MICROFILM DIVIDER

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

ROLL NUMBER

DESCRIPTION

2319

2003 SENATE AGRICULTURE

SB 2319

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2319

Senate Agriculture Committee

☐ Conference Committee

Hearing Date 02/06/03

Tape Number	Side A	Side B	Meter #
1	x		3126 - end
2	x		0 - 1854
2	x		5017 - end
2		x	0 - 165
Committee Clerk Signature			

Minutes:

Chairman Flakoll opened the hearing on SB 2319. All members were present.

Senator Nichols introduced the bill. The bill addresses a rapidly developing problem, especially in the southwest. The bill appropriates $250,000 from the range land protection fund. The bill would continue the $350 registration fee, related to pesticides. The fee had been scheduled to go back to $300 at the end of this biennium.

Ken Eraas, Noxious Weeds Specialist with the North Dakota Department of Agriculture, testified in favor of the bill. (written testimony)

Senator Klein asked how saltcedar is controlled?

Mr. Eraas said by use of the chemical Arsenal in a back pack with a dye marker to assure coverage.

Senator Klein asked where the $120,000 came from that was used this past summer to control saltcedar?

Mr. Eraas said funds came from the weed control budget of several agencies.

Senator Urlacher asked if one application of Arsenal will take care of saltcedar?

Mr. Eraas said yes if properly applied.

Senator Urlacher asked if saltcedar would dry up a stream or dugout and then die on its own?

Mr. Eraas said in New Mexico and Texas it has been known to dry up streams and rivers. This doesn't cause the saltcedar to die out. It has an excellent ability to go dormant and to root down to ground water sources. In Washakie county in Wyoming, every dugout and stock dam (342 in all), some as far as 70 miles from the Big Horn River, which is thoroughly infested were found to be infested with saltcedar in 2000.

Senator Flakoll asked if Arsenal has any negative effects near water?

Mr. Eraas said the herbicide is labeled down to the shoreline.

Senator Erbele asked why the map shows domestic plantings?

Mr. Eraas said saltcedar has been sold by nurseries for use in landscaping.

Senator Urlacher asked if the sale is restricted.

Mr. Eraas said this fall saltcedar was added to the noxious weed category and can no longer be sold.

Senator Klein asked if Montana is making efforts to control saltcedar?

Mr. Eraas said they have a state management plan in process but do not have a comprehensive program right now.

Representative Rennerfeldt testified in favor of the bill. He said saltcedar is a big concern in the Williston area, especially around Lake Sakakawea and he sees great problems ahead. Regarding Montana's eradication program, he said the federal lands in Montana are loaded with noxious weeds. The federal government is not doing enough and we are suffering the results. (meter # 4471)

Merlin Leithold, director of the North Dakota Weed Control Association, testified in favor of the bill. (written testimony) (meter # 4712)

Senator Klein asked if we can get by with less than $250,000?

Mr. Leithold said this year $120,000 was spent and that was just the tip of the iceberg. The board sat down with the Agriculture Department to come up with the budget.

Senator Urlacher asked if there is a weed board levy?

Mr. Leithold said yes, 5 mill in his county.

Senator Urlacher asked if there is a cap on the mill?

Mr. Leithold said yes and most counties are at their caps or close to it.

Gary Hartman, Burleigh County Noxious Weed Officer, testified in favor of the bill. Burleigh County had 3 1/2 mills last year for weed control and they ran out of money. This year they will go the maximum of 4 mills. He has 50 miles of shoreline in his county. Saltcedar is expensive to control.

Senator Urlacher asked if there is a coordinated effort up and downstream between weed boards?

Mr. Hoffman said it depends on the Agriculture Department. He works with Morton County. It is tough to treat alone.

Jim Hennessy, Weed Officer in Mountrail County, testified in favor of the bill. (written testimony) (meter #5934)

Senator Urlacher asked if the Corps of Engineers or other federal agencies are cooperating with saltcedar control?

When they spent 10 days surveying, representatives from all agencies listed in Mr. Hennessy's testimony worked together. The corps has helped pay for some of the cost of the spray.

Senator Nichols asked how plants that were pulled were destroyed?

Mr. Hennessy said they were bagged and burned.

Senator Flakoll asked what age does a plant have viable seed?

Mr. Hennessy said 3 year old plants start to produce seed and they can produce seed all year long.

Joseph Hall, Lake Manager for Lake Sakakawea, US Corps of Engineers, testified in favor of the bill. (written testimony) (meter # 320)

Senator Urlacher asked if surveys have been done upstream in Montana?

Mr. Hall said the corps has not done a survey but Montana has. The entire lake at Fort Peck is infested and saltcedar is all over the Yellowstone River. Seed and plants came in to Lake Sakakawea with the high water in 1997. Saltcedar can be drowned out but lake levels are currently low.

Senator Klein asked if the Corps efforts are in all states with saltcedar infestations?

Mr. Hall said the Corps owns and manages the lake at Fort Peck but it is 95% leased to the US Fish and Wildlife Service for the Charles M. Russell Wildlife Area so they are spearheading the effort there. Saltcedar was found in Gavin's Point, the last dam, last week.

Senator Klein asked at what level will the Corps be able to help?

Mr. Hall said last year their weed control budget was $25,000 for noxious weeds. When they discovered saltcedar, they applied for an emergency appropriation and received $75,000. This year they have been allocated $170,000 for noxious weed control, a majority will be spent on saltcedar. Their budgets are two years ahead of time. They are contributing as much as they can.

Greg Link, North Dakota Game and Fish Department, testified in favor of the bill. (written testimony) (meter # 896)

Senator Klein said we all understand the importance of controlling saltcedar. The funding mechanism was put in place two sessions ago. We negotiated adding $50 with the pesticide companies to establish the crop harmonization efforts with a sunset to expire at the end of this biennium. Now we are saying we still need the funding. Senator Klein wanted to remind us that we started with a promise to sunset this fee and now we are going back on our promise.

Cal Rolfson, representing Croplife America, testified in a neutral position on the bill. (written testimony) (meter # 1417)

Lance Hagen, North Dakota Grain Growers, stated that they are officially neutral on the bill at this time. He will visit with the sponsors and some Corps representatives when the bill reaches the House.

Chairman Flakoll closed the hearing on SB 2319.

Senator Nichols said he would get an amendment drawn up that would sunset the additional fee collected on pesticides.

Senator Klein said the amendment should also be sure the balance of the fees collected would be left in the minor use fund.

Senator Urlacher said we have to address saltcedar in some way.

Senator Flakoll said we do not need another leafy spurge.

Senator Urlacher hopes the Corps will become and remain involved.

Senator Klein said he receives many complaints from property owners who share a border with Game and Fish or US Wildlife who are not being good stewards of their land.

Senator Klein said unless Montana gains control of saltcedar we will be back next session for more dollars.

Senator Nichols said on the saltcedar issue, the Corps has been quite helpful. He doesn't think they will waste any of these funds.

Senator Klein asked how we address the accountability issue.

Senator Nichols said we can do it with legislative intent, require the Agriculture Department to report back to this committee during the next session.

Senator Flakoll asked Senator Nichols to get the amendments drafted and if they are not what the committee wants, we can have them adjusted.

Senator Nichols moved the amendment that would put a two year sunset clause on the increase of $50 in the insecticide fee, require a progress report to the Senate Agriculture Committee at the next legislative session and require the remaining funds go to the range land protection fund. Seconded by Senator Klein. The amendment passed on a roll call vote. Voting yes were Senator Flakoll, Senator Erbele, Senator Klein, Senator Urlacher, Senator Nichols, and Senator Seymour.

It was moved by Senator Nichols, seconded by Senator Erbele and passed on a roll call vote that the Senate Agriculture Committee take a Do Pass As Amended action and re-refer to Appropriations on SB 2319. Voting yes were Senator Flakoll, Senator Erbele, Senator Klein,

Senator Urlacher, Senator Nichols, and Senator Seymour. Senator Nichols will carry the bill to the floor. (meter # 140)

Chairman Flakoll recessed the meeting of the Senate Agriculture Committee.

FISCAL NOTE

Requested by Legislative Council
01/27/2003

Bill/Resolution No.: SB 2319

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

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	$0	$0	$0	$450,000	$0	$0
Expenditures	$0	$0	$0	$250,000	$0	$0
Appropriations	$0	$0	$0	$250,000	$0	$0

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

2001-2003 Biennium			2003-2005 Biennium			2005-2007 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
$0	$0	$0	$200,000	$0	$0	$0	$0	$0

2. **Narrative:** *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

The increase in revenue is based on a $50 increase per product registered for 9,000 pesticide products registered during the biennium for a total of $450,000, of which $250,000 will be appropriated for this bill. We anticipate that the majority of these funds will be provided to counties with saltcedar infestations, and that these funds will be used by the state and the counties to leverage addition federal funds.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*
   A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

Revenue will be generated by 9000 pesticide product registrations at $50 per product increase in registration costs for a total revenue increase of $450,000.

