

2009 HOUSE AGRICULTURE

HB 1149

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1149

House Agriculture Committee

☐ Check here for Conference Committee

Hearing Date: January 22, 2009

Recorder Job Number: 7537

Committee Clerk Signature



Minutes:

Kent Junkert, Plant Industries Program Manager, ND Ag Dept.: (supports HB 1149)

Dave Nelson, the current entomologist will retire in 2009, possibly the fall. When looking for a replacement, removing the requirement for a state entomologist provides greater flexibility to the commissioner to utilize various persons with expertise in various pest disciplines.

(Written testimony attached #1)

Foreign countries tell us that in order for you to export ND commodities to our country you must meet these requirements. We conduct many inspections. In order to do this, we need qualified individuals on our staff. To give you an idea of the scope of the work, from 2005-2008 we conducted 10,290 phytosanitary certificates. We impacted over 10,000 imports to foreign countries. Five commodities make up 71% of our phytosanitary work. We are exporting 8 commodities to 80 countries.

Representative Belter: What type of training are you looking for?

Kent Junkert: Training in plant regulatory experience with a multidiscipline background.

A combination of experience in entomology, plant pathology and some experience as a

nematologist. We're looking for a broader experience set because we're dealing with a variety

of pests. In the 80's the program dealt with mostly grasshoppers. Now there is a broader threat of pests coming to North Dakota.

Representative Belter: You're looking for an individual that is highly experienced? There isn't a specific degree?

Kent Junkert: Yes. We're also looking for a large amount of experience in survey work. They call it delimiting surveys. You find the source of the problem and then you work outwards to figure the scope of infestation and threats to other parts of the state.

Representative Mueller: Does this create for the dept. an FTE issue?

Kent Junkert: No. All this bill does is allow for the ability for the Ag. Commissioner to go out and find a qualified individual according to the job experience that we think would fit the program at the time. It doesn't eliminate the FTE. It just eliminates the description of the position in code and eliminates the specific entomology requirement for this position. Right now, I would have to hire a specific entomologist. To better serve North Dakota we need a broader experience set.

Representative Mueller: How many similar kinds of circumstances does the dept. have that might be better served by a broader title.

Kent Junkert: I think three sessions ago, the legislature eliminated the State Dairy Director. Right now the last one we have is the State Apiary Director which would be Judy Carlson.

Representative Holman: Do you already use people with a specific responsibility in a broader range?

Kent Junkert: Yes. Because we have a large amount of work. ND is turning into a global export state. Each country has specific import requirements.

Representative Froelich: Do you have a list of what goes to each county?

Kent Junkert: I will get that to you

Representative Holman: Does the state entomologist depend on the extension service?

Kent Junkert: Yes. We sign survey agreements with the research arm to help us go out and do some foot work. They employ NDSU students/grads to help with survey work.

Representative Schatz: When reading this bill, it doesn't look like there is any requirement for a degree. Could you hire someone without a degree?

Kent Junkert: We work under the State Personnel system, so I'll work with Human Resource Management services. They will classify this position and accurately describe it before I can release an ad.

Representative Schatz: If you can't find anyone, do you have to take someone without a degree.

Kent Junkert: I would expect the job description would require a degree and would probably have a preferred requirement for a graduate degree.

Representative Belter: I am uncomfortable removing the language that you must be from a credited college. Have you had any discussion as to leaving some of that language.

Kent Junkert: As a classified employee, we can put very specific requirements in the job description. We can set as to what is needed at the time.

Representative Belter: Is this now a classified position?

Kent Junkert: Yes

Vice Chairman Brandenburg: Why not hire another entomologist? I understand you need more flexibility. I'm trying to understand the people that set this up years ago probably had a good reason for it. Are we going forward or backward?

Kent Junkert: Back in the 60's this position used to be a research position. As it evolved, it turned into more of a survey, more of a regulatory position. I think we're going forward.

