

2013 HOUSE AGRICULTURE

HB 1054

2013 HOUSE STANDING COMMITTEE MINUTES

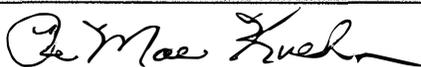
House Agriculture Committee
Peace Garden Room, State Capitol

HB 1054
January 10, 2013

Job #17067

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to forage certification.

Minutes:

Judy Carlson, Plant Industries Division Director at the Dept. of Agriculture:

(00:37) (See attached #1)

This would allow twine to be used to mark bales and could be put right in the baler. There is a national group that uses the twine. They have a company that makes it so all the states would use the same colored twine. We looked at the law enacted in 2009 and it specifically said tags. The tags are very time consuming to put on a bale. If possible we would like to add an emergency clause so they could use twine this spring.

Representative Belter: Is it just color or is there some other type of identification. Would people start to sell counterfeit twine?

Judy Carlson: It is just colored. There are only 1 or 2 manufacturers of the twine. There is no penalty provision in the law. If someone were to make their own, we could try to confiscate it switch colors. The twine goes to our department and then we ship it to the people that were certified. It doesn't go straight to the producer. The twine is not readily available.

Representative Nelson: Where it talks about the department determining the number of bales and then either issuing tags or twine--do you determine the number of bales up front?

Judy Carlson: Through the state procurement process it takes a while. We order tags--it is a guess. At the end of the year there are tags that we have to cut up. This will save money from using the tags.

Representative Trottier: Will there be a list on website of who? has been certified or availability?

Judy Carlson: It is on our department website now.

Representative Fehr: In the bill it states "use of department-approved twine." This is authorizing the Department of Agriculture to determine what colors?

Judy Carlson: That is correct. This is a national group that supplies all the states that are part of that program. We would all use the same color twine.

Chairman Dennis Johnson: Is the cost the same as other twine?

Jim Hansen: It is fairly close to the same price.

Merlin Leithold, ND Weed Control Assn: (7:18) We brought the emergency clause to the attention of the Agriculture Department. Without the emergency clause we feel we could lose some producers that have been requesting it.

Chairman Dennis Johnson: Is there a shortage of weed free straw?

Merlin Leithold: There is a shortage. I think the twine will help.

Representative Belter: Is someone inspecting the crop before it is harvested?

Merlin Leithold: There are forms to fill out by producer requesting an inspector to come out. Hay is inspected before it is cut. Weeds can be in there as long as they are not in the seed stage. The first round or two of the field is left standing or baled up separate. Then they cut it and bale it. Then the inspector delivers tags and counts the bales. If it would be twine that would be delivered earlier. Also, inspection is done where they are putting the bales so that is clean. With straw the inspector would go out before the field is harvested.

Representative Kiefert: If the twine isn't available, can tags still be used?

Merlin Leithold: Yes, this bill just adds twine. It doesn't eliminate tags. With square bales you would still be using tags.

Representative Fehr: It sounds like there is a different time frame of when the producer would get the twine vs. the tags. Does that open concerns for abuse? Could they be baling something that shouldn't be certified?

Merlin Leithold: There always will be abuse. It is there with tags. They can throw a few bales in there from elsewhere. There has to be a trust between you and the producer.

Representative Rust: Who uses this? Is it just public lands, etc.

Merlin Leithold: We are finding oil companies are demanding straw. It is not required in ditches but some contracts it is. If I buy hay, I would rather pay a few dollars more to buy certified weed free hay.

Representative Rust: I see huge round bales of straw along newly built state or county roads? Is that weed-free forage?

Merlin Leithold: I hope so-- If the contract requires it, it would be.

Representative Kiefert: Isn't it required to be weed free to go out of state?

Judy Carlson: If you are going into federal lands in Montana or national park area they have to be tagged.

Chairman Dennis Johnson: There are checks when harvesting. Is there a follow-up check when it is delivered to make sure it is weed free?

Merlin Leithold: No, unless the recipient is doing it.

Representative Trottier: Is there an inspection fee?

Merlin Leithold: Yes.

Chairman Dennis Johnson: Closed the hearing.

Representative Rust: Moved Do Pass as amended with the emergency clause.

Vice Chair John Wall: Seconded the motion

A Roll Call vote was taken: Yes 13, No 0, Absent 0.

Do Pass carries.

Representative Fehr will carry the bill.