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

SB 2319 requires a $250,000 expenditure for saltcedar control added to the Agriculture Department's Noxious Weeds line item. This will be accomplished with existing Agriculture Department staff in cooperation with county weed boards.

   C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

This will increase the Agriculture Department's Noxious Weeds appropriation by $250,000. The expeditures will equal the appropriation.

Name:	Jeff K. Welspfenning	**Agency:**	Agriculture Department
Phone Number:	328-4758	**Date Prepared:**	01/30/2003

30626.0101
Title.0200

Prepared by the Legislative Council staff for
Senator Nichols
February 6, 2003

2-7-3

PROPOSED AMENDMENTS TO SENATE BILL NO. 2319

Page 1, line 2, remove "and" and after "appropriation" insert "; and to provide an effective date"

Page 1, line 6, remove the overstrike over "~~(Effective through June 30,~~", after "~~2003~~" insert "2005", and remove the overstrike over "~~)~~"

Page 2, line 16, remove the overstrike over "~~(Effective July 1,~~", after "~~2003~~" insert "2005", and remove the overstrike over "~~) Registration - Fees. Any person before selling or offering for~~"

Page 2, remove the overstrike over lines 17 through 31

Page 3, remove the overstrike over lines 1 through 14

Page 3, line 19, after the period insert "Every person that receives money from the agriculture commissioner under this Act shall report to the senate agriculture committee of the fifty-ninth legislative assembly regarding the dollars received, the efforts undertaken by the recipient to control and eradicate saltcedar, and the effectiveness of those efforts."

Renumber accordingly

Date: 2/6/03
Roll Call Vote #: 1

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2319

Senate Agriculture Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken Amendments - Do Pass.

Motion Made By Sen Nichols Seconded By Sen Klein

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

Total (Yes) 6 No 0

Absent

Floor Assignment

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

(1) sunset - end in 2 yrs.
(2) include Addendum less intent Ag Dept. + Corps, Eff. G+F, report to Ag Com on results + use of State Land Dept. funds.
(3) any extra funds to Environmental + Ramsland Prot Fund

Date: 2/6/03
Roll Call Vote #: 2

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2314

Senate Agriculture Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 30626.0101

Action Taken Do Pass as Amend + Re Refer to Approp.

Motion Made By Sen Nichols Seconded By Sen Erbele

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:

REPORT OF STANDING COMMITTEE (410)
February 7, 2003 4:00 p.m.

Module No: SR-24-2055
Carrier: Nichols
Insert LC: 30626.0101 Title: .0200

REPORT OF STANDING COMMITTEE

SB 2319: Agriculture Committee (Sen. Flakoll, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2319 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "and" and after "appropriation" insert "; and to provide an effective date"

Page 1, line 6, remove the overstrike over "~~(Effective through June 30,~~", after "~~2003~~" insert "2005", and remove the overstrike over "~~)~~"

Page 2, line 16, remove the overstrike over "~~(Effective July 1,~~", after "~~2003~~" insert "2005", and remove the overstrike over "~~) Registration - Fees. Any person before selling or offering for~~"

Page 2, remove the overstrike over lines 17 through 31

Page 3, remove the overstrike over lines 1 through 14

Page 3, line 19, after the period insert "Every person that receives money from the agriculture commissioner under this Act shall report to the senate agriculture committee of the fifty-ninth legislative assembly regarding the dollars received, the efforts undertaken by the recipient to control and eradicate saltcedar, and the effectiveness of those efforts."

Renumber accordingly

2003 SENATE APPROPRIATIONS

SB 2319

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2319

Senate Appropriations Committee

☐ Conference Committee

Hearing Date Feb. 14, 2003

Tape Number	Side A	Side B	Meter #
2	X		100-1932

Committee Clerk Signature

Minutes:

Senator Holmberg opened the hearing on SB2319. This relates to a pesticide registration fee.

Senator Ron Nichols (mtr #106) - Introduced the bill and explained its intent. The bill has been amended to delay a sunset clause. Urges the support of the committee.

Senator Christmann (mtr #359) - Any other bill similar to this?

Senator Nichols (mtr #385) - The continuation of the fee would provide additional money. Went over how the funds are used.

Senator Bowman (mtr #505) - Had a question and statement on how these funds could be appropriated for use.

Senator Nichols (mtr #533) - No problem with pooling money in noxious weed fund.

Senator Bowman (mtr #558) - Talked to Ag Department regarding noxious weed problem.

Senator Kilzer (mtr #602) - How is saltcedar controlled?

Senator Nichols (mtr #644) - The spread of Leafy Spurge has slowed. Saltcedar is serious and to stop to now.

Senator Kilzer (mtr #725) - What is being used to control saltcedar?

Senator Nichols (mtr #737) - At this time using primarily spraying.

Senator Stan Lyson (mtr #790) - Testified in support of SB2319. His county is being invaded by this saltcedar weed. This weed dries up the wetlands.

Jeff Olson, Program Manager at the Department of Agriculture (mtr #906) - Testified in support of SB2319. Written testimony is attached (exhibit 1). Also handed out written testimony for the record from Merlin Leithold (exhibit 2).

Senator Thane (mtr #1464) - Is this weed native to North America?

Mr. Olson (mtr #1482) - Weed came from Eastern Europe.

Senator Andrist (mtr #1557) - How does it produce salt?

Mr. Olson (mtr #1592) - The plant absorbs ground water and brings minerals up as well. The minerals are transported through the leaves and deposited on the ground.

Senator Kilzer (mtr #1622) - Is this a single species with no sub species.

Mr. Olson (mtr #1644) - There are four different sub species with similar characteristics. Gave information on where the weed is found and the amount of water it uses each day.

Senator Christmann (mtr #1750) - Has legal action be contemplated against the soil conservationist people because they bring in plants like this.

Mr. Olson (mtr #1798) - Does not have the information to answer that question.

Senator Robinson motioned for a Do Pass. Second by Senator Bowman. Roll call vote 14 yea, 0 nay, 0 absent. This bill goes back to the Ag Committee.

2319

Date: 2-14-03
Roll Call Vote #:

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

Senate Appropriations Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken Do Pass

Motion Made By Robinson Seconded By Bowman

Senators	Yes	No	Senators	Yes	No
Senator Holmberg, Chairman	✓				
Senator Bowman, Vice Chair	✓				
Senator Grindberg, Vice Chair	✓				
Senator Andrist	✓				
Senator Christmann	✓				
Senator Kilzer	✓				
Senator Krauter	✓				
Senator Kringstad	✓				
Senator Lindaas	✓				
Senator Mathern	✓				
Senator Robinson	✓				
Senator Schobinger	✓				
Senator Tallackson	✓				
Senator Thane	✓				

Total (Yes) 14 No

Absent

Floor Assignment - AGR committee Nichols

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

REPORT OF STANDING COMMITTEE (410)
February 14, 2003 12:33 p.m.

Module No: SR-29-2742
Carrier: Nichols
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2319, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2319 was placed on the Eleventh order on the calendar.

2003 HOUSE AGRICULTURE

SB 2319

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2319

House Agriculture Committee

☐ Conference Committee

Hearing Date 3---13---03

Tape Number	Side A	Side B	Meter #
TWO	A		30 TO 45,5
Committee Clerk Signature	Edward D Ellefson		

Minutes:

CHAIRMAN NICHOLAS: Jeff, do you want to start on SB 2319?

JEFF OLSON: I am Jeff Olson, Program Manager for North Dakota Department of Agriculture. I know Senator Nichol is going to come and speak on this bill. [JEFF ONSON PASSED OUT TESTIMONY AND READ FROM IT. PLEASE READ TESTIMONY.ALSO SEE MAP ON BACK OF TESTIMONY]

CHAIRMAN RENNERFELDT: Thank you. The reason I signed on to the bill is because south of Williston we have a lake. We have a lot of meadows. It is showing up along the shore line, The river tends to fluctuate. A lot of the federal land in Montana is just loaded with Saltcedar. Know the area we should get on board real quick and get rid of it.

CHAIRMAN NICHOLAS: We will take the testimony and then the questions.

MERLIN LEITHOLD: I am the south-central area director with the ND Weed Control Association. I am also the weed officer in Grant County. {PLEASE READ PRINTED TESTIMONY FURNISHED BY MERLIN: THERE IS ALSO ATTACHED A LETTER TO AGRICULTURE COMMISSIONER JOHNSON FROM BRENT A NELSON, PRESIDENT OF NDWCA.] PLEASE DO A DO PASS

WAYNE CARTER: Weed Officer from Morton County ND . I am here before you in support of SB 2319. We have some saltcedar north of Mandan and west of the refinery in a dried up area. Close to the river. I have yet to find saltcedar on the river.

Please do a do pass on SB 2319.

REP. FROELICH : What is Montana doing about it.

JEFF OLSON: Montana has a program presently. They are trying to get a handle on it. They are working with Federal Agencies. They have very little of it in Montana until it get down stream and close to ND. It is very expensive to get hold of it. The plant can be controlled if the lake level comes up. If it is submerged for 60 days it will die out.