Opposition: None

Chairman Johnson: Closed the hearing.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1149

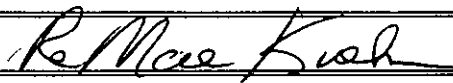
House Agriculture Committee

☐ Check here for Conference Committee

Hearing Date: January 30, 2009 (**Committee Work**)

Recorder Job Number: 8264

Committee Clerk Signature



Minutes:

Kent Junkert, Plant Industries Program Manager, ND Ag Dept.: Presented proposal for an amendment to meet concerns of committee. (**#1 attached**)

Representative Belter: "Other qualified employees" that's not acceptable to me.

Chairman Johnson: I felt that being a graduate in that area is addressing your concerns.

Representative Mueller: I'm not seeing a whole lot of difference between what Mr. Junkert is suggesting and the language of the law as it reads today.

Kent Junkert: As the bill is drafted right now, the individual must be a graduate in Ag Entomology specifically. We would like the opportunity to bring in an individual with the scientific background for the biggest issues that will come forward at the time.

Representative Rust: Are you going from one person in the current law which is "shall employ a qualified entomologist" to multiple people?

Kent Junkert: The suggested language you have in front of you would address all disciplines for all three FTEs that are currently in place. There is an Ag Entomologist and two Plant Pathologists in this area. This would provide qualification criteria for the future as we replace or if we replace those three people.

Representative Rust: If our current law says a qualified entomologist and we now have three people, how are the other two hired? Why hasn't it been a problem before?

Kent Junkert: The current law specified the State Agricultural Entomologist. One position. There's always been three positions in that area. This was law that was transferred over from when the position was given up from NDSU and provided to the department. For some reason they wrote in there that they wanted to have a recognized state entomologist—1 position. The law never specifically addressed the two other employees in that area. The suggested language now would make sure that we're going to hire people with the proper scientific credentials to do the job.

Representative Rust: I'm still wondering if we weren't concerned about it and now we are. How did we manage before?

Kent Junkert: We have three people in this division. One is the state agriculture entomologist who has an entomology degree. We have two plant pathologists. These are classified positions which are defined by human resource management from OMB. In order to obtain that classification, we write in minimum criteria. This is one of three remaining positions that are spelled out in Century Code what you must have to obtain the job. The State Veterinarian, the State Apiary Director, and the State Entomologist are the three defined in law.

Representative Rust: My problem is we've gone from one person to multiple people in the new law. I think you've grown the scope of the existing law.

Representative Belter: "Other related disciplines"? Maybe if we added "other related scientific disciplines." There should be no doubt that this person needs to be qualified in a scientific field relating to plant pathology.

Kent Junkert: We're trying to raise the comfort level that the positions in this department are going to be qualified individuals. As we look forward there might be other issues facing plant protection that require a different type of scientific background so we can react.

Representative Holman: If you go back to the first line of the bill, it has a singular note to hiring one person.

Representative Rust: The new language "qualified entomologists" is more than one.

Kent Junkert: I was just trying to encompass all the employees that work there in that division. I could try to bring back a recommendation that would make it singular. The FTEs that are associated with this department are authorized by the legislature. The reference in law describes anyone that works in that plant division should have this type of background and training.

Chairman Johnson: I think to get the questions answered, I'll appoint a subcommittee.

*Representative Uglem, Chair

*Representative Rust

*Representative Holman

Bring something back next week.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1149

House Agriculture Committee

☐ Check here for Conference Committee

Hearing Date: February 5, 2009 (**Committee Work**)

Recorder Job Number: 8811

Committee Clerk Signature

Minutes:

Kent Junkert: I know there's been discussion about how we hire the State Entomologist.

I have Dave Nelson here with me today to introduce him. He is our current Ag Entomologist.

We have an amendment drawn up for consideration. (**#1 attached**)

It describes the disciplines that we think we need in a position for plant protection. There were questions on our last suggested amendment about if we were dealing with multiple people or a single person. We are referencing a single person now that would have to hold a degree in entomology, plant pathology, or other agricultural or biological sciences and who has work experience in those fields. We're trying to capture the proper technical background and work experience to hold a position in this area.

