

MICROFILM DIVIDER

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



ROLL NUMBER

DESCRIPTION

2/24

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Operator's Signature

Yherosa J. Lee

Date

10-16-03

2003 SENATE AGRICULTURE

SB 2124

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Yherosa d. Lee
Operator's Signature

10-16-03
Date

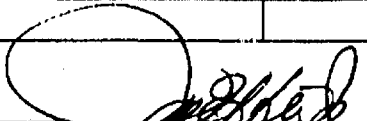
2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 2124

Senate Agriculture Committee

Conference Committee

Hearing Date 01/09/03

Tape Number	Side A	Side B	Meter #
1	X		2770
Committee Clerk Signature 			

Minutes:

Chairman Flakoll called the meeting to order. Six members were present.

Chairman Flakoll opened the hearing on Senate Bill 2124.

Ken Bertsch, North Dakota State Seed Commissioner and Administrator of the State Seed Department, testified in favor of the bill (written testimony).

Senator Nichols asked why both paragraphs seem to be the same. Mr. Bertsch stated that the language was due to federal regulations.

Senator Urlacher asked if county weed boards have been involved in this bill. Mr. Bertsch stated they have not been directly involved in this bill. The bill is intended to continue legislation enacted in the 2001 legislative session, SB 2204, which has a sunset of July 31, 2003, and the county weed boards were involved in that bill.

Senator Klein asked if what we are doing in this legislation is making what SB 2204 did last session permanent. Mr. Bertsch said yes.

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.


Operator's Signature

10-16-03
Date

Page 2
Senate Agriculture Committee
Bill/Resolution Number 2124
Hearing Date 01/09/03

Jeff Olson, Program Director for the North Dakota Department of Agriculture, testified in favor of the bill (written testimony).

Senator Flakoll asked if the Ag Department had considered including the other noxious weeds listed in his testimony in another bill. Mr. Olson stated that he feels there are two options in how to handle this:

1. Submit another bill for the additional noxious weeds or
2. Amend this bill to include the additional noxious weeds along with Yellow Starthistle.

Mr. Olson stated the Ag Department thought it was very important that this bill not be defeated. Yellow Starthistle is a very serious weed. He would like to work with other involved parties before they decide which option to pursue. Senator Flakoll stated that there were certain unique characteristics of Yellow Starthistle such as toxicity to certain species and production of high seed numbers.

Senator Klein stated it is important with all the work done last session on this issue that we leave this bill alone. There is plenty of time to introduce additional legislation for other noxious weeds. Mr. Olson said the Ag Department doesn't have any problem with passing this bill as written.

Senator Urlacher asked if other noxious weeds listed in Mr. Olson's testimony currently have a 25 seeds/pound tolerance. Mr. Olson stated that they have varied tolerances for each weed.

Senator Urlacher stated that some weeds will be harder than others to bring to zero tolerance.

Mr. Olson stated that Ag Department is not necessarily advocating zero tolerances for the noxious weeds listed in his testimony which is why he wants to meet with industry representatives to get their input.

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Yvonne A. Lee
Operator's Signature

10-16-03
Date

Page 3
Senate Agriculture Committee
Bill/Resolution Number 2124
Hearing Date 01/09/03

Merlin Leithold, North Dakota Weed Control Association, testified in favor of the bill. He stated that Yellow Starthistle was first found several years ago in eastern North Dakota in a CRP field and it is believed to have entered the state in grass seed. He would be in favor of adding other weeds and lowering their tolerances but he thinks it is important to keep the tolerance for Yellow Starthistle seed at zero. Yellow Starthistle gets a spine on the head like a porcupine quill and with its rapid growth and spreading it becomes impossible for animals or humans to walk in a field infested with Yellow Starthistle.

Senator Urlacher asked if the public is being educated about Yellow Starthistle. Mr. Leithold stated that they are doing mailings to landowners and setting up booths at trade shows to educate the public on identification of Yellow Starthistle and other noxious weeds.

Chairman Flakoli closed the hearing on SB 2124.

