behm
Burlington

Leonard Lehman
Kenmare

Banks Sleber
Minot

Testimony of Derrill Fick-Weed Officer Ward County Weed Control Board Senate Bill 2204

March 9, 2001

9:30 am

House Committee Hearing

Mr. Chairman and members of the committee. My name is Derrill Fick. I am the Weed Control Officer for Ward County. I am here to testify in the support of **SB # 2204** because I am concerned about the high number of restricted noxious weed seeds allowed per pound in a seed sample.

This past year some of the CRP lands in ND were seeded with seed that contained prohibited and restricted seeds that were brought in from other states and countries. These seed mixes were sold in ND because we allow more weed seeds per pound than a neighboring state. If this is to continue the weed control boards of ND will have to set aside more funding for the control of these weeds. As policy the ND Department of Agriculture will pay 75% of this cost to control these new and invasive weeds which means that the ND Dept. of Ag. will have to allow for more funding to pay for the control of these weeds instead of increasing the funding for the control of the current prohibited noxious weeds.

In Ward County, we are currently trying to control seven of the ten prohibited noxious weeds along with two of the restricted noxious weeds. With over 10,000 acres of leafy spurge alone in our county, we need to concentrate on its containment and control so our landowners will be able to get more production out of their land. If new restricted noxious weeds begin to spread throughout our county then that is that much more time and money we have to take away from the control of our current noxious weeds to control these new invasive weeds. Now that Yellow Starthistle has been found in the CRP seed and field in Mountrail County, which is adjacent to Ward County, we have to closely monitor that area to stop any spread of this weed into our county.

If North Dakota continues to accept a higher number of weed seeds per pound compared to our neighboring state then each weed board will have to increase its funding each year just for the control of these invasive weeds. So if North Dakota only allowed 25 restricted weed seeds per pound then there will be a better control of these weeds and more consistency among states.

Thank you for your time,

Derrill Fick,
Ward County Weed Control Officer



NORTH DAKOTA GRAIN DEALERS ASSOCIATION

STEVEN D. STREGE, Executive Vice President
CHERYAL WELLE, Executive Assistant
CONNIE LEIER, Administrative Assistant
Ph: 701-235-4184, Fax: 701-235-1026
118 Broadway, 606 Black Bldg., Fargo, ND 58102

LARRY PHILLIPS, Safety & Health Director
Ph: 701-251-9112, Fax: 701-251-1758
P.O. Box 5055, Jamestown, ND 58402-5055

STU LETCHER, Safety Specialist
Ph: 701-543-3110, Fax: 701-543-4183
P.O. Box 72, Hatton, ND 58240

TESTIMONY ON SB 2204

The North Dakota Grain Dealers Association supports the suggestion being made regarding SB 2204 that the allowable restricted noxious weed seeds per pound of seed be increased from forty to forty-five in line 14, page 2 of first engrossment.

It is our understanding that due to the size of test samples in small seed grasses, the presence of only one restricted noxious weed seed would disallow the lot. This seems to be a zero tolerance, which is not the intent of the bill.