Representative Belter: Before I can accept this amendment, I would have to strike "or other agricultural" and "who has experience."

Kent Junkert: The department would support that.

Representative Holman: I move to adopt the amendment and further amend.

Representative Belter: Seconded the motion

Representative Vig: How many recent graduates out of NDSU do you hire that may not have experience?

Dave Nelson, Current State Entomologist: We currently have three people on staff.

I have a Masters Degree in Entomology. The other two have Masters Degrees in Plant Pathology. The position in this bill is the leader of that group and that's why we talked about experience.

Chairman Johnson: With the amendment before us, we'll take a voice vote.

Voice vote on amendment passed.

Representative Belter: I would move that we strike "or other agricultural."

Representative Schatz: Seconded the motion.

Representative Mueller: Are we OK with "and who has experience working in those fields."

Representative Belter: I just wanted to do one change at a time.

Chairman Johnson: With the amended amendment before us all, we'll take a voice vote.

Voice vote on amended amendment passed.

Chairman Johnson: With the amended amendment before us---

Representative Belter: I would also move to put a period after "science" and strike "and who has experience working in those fields." This would leave it up to the commissioner if he wants to hire someone with experience or not.

Representative Holman: Seconded the motion to further amend the amendment.

Voice vote on amended amendment passed.

Representative Boe moved Do Pass on HB 1149 amended as amended.

Representative Rust seconded.

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

Representative Rust will carry the bill.

FISCAL NOTE
Requested by Legislative Council
02/10/2009

Amendment to: HB 1149

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

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

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

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

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

This bill as amended has no fiscal impact.

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

This bill has no fiscal impact.

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.*

This bill has no fiscal impact.

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.*

This bill has no fiscal impact.

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

This bill has no fiscal impact.

Name:	Jeff Weispfenning	Agency:	Agriculture
Phone Number:	328-4758	Date Prepared:	02/10/2009

FISCAL NOTE
Requested by Legislative Council
12/23/2008

Bill/Resolution No.: HB 1149

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

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

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

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

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

This bill has no fiscal impact.

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

This bill has no fiscal impact.

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.*

This bill has no fiscal impact.

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.*

This bill has no fiscal impact.

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

This bill has no fiscal impact.

Name:	Jeff Weispfenning	Agency:	Agriculture
Phone Number:	328-4758	Date Prepared:	12/30/2008

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1149

#1
Kent Inn Kent
1149
2/5/09

Page1, line 8, after "chapter." Insert "In doing so the commissioner shall employ a person who has either a college degree in entomology, plant pathology, or other agricultural or biological sciences, and who has experience working in those fields."

Renumber accordingly

Vorte

1149

Committee

Free

Attach #1

Proposed amendment

☐ Do Pass

☐ **Do Not Pass**

☐ Amended

Rep. Holman

Seconded By R.A. Rafter

Voiceless

(Yes)

No

Absent

Bill Carrier

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

Date: 2/5/09
Voice
Roll Call Vote #: 2

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1149

House Agriculture Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number proposed amendment

Attach #1

Action Taken ☐ Do Pass ☐ Do Not Pass ☐ Amended

Motion Made By Rep. Belter Seconded By Rep. Schatz

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

Voice
Vote
Passed

Total (Yes) _____ No _____

Absent _____

Bill Carrier _____

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

Strike "or other agricultural"

Date: 2/5/09
Voice
Roll Call Vote #: 3

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1149

House Agriculture Committee☐ Check here for Conference Committee

Legislative Council Amendment Number Proposed Amendment

Action Taken ☐ Do Pass ☐ Do Not Pass ☐ Amended

Motion Made By Rep. Belter Seconded By Rep. Holman

[illegible]

Total (Yes) _____ No _____

Absent _____

Bill Carrier

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

Strike

"and who has experience working in those fields"

YR
2/5/09

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1149

Page 1, line 8, remove the overstrike over "~~The commissioner shall employ~~"