Senator Nichols said the committee could wait until next week to allow for input of industry representatives. There are a couple of noxious weeds, Canada Thistle and Field Bindweed, that would be difficult to exclude from seed.

Senator Klein said that debate will come from including additional weeds and the committee should proceed with this bill and work with industry representatives in drafting another bill regarding the tolerances of other noxious weed seeds.

Senator Urlacher said it would be acceptable to hold for another week and have an opportunity to contact industry representatives.

Senator Klein said no one is opposed to the bill and we don't want to muddy this issue.

Senator Nichols recommended that the committee wait a week and if there isn't consensus regarding the additional weeds, the committee proceed with SB 2124.

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Cherese J. Lee
Operator's signature

10-16-03
Date

Page 4
Senate Agriculture Committee
Bill/Resolution Number 2124
Hearing Date 01/09/03

Senator Flakoll recommended that committee hold off a week to encourage the parties to get together and decide how to handle the additional weeds.

Discussion ended.

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Yubereca J. Lee
Operator's Signature

10-16-03
Date


2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2124

Senate Agriculture Committee

Conference Committee

Hearing Date 01/17/03

Tape Number	Side A	Side B	Meter #
1	x		1324 - 1478
Committee Clerk Signature 			

Minutes:

Chairman Flakoll opened discussion of SB 2124. All members were present.

Senator Flakoll stated the group of interested parties that had considered adding other noxious weeds to the bill decided they are not ready and thought the bill should go forward as written.

It was moved by Senator Nichols, seconded by Senator Klein and passed on a roll call vote that the Senate Agriculture Committee take a Do Pass action on SB 2124. Voting in favor were Senator Flakoll, Senator Erbele, Senator Klein, Senator Urlacher, Senator Nichols, Senator Seynour. No negative votes were cast. Senator Nichols will carry the bill.

Chairman Flakoll moved on to other business of the committee.

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Yherosa J. Lee
Operator's Signature

10-16-03
Date

Date: 1/17/03
Roll Call Vote #: 2/24

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

Senate Agriculture Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Nichols Seconded By Klein

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

Total (Yes) 6 No 0

Absent 0

Floor Assignment Sen. Nichols

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

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Yherosa S. Lee Operator's Signature 10-16-03 Date

REPORT OF STANDING COMMITTEE (410)
January 17, 2003 9:42 a.m.

Module No: SR-09-0711
Carrier: Nichols
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2124: Agriculture Committee (Sen. Flakoll, Chairman) recommends DO PASS
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2124 was placed on the
Eleventh order on the calendar.

(2) DESK, (3) COMM

Page No. 1

SR-09-0711

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilm and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Yubereca J. Lee
Operator's Signature

10-16-03
Date

2003 HOUSE AGRICULTURE

SB 2124

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Yherosa J. Lee
Operator's Signature

10-16-03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2124

House Agriculture Committee

Conference Committee

Hearing Date 2--28--03

Tape Number	Side A	Side B	Meter #
ONE	A		00 TO .06
Committee Clerk Signature <i>Edward P. Olson</i>			

Minutes:

CHAIRMAN NICHOLAS : Committee Members, we will open the hearing on SB 2124.

KEN BERTSCH: Good morning. I serve as State Commissioner and Administrator of the North Dakota State Seed Department. Ken Bertsch followed the testimony that he had printed closely. {{{please read testimony}}}

CHAIRMAN NICHOLAS: Who would like to testify next in support of SB 2124?

JEFF OLSON: Good morning. My name is Jeff Olson, I am Program Manager with the ND Department of Agriculture. I am here in support of SB 2124. {{{please listen to Jeff's testimony which is attached}}}

CHAIRMAN NICHOLAS: Anyone else in support of SB 2124.

MERLIN LEITAHOLD. I am a director of the south-central area with the ND Weed Control Association. {{please read testimony which is attached. Also I have attached a Yellow Star thistle brochure.}}

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Yvonne d. Lee
Operator's Signature

10-16-03
Date

Page 2

House Agriculture Committee

Bill/Resolution Number SB 2124

2---28---03

REPRESENTATIVE BELTER: Do we have this weed here now?