13.8018.01001
Title.02000

Adopted by the Agriculture Committee

January 10, 2013

*ASAC
1/10/13*

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1054

Page 1, line 2, after "certification" insert "; and to declare an emergency"

Page 1, after line 19, insert:

"SECTION 2. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

Date: 1/10/13

Roll Call Vote #: 1a

**2013 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1054**

House **Agriculture** Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Consent Calendar
 Rerefer to Appropriations Reconsider

Motion Made By Rep. Rust Seconded By Rep. Wall

Representatives	Yes	No	Representatives	Yes	No
Chairman Dennis Johnson			Rep. Joshua Boschee		
Vice Chairman John Wall			Rep. Jessica Haak		
Rep. Wesley Belter			Rep. Marvin Nelson		
Rep. Alan Fehr					
Rep. Craig Headland					
Rep. Joe Heilman					
Rep. Dwight Kiefert					
Rep. Diane Larson					
Rep. David Rust					
Rep. Wayne Trottier					

voice vote

Total Yes _____ No _____

Absent _____

Floor Assignment _____

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

Emergency Clause passes

Date: 1/10/13

Roll Call Vote #: 1

**2013 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1054**

House **Agriculture** Committee

Legislative Council Amendment Number 13.8018.01001

Action Taken: Do Pass Do Not Pass Amended Consent Calendar
 Rerefer to Appropriations Reconsider

Motion Made By Rep. Rust Seconded By Rep. Wall

Representatives	Yes	No	Representatives	Yes	No
Chairman Dennis Johnson	X		Rep. Joshua Boschee	X	
Vice Chairman John Wall	X		Rep. Jessica Haak	X	
Rep. Wesley Belter	X		Rep. Marvin Nelson	X	
Rep. Alan Fehr	X				
Rep. Craig Headland	X				
Rep. Joe Heilman	X				
Rep. Dwight Kiefert	X				
Rep. Diane Larson	X				
Rep. David Rust	X				
Rep. Wayne Trottier	X				

Total Yes 13 No 0

Absent _____

Floor Assignment Rep. Fehr

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

REPORT OF STANDING COMMITTEE

HB 1054: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1054 was placed on the Sixth order on the calendar.

Page 1, line 2, after "certification" insert "; and to declare an emergency"

Page 1, after line 19, insert:

"SECTION 2. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

2013 SENATE AGRICULTURE

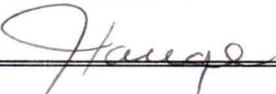
HB 1054

2013 SENATE STANDING COMMITTEE MINUTES

Senate Agriculture Committee
Roosevelt Park Room, State Capitol

Engrossed HB 1054
March 8, 2013
19630

Conference Committee



Relating to forage certification; and to declare an emergency

Minutes:

Testimony attached

Chairman Miller opened the hearing on Engrossed HB 1054 relating to forage certification.

Rachel Seifert-Spilde, Noxious Weeds Specialist with the North Dakota Department of Agriculture (NDDA), testified in support of Engrossed HB 1054, which would allow the use of baling twine in addition to tags to identify weed seed free forage (WSFF). She also exhibited samples of the twine and tags.

Written testimony #1

Senator Klein asked if the fields are inspected before they are harvested.

Rachel Seifert-Spilde said that the law allowed the ND Ag Commissioner to employ agents to inspect the forage ten days before it is baled or cut. If they pass inspection the producer request twine or tags depending on the amount of bales they anticipate they will produce.

Senator Klein asked if that twine is only available through the NDDA and if the producers had to buy it or if the twine is given to them.

Rachel Seifer-Spilde replied that it is purchased by the NDDA and provided to the producers who qualify. The twine cannot be purchased by any other producers.

Senator Miller asked if the producer paid anything for the twine.

Rachel Seifer-Spilde said that the producers don't pay anything for the twine but they pay inspection fees. The Inspection fee is \$2/acre inspected, \$30/hour for the inspection and travel time; and mileage.

Senator Larsen asked what the WSFF bales would sell for.

Rachel Seifer-Spilde said they would be able to charge 3 to 10 times more, depending on the packaging and type of forage for these certified products.

Senator Larsen asked how many weeds can producers have and still be certified.

Rachel Seifer-Spilde explained the inspection procedures that are set forth by the National Association.

Senator Heckaman asked who estimates the number of bales so the producer gets the right amount of twine or tags.