CHAIRMAN NICHOLAS: Any other questions committee members.

REPRESENTATIVE BOEHNING: How dose this weed react to burning of it. Will it come back again?

JEFF OLSON: The growing point of saltcedar stays below the surface of the ground. So if you burn it and the fire dose not get hot enough and get down to it is will rejuvenate. When they are small enough you can pull it out but the root system in bigger plants, it is hard to get down far enough. One acre of saltcedar will use about 8 million gallons of water a year. One acre.

CHAIRMAN NICHOLAS: Jeff, one question. The fee, what bill was the fee in the fifty dollar increase.

JEFF OLSON: Mr. Chairman, that is part of 2319. We took out the sunset and initially on the Senate Agriculture they extended that sunset to 2005.

CHAIRMAN NICHOLAS: Are there any more questions committee members. Are we ready We want to re-refer this to Appropriations. The Chair will entertain a motion on this bill.

REPRESENTATIVE BELTER MOVED FOR A DO PASS AND RE-REFERRAL TO APPROPRIATIONS.

REPRESENTATIVE FROELICH SECONDED THE MOTION.

THE ROLL WAS TAKEN. THERE WERE 12 YES 0 NO AND 1 ABSENT

REPRESENTATIVE BELTER CARRIED THE BILL.

CHAIRMAN NICHOLAS CLOSED ON SB 2319

SB 2319
3-13-03

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 REFERRED TO THE APPROPRIATIONS COMMITTEE

Motion Made By REP BELTER Seconded By REP FROELICH

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		✓			
REPRESENTATAIVE ONSTAD		✓			

Total (Yes) 12 No 0

Absent 1

Floor Assignment REP POLLERT

REPORT OF STANDING COMMITTEE (410)
March 13, 2003 1:11 p.m.

Module No: HR-45-4677
Carrier: Pollert
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2319, as engrossed: Agriculture Committee (Rep. Nicholas, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2319 was rereferred to the **Appropriations Committee.**

2003 HOUSE APPROPRIATIONS

SB 2319

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2319

House Appropriations Committee

☐ Conference Committee

Hearing Date 03-20-03

Tape Number	Side A	Side B	Meter #
1		X	27.2
2			3
Committee Clerk Signature	Chris Kadrmas		

Minutes:

Chairman Svedjan Opened SB 2319. A quorum was present.

Jeff Olson, Program Manager for the Department of Agriculture Went over the fiscal note.

Chairman Svedjan What is the fee now?

Olson $350 for a 2 year registration. This bill keeps it at $350 for a 2 year re-registration.

Rep. Skarphol The re-authorization of the bill calculated in the Agriculture Department is not a new fiscal note.

Chairman Svedjan The purpose of this bill is to reconcile the Department of Agriculture's budget.

Olson This came from the House Agriculture Committee and then was re-referred to Appropriations. The Department of Agriculture has an extra $50 to get back up to the $350.

Rep. Timm Did the House Agriculture committee talk about that?

Rep. Pollert No.

Rep. Rennerfeldt Would the counties weed board use this?

Olson I'm not sure.

Rep. Carlisle Doesn't the Agriculture Department have money for this?

Rep. Olson This would be additional money.

Rep. Timm The Agriculture Department dispatches this money, shouldn't they tell us who gets what money?

Rep. Wald How much money is in the Extension and Research budget?

Olson $250,000 were taken out of the Minor Use Pesticides Fund and given to NDSU for minor research.

Rep. Warner I move to amend and delete the word "Senate Ag. Commissioner" and replace with "Ag. Commissioner."

Rep. Glassheim I move to amend and delete everything in line 20 after June 25th, and insert the following; "The Agriculture Commissioner shall report to the 59th legislative assembly, the persons receiving funds under this act, the dollars received, the efforts undertaken by the recipients to control and eradicate salt cedar and the effectiveness of those efforts." 2nd.

Rep. Delzer Is it the committee's idea to have the recipients or Agriculture Commissioner's view of the effectiveness?

Chairman Svedjan I read it as the recipients'.

Rep. Delzer That's not how it reads.

Rep. Monson The Agriculture Commissioner won't know what to report without talking to the recipient.

Motion Carries.

Rep. Brusegaard I move a Do Pass As Amended. 2nd by Rep. Kempenich. Motion

Carries 19-2-2. Rep. Warner will carry this bill on the floor.

Date: 3-20
Roll Call Vote #: 4

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2319

House Appropriations Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 30626.0201

Action Taken DPA

Motion Made By Brusegaard Seconded By Kempenich

Representatives	Yes	No	Representatives	Yes	No
Rep. Svedjan (Chairman)	✓		Rep. Glassheim	✓	
Rep. Timm (Vice-Chairman)	✓		Rep. Kroeber	✓	
Rep. Martinson	✓		Rep. Warner	✓	
Rep. Brusegaard	✓		Rep. Delzer		✓
Rep. Monson	✓		Rep. Warnke	✓	
Rep. Rennerfeldt	✓		Rep. Bellew		✓
Rep. Wald	✓		Rep. Kempenich	✓	
Rep. Aarsvold	✓		Rep. Kerzman	✓	
Rep. Gulleson	✓		Rep. Metcalf	✓	
Rep. Carlisle	✓				
Rep. Carlson					
Rep. Koppleman					
Rep. Skarphol	✓				
Rep. Thoreson	✓				

Total (Yes) 19 No 2

Absent 2

Floor Assignment Warner

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

REPORT OF STANDING COMMITTEE (410)
March 21, 2003 10:49 a.m.

Module No: HR-51-5400
Carrier: Warner
Insert LC: 30626.0201 Title: .0300

REPORT OF STANDING COMMITTEE

SB 2319, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (19 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2319 was placed on the Sixth order on the calendar.

Page 3, line 20, replace "Every person that receives money from the" with "The"

Page 3, line 21, remove "under this Act" and remove "senate agriculture committee of the"

Page 3, line 22, replace "regarding" with "the persons receiving funds under this Act,"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

HOUSE - This amendment provides for the Agriculture Commissioner to report to the Fifty-ninth Legislative Assembly on the persons receiving funds for control and eradication of saltcedar.

2003 TESTIMONY

SB 2319

Roger Johnson
Agriculture Commissioner
www.agdepartment.com

North Dakota
Department of
Agriculture

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 Ken Eraas, Noxious Weeds Specialist
Plant Industries Division
North Dakota Department of Agriculture
Senate Bill 2319
February 6, 2003
9:45 a.m.
Senate Agriculture Committee
Roosevelt Park Room

Chairman Flakoll and members of the Agriculture Committee, my name is Ken Eraas. I am a Noxious Weeds Specialist in the Department of Agriculture. I am here to testify in support of Senate Bill 2319.

Saltcedar is a nonnative, large shrub or small tree which was imported into the U.S. in the mid 1800's as a horticultural plant and as a stream bank stabilizer. It has proven to be very invasive and damaging in many Western and Southern states. Saltcedar prefers moist areas to get established. But once established, it will root down as far as 40 feet to reach groundwater sources. In doing so, the plant takes up soluble salts and transfers them to their leaves where the salt is transpired out and deposited at the soil surface. This creates a saline condition where no other vegetation will grow. It rapidly becomes a dense monoculture. Not only does it present serious problems for water competition but also lowers water quality by increased salts and solids in the water. The plant is not eaten or utilized as cover by wildlife or domestic livestock. Saltcedar is a very high

water user. An average plant in our region of the U.S. uses about 200 gallons per day or a solid acre requiring about 8 million gallons per year. The plant produces approximately one-half million seeds per year which are the size of ground black pepper. Dispersal of the seeds can be wide spread by wind and movement of wildlife, livestock and man.

Saltcedar was first discovered growing in the wild in North Dakota in 2001 along the Yellowstone River in McKenzie County. Since that time, other populations have been found in all of the counties bordering Lake Sakakawea, as well as in Slope, Billings, Morton, Ransom, and Sargent Counties. Horticultural plantings have also been reported in a number of counties (Figure 1). A survey for Saltcedar was initiated in 2001, but limited funding and staff allowed for only small amounts of area to be completed. Initially it was thought that Saltcedar hadn't spread far into the state. In 2002 federal, state, and local agencies worked to survey and eradicate Saltcedar infestations in various locations. Agencies that participated included: ND Dept. of Agriculture, ND Game & Fish Dept., ND State Land Dept., ND State Water Commission, ND Parks & Rec. Dept., USDA-APHIS, USDA-Forest Service, US Fish and Wild Service, Bureau of Land Management, US Army Corps of Engineers, Three Affiliated Tribes, McKenzie County Grazing Association, along with county weed boards from Williams, Mountrail, Ward, Dunn, Slope, Golden Valley, Billings Bowman, Morton, Burleigh and McKenzie Counties. In all, nearly $120,000 was spent surveying and controlling Saltcedar on approximately 250 miles of shoreline in 2001 and 2002.

Experience with Spotted Knapweed in North Dakota demonstrates that an extensive system of public information/education combined with an aggressive control campaign can yield results.