MERLIN LEITAHOLD: Yes and no. It was found in three or four counties. As far as I know it has been eradicated. It is a weed that once you have it. You have to be on the constant check for it. The timing of control is so hard because once it is blooming it is hard to control.

CHAIRMAN NICHOLAS: Any more testimony on SB 2124.

CHAIRMAN NICHOLAS: THE CHAIR WILL ENTERTAIN A MOTION ON

SB 2124. REPRESENTATIVE MUELLER MADE A MOTION FOR A DO PASS

REPRESENTATIVE BELTER SECONDED THE MOTION.

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

REPRESENTATIVE BOEHNING CARRIED THE BILL.

CHAIRMAN NICHOLAS CLOSED ON SB 2124

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Yubereca d. Lee
Operator's Signature

10-16-03
Date

SB 2124
2-28-03

Date:
Roll Call Vote #:

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

House AGRICULTURE COMMITTEE

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken DO PASS

Motion Made By MULLER Seconded By BELTER

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

Total (Yes) 11 No 0

Absent 2

Floor Assignment BOEHNING

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Yvonne d. Lee 10-16-03
Operator's Signature Date

REPORT OF STANDING COMMITTEE (410)
February 28, 2003 2:19 p.m.

Module No: HR-36-3689
Carrier: Boehning
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE
SB 2124: Agriculture Committee (Rep. Nicholas, Chairman) recommends **DO PASS**
(11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2124 was placed on the
Fourteenth order on the calendar.

(2) DESK, (3) COMM

Page No. 1

HR-36-3689

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Yubereca d. Lee
Operator's Signature

10-16-03
Date

2003 TESTIMONY

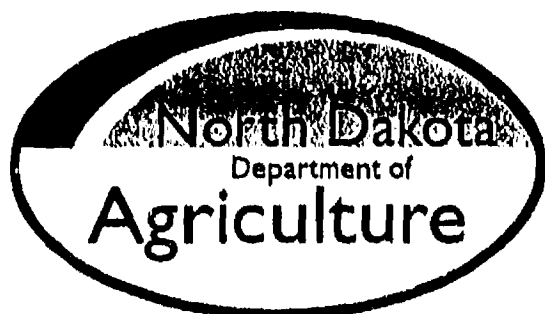
SB 2124

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Y. Theresa J. Lee
Operator's Signature

10-16-03
Date

Roger Johnson
Agriculture Commissioner
www.agdepartment.com



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

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

**NORTH DAKOTA DEPARTMENT OF AGRICULTURE
LEGISLATIVE TESTIMONY**

Testimony of Jeff Olson
Program Manager
Senate Bill 2124
January 9, 2003
9:30 a.m.
Senate Agriculture Committee
Roosevelt Room

Chairman Flakoll and members of the committee, my name is Jeff Olson, Program Manager with the North Dakota Department of Agriculture. I am here to provide testimony in support of SB 2124. We testified in support of this bill, SB 2204, in the 2001 Legislative Session for defining the tolerance of noxious weeds in seeds.

We agree that there should be a zero tolerance to Yellow Starthistle. But, we also feel that other noxious weeds listed in North Dakota Century Code 63-01.1-03 (2) should have a tolerance of zero. The other eleven weeds are: Absinth wormwood, Canada thistle, Dalmatian toadflax, Diffuse knapweed, Field bindweed, Leafy spurge, Musk thistle, Purple loosestrife, Russian knapweed, Saltceaur, and Spotted knapweed. The state of North Dakota allocates approximately \$1.7 million dollars each biennium on

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Yvonne J. Lee
Operator's signature

10-16-03
Date

weed control. This does not count the dollars spent at the local level. Because of this investment each year, we feel that eliminating the noxious weed seeds from commercial seeds would go a long way in trying to get control of the most problematic weeds in the state.