Page 1, line 11, after "~~Bismarck~~" insert "an individual who has a baccalaureate degree in entomology, plant pathology, or biological sciences" and remove the overstrike over the overstruck period

Renumber accordingly

Date: 2/5/09Roll Call Vote #: 12009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1149House Agriculture

Committee

☐ Check here for Conference CommitteeLegislative Council Amendment Number 98212.0101

Action Taken



Do Pass



Do Not Pass



Amended

Motion Made By

Rep. Boe

Seconded By

Rep. Rust

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

Total (Yes) 12 No 0Absent 1Bill Carrier Rep. Rust

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

REPORT OF STANDING COMMITTEE

HB 1149: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1149 was placed on the Sixth order on the calendar.

Page 1, line 8, remove the overstrike over "~~The commissioner shall employ~~"

Page 1, line 11, after "~~Bismarck~~" insert "an individual who has a baccalaureate degree in entomology, plant pathology, or biological sciences" and remove the overstrike over the overstruck period

Renumber accordingly

2009 SENATE AGRICULTURE

HB 1149

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1149

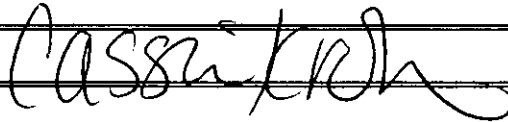
Senate Agriculture Committee

☐ Check here for Conference Committee

Hearing Date: March 5, 2009

Recorder Job Number: 10291

Committee Clerk Signature



Minutes:

Sen. Flakoll opened the hearing on HB 1149, a bill relating to the state agricultural entomologist. Members present (6) absent (1)- **Sen. Taylor**.

Ken Junkert, ND Department of Agriculture Plant Industries Program Manager, testified in favor of the bill. See attached testimony, attachment #1.

Sen. Klein- cant we do this in rule, someone is going to have to do the hiring here and wouldn't you be able to say that you are looking for someone with a certain degree, cant you do that within rule is that why we have to be here?

Ken Junkert- as the bill started out on the house side we sought that flexibility, the house agriculture had severe heartburn about the issue and actually provided the expansion and the degrees as specified in the bill as it stands. We asked to eliminate the state agriculture entomologist and just put in there that the commissioner has the ability to hire and adopt rules and the house ag committee had concerns about that, so we did seek that flexibility.

Sen. Heckaman- when I look at the fiscal note there is nothing on there, is there an expectation that there will be more funding needed for this staff position or not?

Ken Junkert- no. I just want to hand out a sheet of all the places that we import to by crop that might be of interest to you. See attachment #2.

No opposition to the bill.

Sen. Flakoll closed the hearing.

Sen. Miller motioned for a Do Pass and was seconded by **Sen. Heckaman**, Roll call vote 6
yea 0 nay 1 absent. **Sen. Heckaman** was designated to carry the bill to the floor.

Roll Call Vote #:

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1112

Senate Agriculture

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken

Motion Made By

Seconded By

[illegible]

Total (Yes) 6 No 0

Absent - Sen. Taylor

Floor Assignment Sen. Heckaman

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

REPORT OF STANDING COMMITTEE (410)
March 6, 2009 1:06 p.m.

Module No: SR-39-4219
Carrier: Heckaman
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1149, as engrossed: Agriculture Committee (Sen. Flakoll, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1149 was placed on the Fourteenth order on the calendar.

2009 TESTIMONY

HB 1149

Kenneth Junkert 1/22/09 HB 1149

Roger Johnson
Agriculture Commissioner
www.agdepartment.com



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

(#1)

600 E Boulevard Ave., Dept. 602
Bismarck, ND 58505-0020
Equal Opportunity in Employment and Services

**Testimony of Kenneth S. Junkert
North Dakota Department of Agriculture
House Bill 1149
House Agriculture Committee
Peace Garden Room
9:00 am, January 22, 2009**

Chairman Johnson and members of the House Agriculture Committee, I am Ken Junkert, the North Dakota Department of Agriculture Plant Industries Program manager. I am here today in support of HB 1149 which will amend North Dakota Century Code (NDCC) § 4-33-02 to remove the requirement that the agriculture commissioner employ a qualified entomologist to serve as state agricultural entomologist to carry out the survey, control and quarantine provisions of NDCC Chapter 4-33 which deals with plant pests.