Spotted Knapweed was first reported in North Dakota in the mid 1980's. While Montana reports over 4.5 million acres of Spotted Knapweed, North Dakota's aggressive program has limited the acreage to less than 2,000 acres statewide.

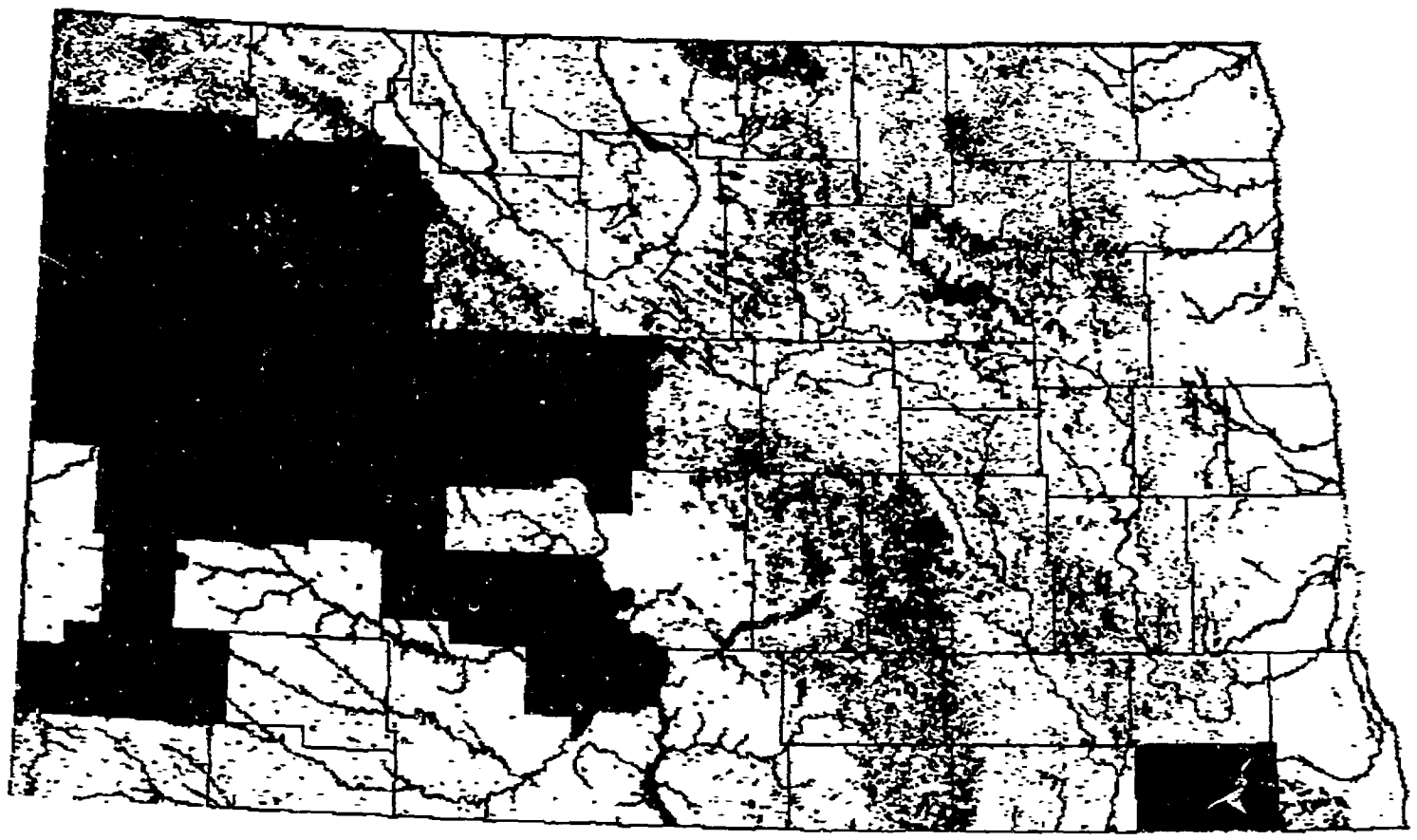
It is the desire of the county weed boards, the Department of Agriculture and other state and federal agencies to use a similar education program combined with an extensive survey and control program against Saltcedar. The problem is still at the stage where an aggressive program can hold the population in check and minimize the negative effects. If allowed to grow for even a year uncontrolled, it may attain a population which will be too extensive to be effectively and economically control.

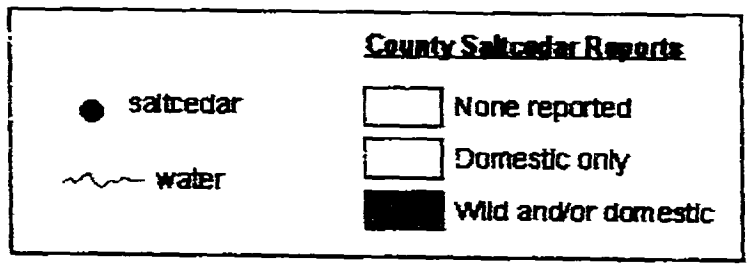
North Dakota has the advantage of learning from the experiences of other states such as Wyoming, Montana, New Mexico, Texas and Arizona in dealing with Saltcedar. By allocating $250,000 for Saltcedar survey, control and public awareness now, North Dakota can work to prevent the situations other states have experienced. Texas Extension staff calculates that to effectively control Saltcedar on only the Pecos and Colorado rivers, and not on any tributaries, along their full length would cost 8 billion dollars. North Dakota has an opportunity to avoid a similar environmental disaster.

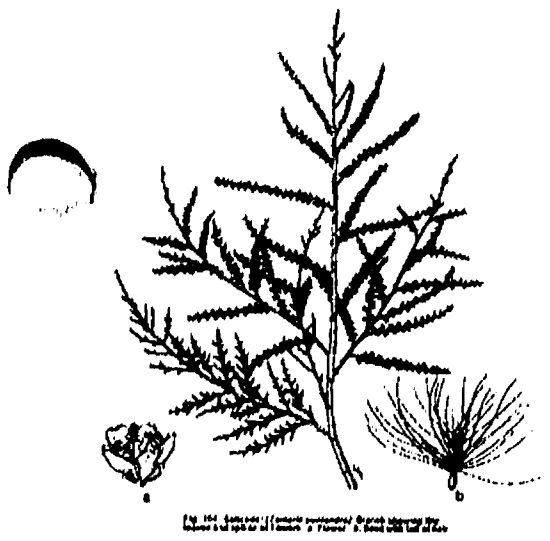
Chairman Flakoll and committee members, I would urge you to pass SB 2319.

I would be happy to answer any questions you might have.

Saltcedar in North Dakota







Mountrail County Weed Control
Jim Hennessy, Weed Officer
P.O. Box 40
Stanley, N.D. 58784
(701)628-2835

Testimony of Jim Hennessy - Weed Officer
Mountrail County Weed Control
Senate Bill 2319
Feb 6th, 2003 - 9:45AM
Senate Committee Hearing

Mr Chairman and members of the committee, My name is Jim Hennessy. I am the Weed Control Officer for Mountrail County Weed Control. I am here to testify in support of ***SB 2319***

New and Invasive Species of Weeds are a threat to all citizens of North Dakota, where they may cause disasters that affect the well being of Agricultural Communities as well as the recreational areas of the state. This past year ***Salt Cedar or Tamarix*** *was located in several counties throughout the state. In Mountrail County we were fortunate to be able to locate, flag & GPS and spray some 4500-5000 plants. Fortunately these plants were of the 1-3 yrs of age and were sprayed with Arsenal for $90/ acre. Mountrail County is also home to the fishing capital of N.D., Van Hook Arm area which was heavily infested. As you will notice in the attached map the number of GPS locations was well over 100 , with locations having from 1-500 plants per site.*

Under my present county budget I was unable to stay with in the budget restraints while controlling this outbreak. County Commissioners were informed and agreed upon controlling the spread. Other neighboring counties were unable to support the cost for scouting and control of this invasion of Salt cedar, so nothing was done.