I ask the Committee to go slowly with this bill as we meet with all interested parties to discuss any additional weeds to be included with this bill.

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

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Yubereca d. Lee
Operator's Signature

10-16-03
Date



North Dakota State
NDSSD
Seed Department

1313 18th St. N., P.O. Box 5257
Fargo, ND 58105-525
Phone: (701) 231-5400
Fax: (701) 231-5401
Web: ndseed.com

Ken Bertsch
ND State Seed Commissioner

Testimony, SB 2124

Senate Agriculture Committee
January 9, 2003

Good morning Mr. Chairman and members of the Senate Agriculture Committee. For the record, my name is Ken Bertsch and I serve as State Seed Commissioner and Administrator of the ND State Seed Department. With the Chairman's consent, I would like to provide information on SB 2124, which was filed on behalf of the State Seed Commission.

First, I will provide background on the development of this legislation, attempting to briefly describe what is a fairly complex situation.

During the 2001 Legislative Session, SB 2204 sought to make changes to North Dakota Century Code Chapter 4-09 regarding the allowable limits of restricted noxious weeds in seed. Through the course of legislative action, SB 2204 (as amended) dealt with two separate and distinct areas of the law; the allowable limits of restricted weeds, and placed a zero tolerance on the prohibited weed Yellow Starthistle.

After action in both chambers, the result of SB 2204 provided for three things:

1. The allowable limits for restricted noxious weeds in seed were set at 25 per pound (from the previous limit of 90/lb.).
2. The prohibited weed Yellow Starthistle was set at a zero tolerance (meaning federal seed law tolerance tables do not apply in the case of this particular weed seed).
3. The entire legislation was given a July 31, 2003 sunset, and the Seed Commission was directed to create a classification system to provide for the differences between cereal crops and grasses in regard to the restricted weeds.

Mr. Chairman, your committee is dealing only with the zero tolerance issue in SB 2124. The Seed Commission created a working group in 2001 to facilitate a consensus on the classification system for restricted weeds, but the working group was unable to arrive at an agreement. As a result, the restricted weed issue will be dealt with in separate legislation. The industry is in agreement that Yellow Starthistle must be given a permanent zero tolerance.

I request that the Committee look favorably on the merits of SB 2124, which achieves the objective of establishing a permanent zero tolerance for the prohibited weed Yellow Starthistle. Legislation to address the sunset on allowable limits of restricted weeds will be visited in other bills.

Thank you for your attention to this issue. I will be happy to answer any questions from the Committee.

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Yuberead J. Lee
Operator's Signature

10-16-03
Date



North Dakota State
NDSSD
Seed Department

1313 18th St. N., P.O. Box 5257
Fargo, ND 58105-525
Phone: (701) 231-5400
Fax: (701) 231-5401
Web: ndseed.com

Ken Bertsch
ND State Seed Commissioner

Testimony, SB 2124

House Agriculture Committee
February 28, 2003

Good morning Mr. Chairman and members of the House Agriculture Committee. For the record, my name is Ken Bertsch and I serve as State Seed Commissioner and Administrator of the ND State Seed Department. With the Chairman's consent, I would like to provide information on SB 2124, which was filed on behalf of the State Seed Commission.

First, I will provide background on the development of this legislation, attempting to briefly describe what is a fairly complex situation.

During the 2001 Legislative Session, SB 2204 sought to make changes to North Dakota Century Code Chapter 4-09 regarding the allowable limits of restricted noxious weeds in seed. Through the course of legislative action, SB 2204 (as amended) dealt with two separate and distinct areas of the law; it changed the allowable limits of restricted weeds, and placed a zero tolerance on the prohibited weed Yellow Starthistle.

After action in both chambers, the result of SB 2204 provided for three things:

1. The allowable limits for restricted noxious weeds in seed were set at 25 per pound (from the previous limit of 90/lb.).
2. The prohibited weed Yellow Starthistle was set at a zero tolerance (meaning federal seed law tolerance tables do not apply in the case of this particular weed seed).
3. The entire legislation was given a July 31, 2003 sunset, and the Seed Commission was directed to create a classification system to provide for the differences between cereal crops and grasses in regard to the restricted weeds.