The Plant Protection Division in the North Dakota Department of Agriculture seeks to safeguard agronomic field crops, horticultural crops and grasses used for livestock production from plant pests through survey, control, eradication and quarantine activities. The Plant Protection Division is also charged with providing export certification services that assist agricultural exporters to meet the plant pest quarantine requirements of foreign countries. Inspection of

agricultural commodities and plants for plant pests including insects, plant pathogens, and nematodes is necessary to fulfill this responsibility as is a survey program to demonstrate that North Dakota is free of pests considered to be quarantine pests by foreign governments.

Insects of relevance to our responsibilities include grasshoppers which periodically reach outbreak status where cooperative control programs are undertaken. Many exotic insects could threaten North Dakota with perhaps the most serious being Emerald ash borer which poses a huge threat to North Dakota ash trees. Finally, many of our agricultural products that are exported must be certified free of a wide variety of insect pests.

But there are many other pests of concern that are not insects. Karnal bunt is a fungus disease of wheat that threatened North Dakota wheat exports when it was discovered in Arizona in 1996. A statewide survey program was and is essential to allow North Dakota exports to continue. When potato cyst nematode was discovered in Idaho several years ago and subsequently found in parts of Canada, survey was again necessary to demonstrate that North Dakota was free of the pest as well as to provide the baseline data needed to justify federal restrictions on imports that could potentially introduce this serious pest. Also, many of our agricultural products that are exported must be certified free of a wide variety of plant diseases and nematodes. As a result, a strong background in plant pathology or other disciplines is important for this component of the work. We currently employ staff with both types of expertise – one entomologist and two plant

pathologists. The current law doesn't accurately reflect the work completed the by the Plant Protection Division.

NDCC Chapter 4-33 requires that the agriculture commissioner employ a qualified entomologist to serve as state agricultural entomologist to carry out the provisions of the chapter. Removing the specific requirement for a state entomologist provides greater flexibility to the commissioner to utilize various persons with expertise in various pest disciplines including entomology, plant pathology and nematology in carrying out the provisions of the law.

Chairman Johnson and committee members, I urge a do pass recommendation on HB 1149. I would be happy to answer any questions you may have.

1149

#1
Kent Sunkent
1/30/09

The current bill indicates the following (minus overstrikes and underlines):

4-33-02. Administration – Rulemaking authority. The commissioner shall administer this chapter. The commissioner may adopt rules to carry out this chapter.

The North Dakota Department of Agriculture suggests the following to address your concerns:

4-33-02. Administration – Rulemaking authority. The commissioner shall administer this chapter. The commissioner shall employ qualified entomologists, plant pathologists, and other qualified employees. The individuals must be competent and skilled and be graduates of a recognized entomology, plant pathology, or other related discipline at a recognized college or university. The commissioner may adopt rules to carry out this chapter.

Roger Johnson
Agriculture Commissioner
www.agdepartment.com



Attachment #1
Phone (701) 328-2231
Toll Free (800) 242-7535
Fax (701) 328-4567

600 E Boulevard Ave., Dept. 602
Bismarck, ND 58505-0020
Equal Opportunity in Employment and Services

**Testimony of Kenneth S. Junkert
North Dakota Department of Agriculture
House Bill 1149
Senate Agriculture Committee
Brynhild Haugland Room
8:50 am, March 5, 2009**

Chairman Flakoll and members of the Senate Agriculture Committee, I am Ken Junkert, the North Dakota Department of Agriculture Plant Industries Program manager. I am here today in support of HB 1149 which will amend North Dakota Century Code (NDCC) § 4-33-02 to expand the educational background hiring requirements for the individual currently employed as the state agricultural entomologist to carry out the survey, control and quarantine provisions of NDCC Chapter 4-33 which deals with plant pests.