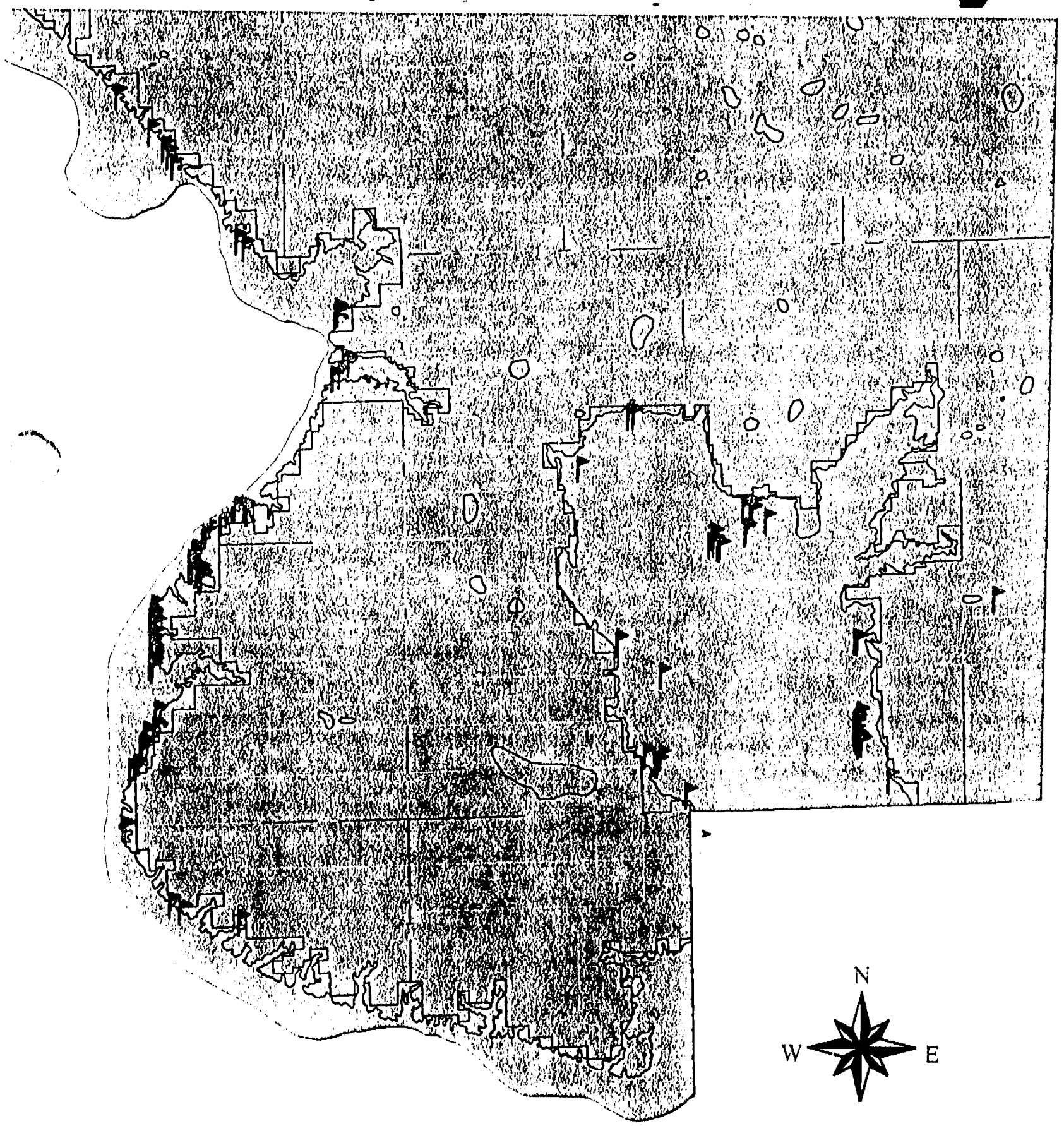
In other states that didn't combat the problem prior to plants getting 10-20 ft tall, county budgets went through the roof spending $750,000 the first 3 years and $50,000 dollars each year there after (Attached Article). Now is the time for a joint effort in the State to combat the problem and take care of it before it reaches these proportions. In our county we were able to keep a bare bones budget, due to donated help, equipment and timing from other agencies such as the Army Core, USDA APHIS, N.D. Dept of Ag, U S Fish & Wildlife, Three Affiliated Tribes, BIA, NDSU Extension Service, landowners and other neighboring weed control boards.

As weed officer in our county, I feel the need to combat this problem quickly and aggressively to minimize cost of control from reach levels in other state. As Mountrail County Weed Officer I strongly urge you to support ***SB 2319*** *to help stop the spread of* ***Salt Cedar*** *in N.D.*

Thanks for your time and consideration!

Jim Hennessy

Saltcedar
Mountrail County



Montana State University Communications Services

Water-Hungry Saltcedar: One of the "10 Worst" in the U.S.

By Roger Sheley and Kim Goodwin

BOZEMAN -- Saltcedar, which occurs in 16 Montana counties, has been designated one of the 10 worst noxious weeds in the United States by numerous weed scientists and conservation organizations.

Big Horn, Carbon, Choteau, Custer, Dawson, Garfield, Lake, Mccone, Missoula, Musselshell, Powder River, Prairie, Rosebud, Sweet Grass, Treasure and Yellowstone counties have saltcedar invading along river systems.

Saltcedar is also known as tamarisk. It was introduced to North America from the Middle East in the 1800s, and by1850 had escaped from cultivation and launched its invasion of U.S. river systems. Today, saltcedar occurs throughout the United States and has been recorded from 16 Montana counties.

Saltcedar is a large shrub or small tree. Because it grows so aggressively, it was originally planted for erosion control and windbreaks as well as for ornamental purposes. But this water-hungry weed uses far more water than the displaced native vegetation.

Dense stands of saltcedar have the potential to use over 9 acre-feet of water for every acre of infestation per year. An acre-foot of water is about 326,000 gallons. With this level of water uptake, water flow is greatly reduced or, in some cases, eliminated. In heavily infested areas, saltcedar creates flooding hazards by congesting river channels.

Saltcedar has slender branches covered with small scale-like leaves, producing small white or pink flowers throughout the spring and summer.

Saltcedar Control

ICWD Home Page

About ICWD
Water Resources Policy
Owens Valley Conditions
Research
Committees
Staff Directory

Lower Owens River Project
Owens Lake
Owens Valley Revegetation
Saltcedar Control
Annual Reports

Related Web Sites
Site Index
Search Our Site
Your Comments
Staff Directory

McNally Canal Dispute

- Map of Tamarix Concentrations
- Saltcedar Control Photo Essay

Inyo County Saltcedar Control Program

Brian Cashore, Program Manager
Rick Puskar, Assistant Manager
Seasonal Crew – Six employees
from October to March

Saltcedar (*Tamarix ramosissima*) is a non-native invasive shrub that is established in the Owens Valley. Why do these shrubby plants need to be controlled? Though intentionally introduced from Europe and Asia into the U.S. in the late 1800's, saltcedar has been expanding its range in the Owens Valley since the late 1960's. In the valley, as elsewhere in the western U.S., this species does not thrive without human assistance. It benefits from disturbance in the form of dams, diversions, floods, fires, and water table fluctuations which stress native species and provide conditions that favor saltcedar.

Once established, saltcedar can out-compete,stressed native plants and cover large areas of formerly native habitat. Though plants have pioneered new areas for eons, the pace of human assisted migrations can surpass the abilities of native plants, animals and insects to adapt or coexist competitively. The result is a less productive and less diverse environment. In riparian areas in the Southwest where this has occurred, entire ecosystems have been displaced or eliminated, flood and fire frequencies have risen, and species biodiversity has declined. To stem this spread, our goal is to gradually restore disturbed, weedy areas to a more stable natural state.

In 1997, the ICWD initiated a saltcedar control program. The program was made possible by funding provided by LADWP under the long-term water agreement. This funding provides $750,000 over the first three years of the program and $50,000 per year thereafter for maintenance.

PROGRAM AREA

The Saltcedar Program is responsible for controlling all saltcedar on LADWP lands within the Owens Valley. There are approximately 20,000 acres of saltcedar in the valley. The current level of funding available to the program does not allow for saltcedar control everywhere it occurs on Owens Valley LADWP land. Therefore, priority areas for saltcedar control in the Owens Valley include:

- The lower Owens River channel,
- Outlying springs and seeps,

W-1223

Figure 1. Saltcedar.

Saltcedar

(Tamarix spp.)

Identification and Control

STOP THE SPREAD

Rodney G. Lym
NDSU Department of Plant Sciences

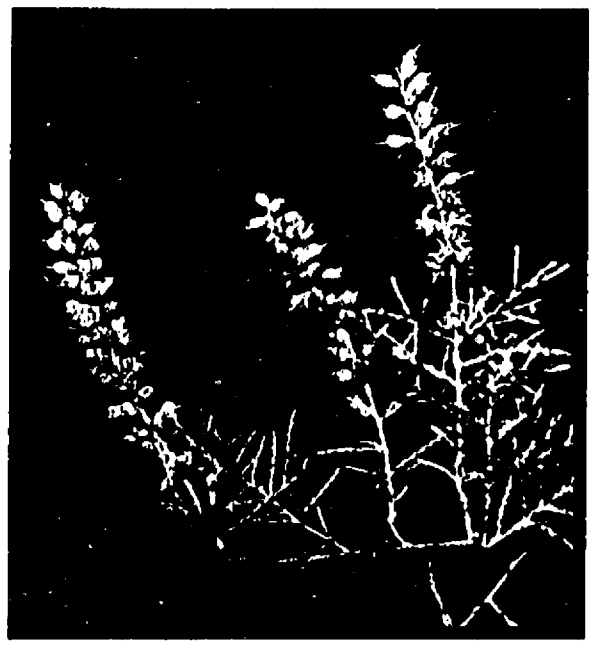


Figure 2. Saltcedar leaves and flowers.