Mr. Chairman, your committee is dealing only with the zero tolerance for the prohibited weed Yellow Starthistle issue in SB 2124.

A working group created by the Seed Commission in 2001 was not able to build a consensus on the classification system for restricted weeds. As a result, the restricted weed issue will be dealt with in separate legislation. The industry is in agreement that Yellow Starthistle must be given a permanent zero tolerance.

I request that the Committee look favorably on the merits of SB 2124, which achieves the objective of establishing a permanent zero tolerance for the prohibited weed Yellow Starthistle. Legislation to address the sunset on allowable limits of restricted weeds is addressed in SB 2208, which this committee will hear in the near future.

Thank you for your attention to this issue. I will be happy to answer any questions from the Committee.

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Yubereca J. Lee
Operator's Signature

10-16-03
Date

Roger Johnson
Agriculture Commissioner
www.agdepartment.com



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

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

**NORTH DAKOTA DEPARTMENT OF AGRICULTURE
LEGISLATIVE TESTIMONY**

Testimony of Jeff Olson
Program Manager
Senate Bill 2124
February 27, 2003
9:00 a.m.
House Agriculture Committee
Peace Garden Room

Chairman Nicholas and members of the committee, my name is Jeff Olson, Program Manager with the North Dakota Department of Agriculture. I am here to provide testimony in support of SB 2124. We testified in support of this bill, SB 2204, in the 2001 Legislative Session for defining the tolerance of noxious weeds in seeds.

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

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

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Yubereca J. Lee
Operator's Signature

10-16-03
Date

NORTH DAKOTA WEED CONTROL ASSOCIATION
TESTIMONY ON SB 2124
HOUSE AGRICULTURE COMMITTEE
GIVEN BY MERLIN LEITHOLD 2-28-03
LOBBYIST # 384

Good Morning, Chairman Nicholas, members of the House Agriculture Committee.

My name is Merlin Leithold. I am the director of the south-central area with the North Dakota Weed Control Association. I am also the weed officer in Grant County. SB 2124 establishes zero tolerance for yellow starthistle. Without this passed into law, two seeds per sample would be allowed. Two seeds per sample would allow an establishment of this very serious weed. One single large plant can produce 150,000 seeds. Viability of the seed is nearly 100%.

I have attached a publication on yellow starthistle for you to read at your convenience.

The North Dakota Weed Control Association asks you to help us in keeping yellow starthistle out of North Dakota. **Vote yes on SB 2124.**

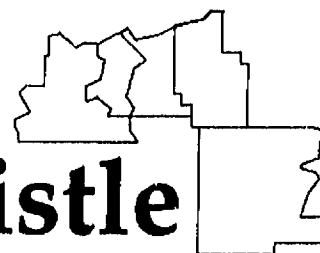
Thank-you.

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Yubereca J. Lee
Operator's Signature

10-16-03
Date

582124



Yellow starthistle

Centaurea solstitialis

Background

Yellow starthistle, native to Mediterranean areas, probably first came to North America in contaminated alfalfa or other crop seed. Yellow starthistle seeds were found in adobe brick in California beginning in the early 1800's. There are several early records of yellow starthistle from University plant collections in California from the mid and late 1800's. First reports of yellow starthistle in the Pacific Northwest are from Walla Walla, Washington around the turn of the century. Infestations are currently reported to be more than 10 million acres in California, 300,000 in Idaho, and 150,000 acres each in Oregon and Washington. Yellow starthistle continues to invade new areas at rates up to several thousands of acres per year within these states.

