

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2204

2001 SENATE AGRICULTURE

SB 2204

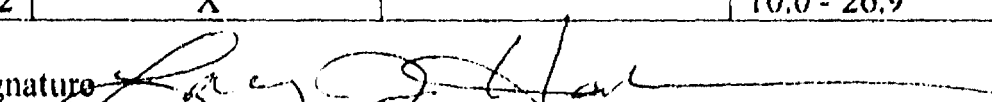
2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2204

Senate Agriculture Committee

Conference Committee

Hearing Date January 25, 2001

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

Minutes:

SENATOR NICHOLS, introduced this bill.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SENATOR KLEIN, Is there consumer responsibilities when purchasing seed?

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

The hearing was closed.

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Senate Agriculture Committee
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February 1, 2001

Discussion was held:

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

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

SENATOR KROEPLIN; seconded the motion.

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

SENATOR KROEPLIN will carry the bill.

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

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

Senate Agriculture Committee

Subcommittee on _____
 or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken DO PASS → amendment

Motion Made By SEN. Klein Seconded By SEN. Nichols

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

Total (Yes) 6 No 0

Absent 0

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:
line 7 page 2 to read 40

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

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

Senate Agriculture Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken _____

Motion Made By Sen Klein Seconded By Sen Urlacher

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

Total (Yes) 6 No 0

Absent 0

Floor Assignment _____

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

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

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

Senate Agriculture Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do PASS → as amended

Motion Made By Sen. Nichols Seconded By Sen. Kroepflin

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

Total (Yes) 6 No 0

Absent 0

Floor Assignment Senator Kroepflin

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

REPORT OF STANDING COMMITTEE

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

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

Page 1, after line 3, insert:

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

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

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

Renumber accordingly

2001 HOUSE AGRICULTURE

SB 2204

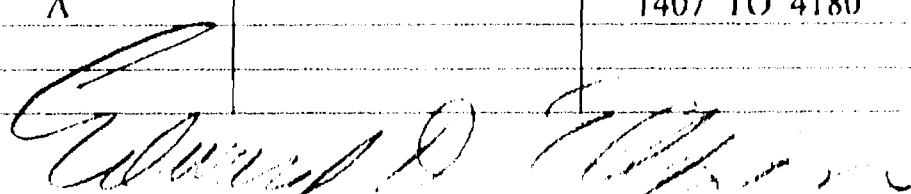
2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2204

House Agriculture Committee

Conference Committee

Hearing Date 3--09--01

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

Minutes:

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

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

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House Agriculture Committee

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

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

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

The very by state and by the wheat it self.

VICE CHAIRMAN JOHNSON: Others to offer support for 2204

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

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

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

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

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

VICE CHAIRMAN JOHNSON: Others to offer support?

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

Please see printed and attached testimony. And attachments.

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

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

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

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

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

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