Saltcedar is the common name for several introduced species of shrubs or small trees including *Tamarix chinensis, T. parviflora,* and *T. ramosissima.* Saltcedar invades riparian habitats and displaces native flora and fauna. Saltcedar was first introduced in the U.S. to reclaim eroded areas and prevent further loss of stream banks, primarily in the southwest. Saltcedar is still sold in the horticultural industry, primarily for its wide adaptability and pink flowers.

How do I identify this plant? Saltcedar, or tamarisk, is a shrubby bush or tree that can range in size from 5 to 20 feet tall (Figure 1). The bark is a reddish brown, especially on younger branches. The leaves are small and flat and resemble evergreen shrubs such as arborvitae (Figure 2). Flowers are pink to white in color, five-petaled, and appear from mid to late summer. The seed are extremely tiny and similar in size and color to pepper. Each seed has a pappus which allows it to float long distances in water or move in the wind. Seeds are short-lived and usually germinate within a few months after dispersal.

What is saltcedar's growth cycle? Once saltcedar seed germinates it can grow rapidly to a small flowering shrub in one to two years. The plant is very hardy and horticultural varieties are advertised to grow "in sun or shade, and in wet or dry areas" from USDA hardiness zones 2 to 7. The plant quickly establishes a long, woody, taproot (Figure 3) to support a voracious thirst for water. The root system is capable of producing many new shoots if the top growth is removed by mechanical control methods or fire.

Why is this plant a concern? Saltcedar can quickly become a monoculture along lakes and waterways. A single plant has been reported to transpire over 200 gallons of water per day. In the early morning and evening moisture with high salt content is exuded from the foliage, causing the soil to become saline. Saltcedar can choke waterways and has even

NDSU EXTENSION SERVICE
North Dakota State University
Fargo, North Dakota 58105
FEBRUARY 2002

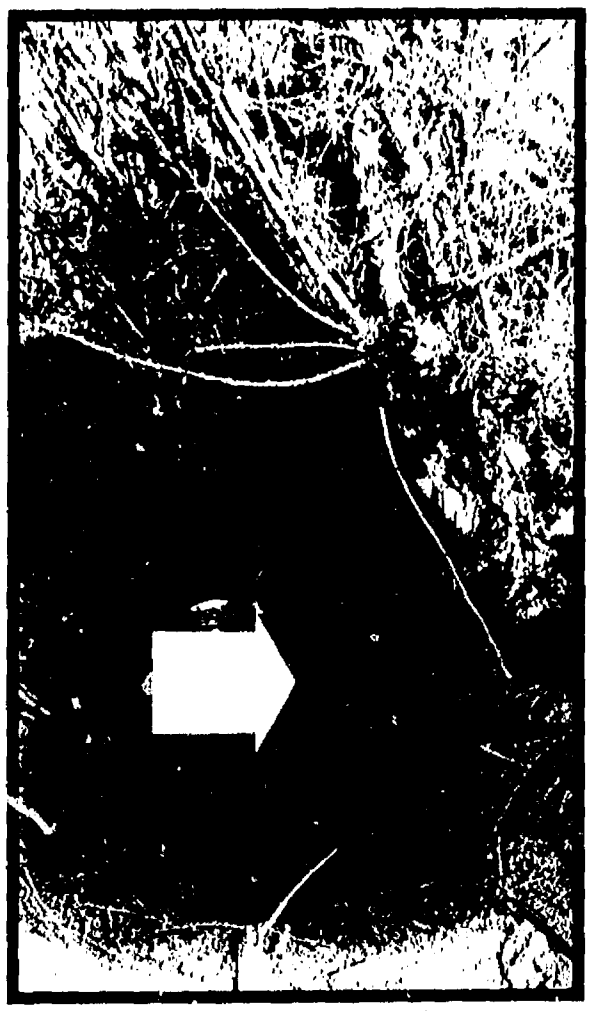


Figure 3. Long, woody, taproot of saltcedar. (Dean Cline, N.D. Dept. of Ag.)

Figure 4. Saltcedar displaces native plants and wildlife. (Keith Duncan, New Mexico State Univ.)

dried up entire lakes (Figure 4). Native riparian species are quickly displaced by saltcedar, which in turn causes displacement of native birds and animals that generally do not feed on the leaves or eat the saltcedar seeds. Saltcedar, even in the seedling stage, will tolerate short-term flooding and can establish away from waterways when seeds are washed in during flooding. Once established the plants can become so thick cattle will not graze the area.

Where in the state is this plant found? Saltcedar has been sold in North Dakota for many years as various tamarisk species, also called tamrix. To date, no known homeowner plantings have escaped to waterways in the state. However, a vigorous wild type of saltcedar is spreading into western North Dakota along the Yellowstone River from Montana in McKenzie County. These plants have been found along the river and several hundred yards away from the river, likely established during spring flooding. Saltcedar has also been collected in Benson County in 1968 and in Belfield in Billings County in 1970. Both sources were likely from ornamental plantings. Saltcedar is also likely to occur in Slope and Bowman Counties in the southwestern corner of North Dakota.

How do I control this plant? Prevention is the best method to keep saltcedar from invading North Dakota wetlands and wildlands. Arsenal is the most widely used herbicide to control saltcedar and should be applied alone at a 1% solution to the foliage or at 12 ounces per gallon of water as a cut-stump treatment. Arsenal can also be applied with a glyphosate formulation labeled for use in water such as Rodeo or Glypro. Consult the label for recommended use rates and locations. Cultural control methods such as burning or bulldozing have not been successful. Biological control is in the beginning research stage and is not recommended in North Dakota because of the limited saltcedar acreage.

If you find this weed, report it to your local weed officer.

HELP STOP THE SPREAD

For more information on this and other topics, see: www.ag.ndsu.nodak.edu

W-1223

NDSU Extension Service, North Dakota State University of Agriculture and Applied Science, and U.S. Department of Agriculture cooperating. Sharon D. Anderson, Director, Fargo, North Dakota. Distributed in furtherance of the Acts of Congress of May 8 and June 30, 1914. We offer our programs and facilities to all persons regardless of race, color, national origin, religion, sex, disability, age, Vietnam era veterans status, or sexual orientation; and are an equal opportunity employer. 3M-02-02

This publication will be made available in alternative format upon request to people with disabilities (701) 231-7881.

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
GARRISON PROJECT OFFICE
RIVERDALE, NORTH DAKOTA 58565-0527

REPLY TO
ATTENTION OF

U.S. ARMY CORPS OF ENGINEERS
LEGISLATIVE TESTIMONY

Testimony of Joseph E. Hall, Lake Manager
Lake Sakakawea, Garrison Project
U.S. Army Corps of Engineers
Senate Bill 2319
February 6, 2003
9:45 a.m.
Senate Agriculture Committee
Roosevelt Park Room

Chairman Flakoll and members of the Agriculture Committee, my name is Joseph Hall. I am the Lake Manager for Lake Sakakawea , Garrison Project. I am here to testify in support of Senate Bill 2319.

Saltcedar was first discovered in North Dakota in 2001 along the Yellowstone River in McKenzie County. Limited surveys were completed in 2001. Initially, we thought that Saltcedar had not spread far into the state. But last summer, Saltcedar infestations were discovered in all of the counties bordering Lake Sakakawea.

These include McLean, Mercer, Dunn, McKenzie, Williams and Mountrail counties. Along with the large population of Saltcedar plants on Lake Sakakwea, other populations have been found throughout the state. In 2002 federal, tribal, state and local agencies worked together to survey and eradicate Saltcedar infestations along the shores of Lake Sakakawea. More than $100,000 was spent by these agencies to survey and control Saltcedar on approximately 250 miles of shoreline.

To date, the efforts and cooperation of all of our partners have been outstanding. But with more than 1,300 miles of shoreline along Lake Sakakawea, there are many miles of shoreline that need to surveyed. In addition, many thousands of Saltcedar plants need

to be controlled.

An action team involving all concerned partners throughout the region has been formed to address the Saltcedar problem at Lake Sakakawea and surrounding areas. This team realizes that the Saltcedar population on Lake Sakakawea is not just a Corps of Engineers problem, but a concern of the entire state of North Dakota.

A cooperative effort is needed to address and control this highly invasive noxious weed.

The current population of Saltcedar on Lake Sakakawea is at a controllable level. However if Saltcedar is allowed to grow and expand for even a year uncontrolled, the results could be disastrous. Many miles of critical Threatened and Endangered species habitat for the Interior Least Tern and Piping Plover would be lost. Without immediate action, the current infestation of Saltcedar could expand throughout the state, reaching a level far too extensive to be effectively and economically controlled.

The U.S. Army Corps of Engineers takes this threat seriously and has allocated additional funding to assist with the education, survey, and control of Saltcedar. The Bad News: our funding is limited and the infestation has spread beyond our district boundary and area of authority. As stated earlier, Saltcedar is a concern of the entire State of North Dakota.

By allocating funds for survey, control, and public awareness of this invasive species, North Dakota can work cooperatively to prevent this problem from expanding.

Chairman Flakoll and committee members, I would urge you to pass SB 2319.