The Plant Protection Division in the North Dakota Department of Agriculture seeks to safeguard agronomic field crops, horticultural crops and grasses used for livestock production from plant pests through survey, control, eradication and quarantine activities. The Plant Protection Division is also charged with providing export certification services that assist agricultural exporters to meet the plant pest quarantine requirements of foreign countries. Inspection of

agricultural commodities and plants for plant pests including insects, plant pathogens, and nematodes is necessary to fulfill this responsibility as is a survey program to demonstrate that North Dakota is free of pests considered to be quarantine pests by foreign governments.

Insects of relevance to our responsibilities include grasshoppers which periodically reach outbreak status where cooperative control programs are undertaken. Many exotic insects could threaten North Dakota with perhaps the most serious being Emerald ash borer which poses a huge threat to North Dakota ash trees. Finally, many of our agricultural products that are exported must be certified free of a wide variety of insect pests.

But there are many other pests of concern that are not insects. Karnal bunt is a fungus disease of wheat that threatened North Dakota wheat exports when it was discovered in Arizona in 1996. A statewide survey program was and is essential to allow North Dakota exports to continue. When potato cyst nematode was discovered in Idaho several years ago and subsequently found in parts of Canada, survey was again necessary to demonstrate that North Dakota was free of the pest as well as to provide the baseline data needed to justify federal restrictions on imports that could potentially introduce this serious pest. Also, many of our agricultural products that are exported must be certified free of a wide variety of plant diseases and nematodes. As a result, a strong background in plant pathology or other disciplines is important for this component of the work. We currently employ staff with both types of expertise – one entomologist and two plant

pathologists. The current law doesn't accurately reflect the work completed the by the Plant Protection Division.

NDCC Chapter 4-33 requires that the agriculture commissioner employ a qualified entomologist to serve as state agricultural entomologist to carry out the provisions of the chapter. Removing the specific requirement for a state entomologist provides greater flexibility to the commissioner to utilize a person with expertise in various pest disciplines including entomology, plant pathology and nematology in carrying out the provisions of the law.

Chairman Johnson and committee members, I urge a do pass recommendation on HB 1149. I would be happy to answer any questions you may have.

SEED CROPS & PLANTS

[illegible]

[illegible]

PHYTOS ISSUED 2007 - 2008 (mid December)

Grains & Grain Products																										
Country	Barley Grain	Barley Malt	Barley Straw	Beans	Buckwheat Flour	Buckwheat Hulls	Canola	Chickpeas	Corn Grain	Flax	Lentils	Millet	Mustard Flour & Bran	Mustard Grain	Mustard Flour	Oats	Peas	Rye	Soybean Grain	Sorghum	Sunflower Grain	Sunflower Kernels	Wheat Flour	Wheat Grain	TOTAL	
Algeria								2																	2	
Angola				257																					257	
Argentina																									0	
Australia										5						7							20	24	1	57
Austria																									0	
Bangladesh																		13						1	14	
Belize				2																					2	
Bolivia																									0	
Brazil				9						1								8					3		21	
Bulgaria																									0	
CANADA	565	17	8	11	8	8	2	2			4								8					23	646	
Cape Verde				17																					17	
Chad																		1							1	
Chile				7														1		2					10	
China													30					16		7			11		64	
Colombia																		16					2		18	
Congo																		20							20	
Costa Rica																		1							1	
Croatia																									0	
Cuba	2																	1							3	
Czech Republic				1																					1	
Denmark																								1	1	
Dominican Republic				96																				1	96	
El Salvador																							9		9	
Fiji																		2							2	
France				7														1							8	
Gambia																		1							1	
Germany											1														1	
Guatemala				13																					13	
Guyana				1																					1	
Haiti				39														1							40	
Honduras				2																					3	
Hong Kong																			2						2	
Hungary																									0	
India				3			1				7						407								418	