Identification

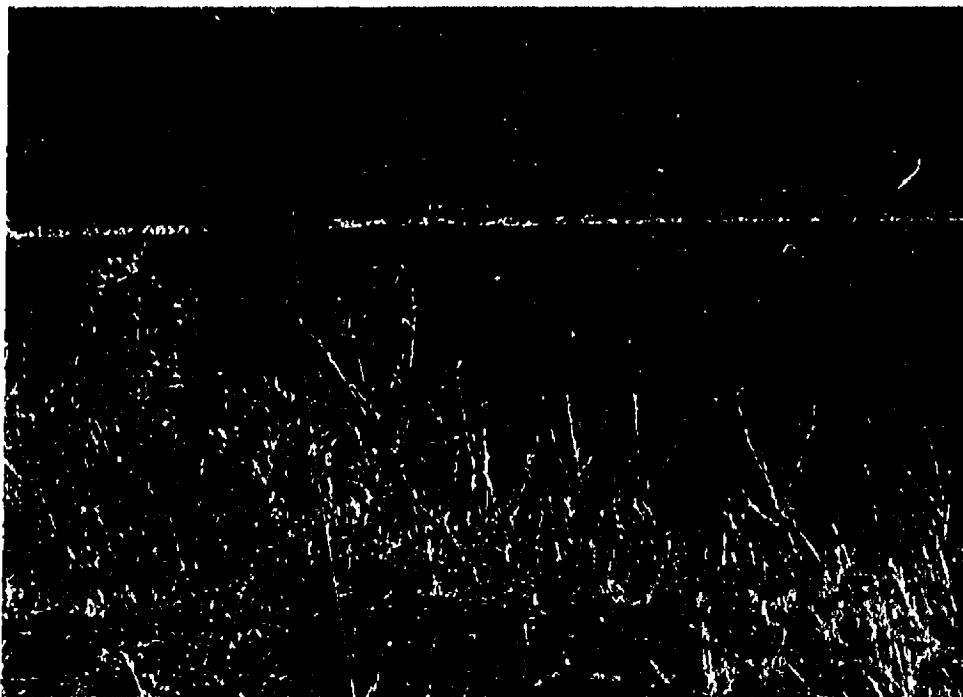
Yellow starthistle is a grayish-green annual plant with a vigorous and quick-growing

taproot. It produces bright yellow flowers with sharp spines surrounding the flowerheads. Yellow starthistle may grow to heights of only a few inches to more than three feet. Mature plants are rigid, spreading and branching from the base. Both stems and leaves are covered with pubescent hairs that give them the grayish-green appearance. Stems may appear flattened because the bases of leaves sometimes extend past the nodes. The deeply-lobed basal leaves are typically two to three inches long. Upper

leaves are shorter and are narrow and sharply pointed.

Biology and Ecology

Yellow starthistle reproduces only by seed. A single large plant can produce as many as 150,000 seeds under ideal conditions, but the number of seeds per plant can vary greatly. Depending upon plant density and on precipitation during the growing season, seed production may be 5,000 to 21,500 seeds per square yard.

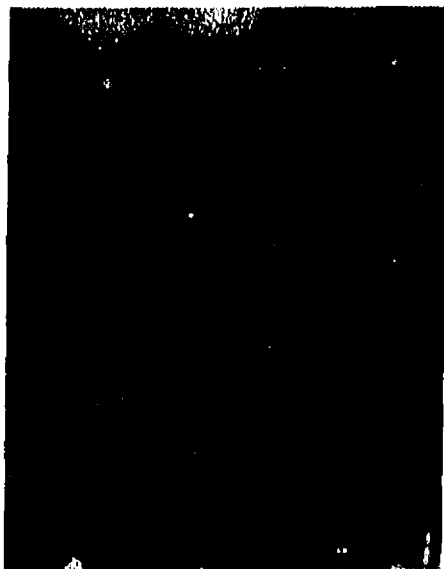


Page 1

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Y. J. J. J.
Operator's Signature

10-16-03
Date



Yellow starthistle produces two different types of seed, one with parachute-like plumes and another without plumes. Most are plumed and disperse at maturity. Plumeless seeds stay in the seedhead, and disperse in the fall and winter. Most yellow starthistle seeds that reach the soil fall within 2 feet of the parent plant. This tends to result in a slow invasion front in local areas. Birds, other animals, wind and vehicles may all contribute to long-distance dispersal. A majority of seeds may survive dispersal to be available for germination in the fall.