I would be happy to answer any questions you might have.

"VARIETY IN HUNTING AND FISHING"

100 NORTH BISMARCK EXPRESSWAY BISMARCK, NORTH DAKOTA 58501-5095 PHONE 701-328-6300 FAX 701-328-6352

Greg Link

TESTIMONY RELATED TO SB 2319:

PESTICIDE REGISTRATION FEES AND APPROPRIATION FOR SALTCEDAR ERADICATION

Senate Natural Resource Committee

February 6, 2003

Saltcedar is an aggressive invasive, exotic woody plant, which invades riparian habitat such as floodplains, streambanks, backwater channels, wetlands, springs and lake margins. Where saltcedar has been allowed to proliferate unchecked, it has:

- crowded out native riparian and wetland vegetation,
- increased the salinity of surface soil surrounding saltcedar stands, rendering the areas inhospitable to native plants, and
- contributed to the draw down of the local surface and ground water.

These changes, over time, eventually affect the animal life associated with these areas, as well, by:

- changing natural vegetation used for nesting, forage, or concealment
- reducing natural browse
- reducing available surface water

Infestations of saltcedar were first noted in North Dakota in 2001 along the Yellowstone River and Missouri River confluence and upper Lake Sakakawea. Having witnessed the deleterious affects saltcedar has had on natural resources in other states, the North Dakota Game and Fish Department was quick to contribute its resources of dollars, manpower, and equipment into a multi-agency task force to survey, inventory, and treat saltcedar

infestations in 2002. As a result of this survey work, it was determined the infestations and threats were more wide spread than earlier expected. Saltcedar had found and taken its hold along the entire reach of Lake Sakakawea. This was particularly disconcerting to the Department because the reservoir:

- provides a 181 mile long seed bank through very rugged and inaccessible terrain
- provides 1,500 miles of shoreline – moist and disturbed by fluctuating water levels
- Lies directly adjacent to approximately 121,500 acres of public land of which over 46,000 acres is managed by the Game and Fish Department as Wildlife Management Areas.

Although this is alarming, noxious weed infestations are like wild fires. The quicker the response is, the greater the chance for success to control the spreading threat and minimizing the loss of valuable property. After the 2002 survey, the alarm has been sounded and now time is of the essence. The saltcedar problem must be dealt with in a quick, methodical, and integrated team approach. With the biennial appropriation provided in this bill, the public awareness, monitoring, and treatment necessary to address the saltcedar challenge can be accomplished.

Therefore, Chairman Flakoll and Committee Members, as a concerned natural resource management agency and a land manager, itself, the North Dakota Game and Fish Department supports and recommends a **DO PASS** on SB2319.

NORTH DAKOTA WEED CONTROL ASSOCIATION
724 5TH STREET
LANGDON, ND 58249

TESTIMONY ON SB 2319
THURSDAY, FEBRUARY 6, 2003
BY MERLIN LEITHOLD
LOBBYIST # 384

Good Morning Mr. Chairman, members of the Senate Agriculture Committee.
My name is Merlin Leithold; I am a director with the ND Weed Control Association. I am also the weed officer in Grant County.
SB 2319, which is before you this morning, is a result from a letter sent to Ag. Commissioner Roger Johnson, by the board of the Weed Assoc. I have enclosed a copy of that letter for you to read at your convenience

You might ask, what is a noxious weed?

Weeds are plants that interfere with the management objections of a given area of land. Noxious weeds are those weeds that society has declared as our legal responsibility to manage because of their negativity in parts. Noxious weeds out compete most native plants for soil nutrients and water. In most cases, noxious weeds came to the U.S. from foreign countries, many as ornamental plants.

Saltcedar is one such plant, an ornamental gone wild. Saltcedar invades wetlands and areas along streams, creeks, and ponds. Saltcedar uses large quantities of water and traps more sediments than native species. Saltcedar lowers underground water tables, and in some cases, even eliminates surface water and native vegetation. Saltcedar, left uncontrolled, can even change the shape, habitat, carrying capacity and flooding cycles along waterways.

In 2001, 1736 acres were reported in ND. The Ag Dept. probably can give you 2002 figures. Those will not be accurate. As education reaches the general public, more areas will be found. As a weed officer in another state indicated, Saltcedar is far worse than leafy spurge will ever be.

I have also handed out an NDSU Ext. bulletin on Saltcedar, for you to review at your convenience

SB 2319 adds $50. to the registration fees in EARP. Those fees sunsetted this biennium. Those fees would generate enough money to provide the appropriation to fund Saltcedar, as provided in this bill.

Without the additional monies, most weed boards could not afford to maintain their present cost sharing to landowners and fight Saltcedar at the same time.

I urge you to consider a do pass on this bill, and help us fight a very serious new invader.

Thank-you.

NORTH DAKOTA WEED CONTROL ASSOCIATION
724 5th Street
Langdon, ND 58249

[illegible] Nelson
NDWCA President
638 Cooper Ave.
Grafton, ND 58237
701-352-2311
bnelson@state.nd.us

Wayne Carter
NDWCA 1st Vice-President
2916 37 St. NW
Mandan, ND 58554
701-667-3389
mewc39@hotmail.com

Terry Volk
NDWCA 2nd Vice-President
314 W 5 St.
Bottineau, ND 58318
701-228-2555
tvolk@pioneer.state.nd.us

Randy Mehlhoff
Executive Secretary
724 5 St.
Langdon, ND 58249
701-256-5491 / 701-570-3545 (cell)
rmehlhof@ndsuext.nodak.edu

January 16, 2003

Commissioner Roger Johnson
ND Department of Agriculture
600 East Boulevard Ave., Dept. 602
Bismarck, ND 58501

Dear Commissioner Johnson:

As you well know, Saltcedar (*Tamarax* spp.) is a ferocious weed. Saltcedar can negatively impact tourism, recreation, agriculture, threatened and endangered species, water and soil quality, and natural ecosystems. The water use potential of this plant is astounding, 150 to 200 gallons of water per plant per day and estimates from a similar climate, northeast Wyoming, of 8 million gallons of water used per year for each acre of infested land. This equates to 24.5 acre-feet per year plus the salinization of the surrounding soil. A single plant can produce ½ to ¾ million seeds in one season. It is estimated that to control saltcedar along two rivers, not including tributaries, in Texas and New Mexico, would cost approximately $8 billion.

The ND Department of Agriculture and personnel from the ND Game & Fish Department first detected Saltcedar in North Dakota in 2001, along the Yellowstone River. Initially it was thought that Saltcedar hadn't spread too far into the state. In 2002, wild infestations of Saltcedar were located along the Little Missouri River, all around Lake Sakakawea, in a wetland north of Mandan, and in Sargent County. In 2002 many federal, state, and local agencies worked to survey and eradicate Saltcedar infestations in various locations. Agencies that participated included: ND Dept. of Agriculture, ND Game & Fish Dept., ND State Land Dept., ND State Water Commission, ND Parks & Rec. Dept., USDA-APHIS, USDA-Forest Service, US Fish and Wild Service, Bureau of Land Management, US Army Corps of Engineers, Three Affiliated Tribes, McKenzie County Grazing Association, along with County weed boards from Williams, Mountrail, Ward, Dunn, Slope, Golden Valley, Billings, Bowman, Morton, Burleigh and McKenzie Counties. In all, nearly $120,000 was spent surveying and controlling Saltcedar on approximately 250 miles of shoreline in 2001 and 2002.

With the early detection and rapid response to control this weed, we have the opportunity to drastically slow the spread and negative impact that Saltcedar will have in North Dakota. The lesson we learned from spotted knapweed can be applied here. When spotted knapweed was found early, the weed managers in the state realized how important it was to stop the spread as soon as possible. As of the 2001 field season, it is estimated that ND only has 1,736 acres infested with spotted knapweed compared to millions of acres in Montana.

It is estimated that Saltcedar will double in acreage every 3 – 5 years. With the correct tools and early action, we can be successful in stopping the spread of this noxious weed. The major obstacle for completing a statewide survey and eradication program is the availability of funding. The ND Department of Agriculture coordinated an interagency program to work in a coordinated effort to begin this task. Many federal, state, and local agencies have joined forces and funding to help in this effort. The North Dakota Weed Control Association (NDWCA) is asking for your support of a bill for additional funding of $250,000 to help stop the spread of Saltcedar. These funds should be allocated through the North Dakota Department of Agriculture Noxious Weed budget for the 2003 - 2005 biennium. If the funds can be secured, the NDWCA will work with the Department of Agriculture to develop a method for distributing the funds emphasizing the need for mapping, treatment, and education.

If you have any questions, please contact me at (701) 352-2311.

Sincerely,

Brent A. Nelson

Brent A. Nelson
President NDWCA

TESTIMONY

BY
CALVIN N. ROLFSON
ON BEHALF OF
CROPLIFE AMERICA
REGARDING
SENATE BILL NO. 2319

My name is Cal Rolfson. I am an attorney here is Bismarck. I am also the legislative counsel for CropLife America and I appear here on their behalf. We are neither for nor against this Bill and wish to merely provide some explanatory concerns about this Bill.