israel	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120	121	122	123	124	125	126	127	128	129	130	131	132	133	134	135	136	137	138	139	140	141	142	143	144	145	146	147	148	149	150	151	152	153	154	155	156	157	158	159	160	161	162	163	164	165	166	167	168	169	170	171	172	173	174	175	176	177	178	179	180	181	182	183	184	185	186	187	188	189	190	191	192	193	194	195	196	197	198	199	200	201	202	203	204	205	206	207	208	209	210	211	212	213	214	215	216	217	218	219	220	221	222	223	224	225	226	227	228	229	230	231	232	233	234	235	236	237	238	239	240	241	242	243	244	245	246	247	248	249	250	251	252	253	254	255	256	257	258	259	260	261	262	263	264	265	266	267	268	269	270	271	272	273	274	275	276	277	278	279	280	281	282	283	284	285	286	287	288	289	290	291	292	293	294	295	296	297	298	299	300	301	302	303	304	305	306	307	308	309	310	311	312	313	314	315	316	317	318	319	320	321	322	323	324	325	326	327	328	329	330	331	332	333	334	335	336	337	338	339	340	341	342	343	344	345	346	347	348	349	350	351	352	353	354	355	356	357	358	359	360	361	362	363	364	365	366	367	368	369	370	371	372	373	374	375	376	377	378	379	380	381	382	383	384	385	386	387	388	389	390	391	392	393	394	395	396	397	398	399	400	401	402	403	404	405	406	407	408	409	410	411	412	413	414	415	416	417	418	419	420	421	422	423	424	425	426	427	428	429	430	431	432	433	434	435	436	437	438	439	440	441	442	443	444	445	446	447	448	449	450	451	452	453	454	455	456	457	458	459	460	461	462	463	464	465	466	467	468	469	470	471	472	473	474	475	476	477	478	479	480	481	482	483	484	485	486	487	488	489	490	491	492	493	494	495	496	497	498	499	500	501	502	503	504	505	506	507	508	509	510	511	512	513	514	515	516	517	518	519	520	521	522	523	524	525	526	527	528	529	530	531	532	533	534	535	536	537	538	539	540	541	542	543	544	545	546	547	548	549	550	551	552	553	554	555	556	557	558	559	560	561	562	563	564	565	566	567	568	569	570	571	572	573	574	575	576	577	578	579	580	581	582	583	584	585	586	587	588	589	590	591	592	593	594	595	596	597	598	599	600	601	602	603	604	605	606	607	608	609	610	611	612	613	614	615	616	617	618	619	620	621	622	623	624	625	626	627	628	629	630	631	632	633	634	635	636	637	638	639	640	641	642	643	644	645	646	647	648	649	650	651	652	653	654	655	656	657	658	659	660	661	662	663	664	665	666	667	668	669	670	671	672	673	674	675	676	677	678	679	680	681	682	683	684	685	686	687	688	689	690	691	692	693	694	695	696	697	698	699	700	701	702	703	704	705	706	707	708	709	710	711	712	713	714	715	716	717	718	719	720	721	722	723	724	725	726	727	728	729	730	731	732	733	734	735	736	737	738	739	740	741	742	743	744	745	746	747	748	749	750	751	752	753	754	755	756	757	758	759	760	761	762	763	764	765	766	767	768	769	770	771	772	773	774	775	776	777	778	779	780	781	782	783	784	785	786	787	788	789	790	791	792	793	794	795	796	797	798	799	800	801	802	803	804	805	806	807	808	809	810	811	812	813	814	815	816	817	818	819	820	821	822	823	824	825	826	827	828	829	830	831	832	833	834	835	836	837	838	839	840	841	842	843	844	845	846	847	848	849	850	851	852	853	854	855	856	857	858	859	860	861	862	863	864	865	866	867	868	869	870	871	872	873	874	