Ring-neck pheasants, quail, and finches are reported to feed on yellow starthistle seed. Finches tend to shell seeds, leaving most of the consumed seed non-viable. Quail and pheasants consume whole seeds which may occasionally be passed in a viable form.

Yellow starthistle germinates and grows more rapidly than many of its competitors under a variety of conditions. At 68°F with no moisture stress, plumed seeds initiate germination within 16 hours. Seventy-five percent of plumed seed can germinate within 48 hours. Plumeless yellow starthistle seed germination was lower than plumed seed germination in a research study. Dry or saline soil conditions reduce yellow starthistle germination. Rapid germination and root growth give yellow starthistle the ability to occupy a site by capturing and utilizing resources more quickly than other, competing species.

Nearly all seed is viable at maturity, and 10% of the seed can remain dormant for as long as 10 years. Seed banks in heavily infested areas are a small proportion of total seed production, and most of these seeds are the plumeless type. Dormant seed in or on the soil create problems for land managers because they allow yellow starthistle to reestablish at sites after herbicide treatments.

Plant Growth

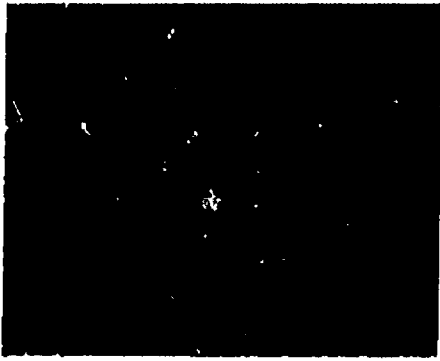
Yellow starthistle usually germinates and grows in the fall following precipitation.

If seeds are present, seedling numbers increase until soil moisture and/or soil temperatures become limiting. Seedling populations may reach densities of 2500 plants per square foot. Frost heaving sometimes reduces population density. Seedlings can emerge in the spring and complete their life cycle in the same year, or continue into the next growing season, depending upon growing conditions.

As additional leaves emerge from the base of seedling plants, a rosette is formed. Rosettes often have 6 to 15 leaves which range up to eight inches in length. The rosette's spring growth stage appears to be a difficult time for yellow starthistle. Seedlings and rosettes are sensitive to competition for light, water, nutrients, and space and are subject to high mortality when stress conditions prevail.

Flower stalks emerge from the center of the rosettes and grow to heights up to 3 feet in ideal conditions, but may be only a few inches in limiting situations. Flowering occurs as early as late spring, and flower production can continue into September.

In the fall, yellow starthistle plants lose their leaves and dry to a silver-grey skeleton with cottony white terminal seedheads, which are distinctive in appearance.



Impacts

Yellow starthistle invades disturbed sites and rangelands throughout the western United States. The most susceptible rangelands are those with deep soils, south slopes, and 12 to 25 inches of winter precipitation. Yellow starthistle favors sites naturally supporting perennial grasses, primarily bluebunch wheatgrass, Idaho fescue, and Sandberg's bluegrass. It does not compete well in desert shrub communities, but does invade disturbed desert areas.

Yellow starthistle's success is directly related to its quick germination and growth and its ability to capture moisture and nutrients. Seedlings tend to grow more rapidly than most perennial grass seedlings, which can lead to poor grass stand establishment. Vigorous stands of perennial grass limit invasion by yellow starthistle.

In rangelands with deep soils dominated by annual species, the roots of yellow starthistle grow deep and avoid direct competition. In such circumstances, yellow

starthistle can come to dominate the site. Densities at such sites can influence movement of livestock and wildlife.

Toxicity

Incidents of horses being poisoned by yellow starthistle have been documented. Often called chewing disease, the inability to eat or drink is often the first sign of yellow starthistle poisoning in horses. Horses must eat an amount about equal to their body weight before evidence of poisoning becomes apparent, and signs of poisoning may not appear for several weeks after eating yellow starthistle. The symptoms, which may include trembling and stiffness, result from permanent brain damage caused by yellow starthistle, and affected horses usually do not recover.