Senate Bill 2319 essentially removes the sunset on fee increases of $300 and makes it permeant. It then takes $250,000 of this amount and appropriates it to the Department of Agriculture to eradicate saltcedar.

CropLife America is the national trade association representing the manufacturers, formulators and distributors of virtually all of the crop protection and crop biotechnology products used in agriculture in North America. These manufacturers also are the same companies that register crop protection products in the state, referenced by Senate Bill 2319.

While the industry applauds the State of North Dakota and the Department of

Agriculture in utilizing fees to insure a strong enforcement of the pesticide law, a clean environment and the safety of farmers and their families, we have serious concerns with how Senate Bill 2319 would direct the use of some of the fees.

The $300 increase in pesticide registration fees (from the original $50 per product) was enacted two sessions ago and the law specifically placed a sunset clause as of June of this year. The Bill would make this increase permeant, and we would have serious concerns with that. For example, what would the money go toward after the completion of the saltcedar program. Where is the accountability for the use of the money for the saltcedar program? Why does our entire industry have to pay so much to the Department of Agriculture for the control of <u>one weed</u>?

We would like to work with the sponsors to amend the Bill to add a sunset date for any increase over and above the $50 ordinarily required for the Department to enforce the entire pesticide law.

Our other concern is that a large amount of money, paid for by our companies and others, are going towards a very specific type of weed control. Much of the pesticide registration fees are paid by manufacturers who make households, structural or backyard products. Why should those companies making back yard products for households have to pay for weed eradication on farmlands? For that matter, why should so many crop protection fees be used for

the saltcedar program? Once again, we are neither for nor against this Bill. It has laudable purposes. Our concerns are merely for the making of this "temporary" $250 fee increase permeant and the fact that the fees for a single weed eradication program are coming principally from household pesticide fees.

I sincerely appreciate the opportunity to testify before this committee.

Calvin N. Rolfson
Legislative Counsel
CropLife America
(Lobbyist No. 144)

Roger Johnson
Agriculture Commissioner
www.agdepartment.com

Department of Agriculture

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
North Dakota Department of Agriculture
Senate Bill 2319
March 13, 2003
11:15 a.m.
House Agriculture Committee
Peace Garden Room

Chairman Nicholas and members of the Appropriation Committee, my name is Jeff Olson. I am a Program Manager in the Department of Agriculture. I am here to testify in support of Senate Bill 2319.

Saltcedar was first discovered growing in the wild in North Dakota in 2001 along the Yellowstone River in McKenzie County. Since that time, other populations have been found in all of the counties bordering Lake Sakakawea, as well as in Slope, Billings, Morton, Ransom, and Sargent Counties. Horticultural plantings have also been reported in a number of counties (Figure 1). A survey for Saltcedar was initiated in 2001, but limited funding and staff allowed for only small amounts of area to be completed. Initially it was thought that Saltcedar hadn't spread far into the state. In 2002 federal, state, and local agencies worked to survey and eradicate Saltcedar infestations in various locations. Agencies that participated included: ND Dept. of Agriculture, ND Game & Fish Dept., ND State Land Dept., ND State Water Commission, ND Parks & Rec.

Dept., USDA-APHIS, USDA-Forest Service, US Fish and Wild Service, Bureau of Land Management, US Army Corps of Engineers, Three Affiliated Tribes, McKenzie County Grazing Association, along with county weed boards from Williams, Mountrail, Ward, Dunn, Slope, Golden Valley, Billings Bowman, Morton, Burleigh and McKenzie Counties. In all, nearly $120,000 was spent surveying and controlling Saltcedar on approximately 250 miles of shoreline in 2001 and 2002.

It is the desire of the county weed boards, the Department of Agriculture and other state and federal agencies to use an educational program combined with an extensive survey and control program against Saltcedar. Since the discovery of Saltcedar, the Department has worked very closely with federal agencies to acquire additional funds to fight this infestation. For example, the US Forest Service has stated they are willing to allocate about $125,000 to cost-share with state and local funds and the Corps of Engineers was able to increase their weed control budget from $25,000 this fiscal year to about $170,000 next fiscal year to help in controlling Saltcedar.

The problem is still at the stage where an aggressive program can hold the population in check and minimize the negative effects. If allowed to grow for even a year uncontrolled, it may attain a population which will be too extensive to be effectively and economically controlled.

North Dakota has the advantage of learning from the experiences of other states such as Wyoming, Montana, New Mexico, Texas and Arizona in dealing with Saltcedar. By allocating $250,000 for Saltcedar survey, control and public awareness now, North Dakota can work to prevent the situations other states have experienced. Texas Extension staff calculated that to effectively

control Saltcedar on only the Pecos and Colorado Rivers, and not on any tributaries, along their full length, would cost 8 billion dollars. North Dakota has an opportunity to avoid a similar environmental disaster.

Chairman Nicholas and committee members, I would urge you to pass SB 2319 as amended.

I would be happy to answer any questions you might have.

Exhibit 2

NORTH DAKOTA WEED CONTROL ASSOCIATION

724 5TH STREET
LANGDON, ND 58249

TESTIMONY ON SB 2319
FRIDAY, FEBRUARY 14, 2003
BY MERLIN LEITHOLD

LOBBYIST # 384

Good Morning, Mr. Chairman, members of the Senate Appropriations Committee. My name is Merlin Leithold. I am a director with the ND Weed Control Association.

I am also the weed officer in Grant County.

You might ask, what is Saltcedar? Saltcedar is basically an ornamental gone wild. Saltcedar invades wetlands and areas along streams, creeks, and ponds. Saltcedar uses large quantities of water and traps more sediments than native species. Saltcedar lowers underground water tables, and in some cases, even eliminates surface water and native vegetation.

In 2001, 1736 acres were reported in North Dakota. With arsenal being the chemical of choice, at $90 per acre, we have a chemical cost of $156,240. The 2002 acres, once all reported, will definitely be higher than those in 2001.

A weed officer, in another state indicated, Saltcedar is far worse than leafy spurge.

Some counties, in states where Saltcedar is out of control, have spent $250,000 in just one season, for controlling Saltcedar.

Without the additional monies, most weed boards, in our state, could not afford to maintain their present cost sharing to landowners and fight Saltcedar at the same time.

I urge you to pass SB 2319, and help us fight a serious new invader.

Thank-you

North Dakota Weed Control Association

NORTH DAKOTA WEED CONTROL ASSOCIATION
724 5th Street
Langdon, ND 58249

L. Nelson
NDWCA President
638 Cooper Ave.
Grafton, ND 58237
701-352-2311
lnelson@state.nd.us

Wayne Carter
NDWCA 1st Vice-President
2916 37 St. NW
Mandan, ND 58554
701-667-3389
mcwc39@hotmail.com

Terry Volk
NDWCA 2nd Vice-President
314 W 5 St.
Bottineau, ND 58318
701-228-2555
tvolk@pioneer.state.nd.us

Randy Mehlhoff
Executive Secretary
724 5 St.
Langdon, ND 58249
701-256-5491 / 701-570-3545 (cell)
rmehlhof@ndsuext.nodak.edu

TESTIMONY ON SB 2319
THURSDAY, MARCH 13, 2003
LOBBYIST # 384

Good Morning Mr. Chairman, members of the Senate Agriculture Committee.
My name is Merlin Leithold; I am the south-central area director with the ND Weed Control Association. I am also the weed officer in Grant County.
SB 2319, which is before you this morning, is a result from a letter sent to Ag. Commissioner Roger Johnson, by the board of the Weed Assoc. I have enclosed a copy of that letter for you to read at your convenience

You might ask, what is a noxious weed?

Weeds are plants that interfere with the management objections of a given area of land. Noxious weeds are those weeds that society has declared as our legal responsibility to manage because of their negativity in parts. Noxious weeds out compete most native plants for soil nutrients and water. In most cases, noxious weeds came to the U.S. from foreign countries, many as ornamental plants.

Saltcedar is one such plant, an ornamental gone wild. Saltcedar invades wetlands and areas along streams, creeks, and ponds. Saltcedar uses large quantities of water and traps more sediments than native species. Saltcedar lowers underground water tables, and in some cases, even eliminates surface water and native vegetation. Saltcedar, left uncontrolled, can even change the shape, habitat, carrying capacity and flooding cycles along waterways.

In 2001, 1736 acres were reported in ND. In 2002, the AG Dept estimates the acres to be more than 6000. Most of these acres are on public lands. As education reaches the general public, more areas will be found. As a weed officer in another state indicated, Saltcedar is far worse than leafy spurge will ever be.

I have also handed out an NDSU Ext. bulletin on Saltcedar, for you to review at your convenience

SB 2319 asks for $250,000, from the EARP fund, for Saltcedar. Without the additional monies, most weed boards could not afford to maintain their present cost sharing to landowners and fight Saltcedar at the same time.

I urge you to consider a do pass on this bill, and help us fight a very serious new invader.

Thank-you.