875	876	877	878	879	880	881	882	883	884	885	886	887	888	889	890	891	892	893	894	895	896	897	898	899	900	901	902	903	904	905	906	907	908	909	910	911	912	913	914	915	916	917	918	919	920	921	922	923	924	925	926	927	928	929	930	931	932	933	934	935	936	937	938	939	940	941	942	943	944	945	946	947	948	949	950	951	952	953	954	955	956	957	958	959	960	961	962	963	964	965	966	967	968	969	970	971	972	973	974	975	976	977	978	979	980	981	982	983	984	985	986	987	988	989	990	991	992	993	994	995	996	997	998	999	1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011	1012	1013	1014	1015	1016	1017	1018	1019	1020	1021	1022	1023	1024	1025	1026	1027	1028	1029	1030	1031	1032	1033	1034	1035	1036	1037	1038	1039	1040	1041	1042	1043	1044	1045	1046	1047	1048	1049	1050	1051	1052	1053	1054	1055	1056	1057	1058	1059	1060	1061	1062	1063	1064	1065	1066	1067	1068	1069	1070	1071	1072	1073	1074	1075	1076	1077	1078	1079	1080	1081	1082	1083	1084	1085	1086	1087	1088	1089	1090	1091	1092	1093	1094	1095	1096	1097	1098	1099	1100	1101	1102	1103	1104	1105	1106	1107	1108	1109	1110	1111	1112	1113	1114	1115	1116	1117	1118	1119	1120	1121	1122	1123	1124	1125	1126	1127	1128	1129	1130	1131	1132	1133	1134	1135	1136	1137	1138	1139	1140	1141	1142	1143	1144	1145	1146	1147	1148	1149	1150	1151	1152	1153	1154	1155	1156	1157	1158	1159	1160	1161	1162	1163	1164	1165	1166	1167	1168	1169	1170	1171	1172	1173	1174	1175	1176	1177	1178	1179	1180	1181	1182	1183	1184	1185	1186	1187	1188	1189	1190	1191	1192	1193	1194	1195	1196	1197	1198	1199	1200	1201	1202	1203	1204	1205	1206	1207	1208	1209	1210	1211	1212	1213	1214	1215	1216	1217	1218	1219	1220	1221	1222	1223	1224	1225	1226	1227	1228	1229	1230	1231	1232	1233	1234	1235	1236	1237	1238	1239	1240	1241	1242	1243	1244	1245	1246	1247	1248	1249	1250	1251	1252	1253	1254	1255	1256	1257	1258	1259	1260	1261	1262	1263	1264	1265	1266	1267	1268	1269	1270	1271	1272	1273	1274	1275	1276	1277	1278	1279	1280	1281	1282	1283	1284	1285	1286	1287	1288	1289	1290	1291	1292	1293	1294	1295	1296	1297	1298	1299	1300	1301	1302	1303	1304	1305	1306	1307	1308	1309	1310	1311	1312	1313	1314	1315	1316	1317	1318	1319	1320	1321	1322	1323	1324	1325	1326	1327	1328	1329	1330	1331	1332	1333	1334	1335	1336	1337	1338	1339	1340	1341	1342	1343	1344	1345	1346	1347	1348	1349	1350	1351	1352	1353	1354	1355	1356	1357	1358	1359	1360	1361	1362	1363	1364	1365	1366	1367	1368	1369	1370	1371	1372	1373	1374	1375	1376	1377	1378	1379	1380	1381	1382	1383	1384	1385	1386	1387	1388	1389	1390	1391	1392	1393	1394	1395	1396	1397	1398	1399	1400	1401	1402	1403	1404	1405	1406	1407	1408	1409	1410	1411	1412	1413	1414	1415	1416	1417	1418	1419	1420	1421	1422	1423	1424	1425	1426	1427	1428	1429	1430	1431	1432	1433	1434	1435	1436	1437	1438	1439	1440	1441	1442	1443	1444	1445	1446	1447	1448	1449	1450	1451	1452	1453	1454	1455	1456	1457	1458	1459	1460	1461	1462	1463	1464	1465	1466	1467	1468	1469	1470	1471	1472	1473	1474	1475	1476	1477	1478	1479	1480	1481	1482	1483	1484	1485	1486	1487	1488	1489	1490	1491	1492	1493	1494	1495
--------	---	---	---	---	---	---	---	---	---	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------