Management

Prevention

Stopping or reducing seed production within existing infestations, restricting movement of seed from infested to non-infested areas and maintaining healthy, competitive vegetation are all methods of value in preventing the expansion or establishment of yellow starthistle stands.

Wherever practical, small outlying infestations should

be prevented from seeding. On existing infestations not subject to intensive control measures, biological control agents are available which prevent or reduce seed production. Five such agents are available, three weevils species (*Bangasternus orientalis*, *Eustenopus villosus* and *Larinus curtus*) and two flies, (*Urophora sirunaseva* and *Chaetorellia australis*), in the Pacific Northwest.

Movement of yellow starthistle seed into uninfested areas may be limited by such action as cleaning vehicles and purging animals moving from infested to non-infested areas. Movement of any commodities, including hay, grain, or seed should also be carefully monitored. Seed can be tested for the presence of yellow starthistle seed. Road-sides throughout the Pacific Northwest are open to invasion by yellow starthistle, and they need continuous attention so that new infestations are detected and controlled.

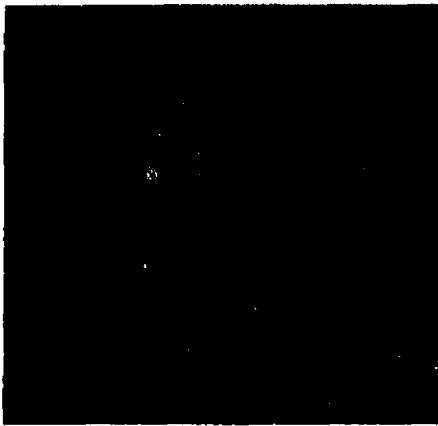
Proper grazing management is essential in preventing yellow starthistle invasion by maintaining healthy and competitive vegetation. Utilization of annuals should usually be limited to about 50%, seasons of grazing can be altered, and livestock can be rotated so that perennial plants can recover before grazing.

Page 3

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Yuberca d. Lee
Operator's Signature

10-16-03
Date



Effective management of existing infestations involves reducing and maintaining yellow starthistle densities to acceptable levels with cost-effective techniques. This ordinarily will involve the integration of herbicide treatments, grazing management, cultivation and seeding and regular monitoring of infested areas. Research supporting such control is underway at Eastern Oregon State College, the University of Idaho, Oregon State University, and the University of California at Davis. Some current literature reports are given in the reference section.

Preventing invasion and establishment of yellow starthistle is the most desirable course of action for land owners and managers. Successful management of yellow starthistle, once it is established, requires a long-term commitment, and total eradication is not often a realistic goal.

References:

Borman, M.M., W. C. Krueger, and D. E. Johnson. 1991. Effects of established perennial grasses on yields of associated annual weeds. *Journal of Range Management* 44:(4), 318-322.

Larson, L. and M. McInnis. 1989a. Response of yellow starthistle and grass biomass to grass, picloram, and fertilizer combinations. *Weed Tech* 3:497-500.

Larson, L. and M. McInnis. 1989b. Impact of grass seedings on establishment and density of diffuse knapweed and yellow starthistle. *Northwest Science* 62:162-166.

Sheley, R. and L. Larson. 1994a. Observation: comparative life-histories of cheatgrass and yellow starthistle. *J. Range Manage.* 47:450-456.

Sheley, R. and L. Larson. 1994b. Comparative growth and interference between cheatgrass and yellow starthistle seedlings. *J. Range Manage.* 47:470-474.

Sheley, R., L. Larson, and D. Johnson. 1993. Germination and root dynamics of range weeds and forage species. *Weed Tech.* 7:234-237.

Thomsen, C. D., W. A. Williams, M. R. George, W. B. Henry, F. L. Bell, and R. S. Knight. 1989. Managing yellow starthistle on rangeland. *California Agriculture.* 43:(5),4-7.