Rachel Seifer-Spilde said that it would be up to the inspector and the producer to estimate the bales but the tags are sent after the product is baled so they have an exact number.

Senator Larsen asked if state and national parks can only use WSFF.

Rachel Seifer-Spilde replied yes, the national parks, state parks and even some of the North Dakota Game and Fish Department areas required certified weed free forage. If they are bringing in hay, it needs to have this tag. Also National Forests require it as well.

Merlin Leithold, ND Weed Control Association, testified in support of Engrossed HB 1054. He explained that the House did put an emergency clause in the bill that they are very supportive of. He explained the inspection and he said that second cutting alfalfa works really well.

Senator Miller asked if quality is inspected.

Merlin Leithold replied that weed free has nothing to do with the quality of the forage.

No opposing testimony.

Senator Klein moved for adoption of amendment 13.8018.02001.

Senator Heckaman seconded.

Roll call vote: 5-0-0

Senator Klein moved a **Do Pass as Amended** on Engrossed HB 1054.

Senator Heckaman seconded.

Roll call vote: 5-0-0

Senator Klein is the carrier.

March 8, 2013

3/11/13
TD

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1054

Page 1, line 1, remove "subsections 2 and 3 of"

Page 1, replace lines 4 through 19 with:

"SECTION 1. AMENDMENT. Section 4.1-14-01 of the North Dakota Century Code is amended and reenacted as follows:

4.1-14-01. Certification of forage - Compliance with other standards.

1. To obtain certification that weeds prohibited according to the standards of the North American weed invasive species management association are not cut when producing viable seeds and included in baled forage, the owner of the forage shall request that the agriculture commissioner conduct a certification inspection.
2. Upon receiving the request, the agriculture commissioner shall:
 - a. Inspect the forage acreage within ten days before harvest to verify that weeds prohibited according to the standards of the North American weed invasive species management association are not present and producing viable seeds; and
 - b. (1) Ascertain that the scheduled harvest has occurred;
 - (2) Determine the number of bales for which certification tags or department-approved twine, or both, must be issued; and
 - (3) Verify that the baled forage is stored or will be stored only in an area where weeds prohibited according to the standards of the North American weed invasive species management association are not present and producing viable seeds.
3. If the agriculture commissioner determines that the conditions of subsection 2 have been met, the commissioner shall either issue and affix or cause to be affixed on each bale of forage one dated certification tag or authorize the use of department-approved twine to bale the forage."

Renumber accordingly

Date: 3-8-13
Roll Call Vote #: 1

2013 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1054

Senate Agriculture Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Senator Klein Seconded By Senator Heckaman

Senators	Yes	No	Senator	Yes	No
Chairman Joe Miller	✓				
Vice Chairman Larry Luick	✓				
Senator Jerry Klein	✓				
Senator Oley Larsen	✓				
Senator Joan Heckaman	✓				

Total (Yes) 5 No 0
Absent 0
Floor Assignment _____

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

Date: 3-8-13
Roll Call Vote #: 2

2013 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1054

Senate Agriculture Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Senator Klein Seconded By Senator Heckaman

Senators	Yes	No	Senator	Yes	No
Chairman Joe Miller	✓				
Vice Chairman Larry Luick	✓				
Senator Jerry Klein	✓				
Senator Oley Larsen .	✓				
Senator Joan Heckaman	✓				

Total (Yes) 5 No 0

Absent 0

Floor Assignment Senator Klein

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

REPORT OF STANDING COMMITTEE

HB 1054, as engrossed: Agriculture Committee (Sen. Miller, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1054 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "subsections 2 and 3 of"

Page 1, replace lines 4 through 19 with:

"SECTION 1. AMENDMENT. Section 4.1-14-01 of the North Dakota Century Code is amended and reenacted as follows:

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 - (2) Determine the number of bales for which certification tags or department-approved twine, or both, must be issued; and
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3. If the agriculture commissioner determines that the conditions of subsection 2 have been met, the commissioner shall issue and affix or cause to be affixed on each bale of forage one dated certification tag or shall authorize the use of department-approved twine to bale the forage."

Renumber accordingly

2013 TESTIMONY

HB 1054

COMMISSIONER
DOUG GOEHRING



H I
ndda@nd.gov
www.nd.gov/ndda

**NORTH DAKOTA
DEPARTMENT OF AGRICULTURE**
STATE CAPITOL
600 E. BOULEVARD AVE. – DEPT. 602
BISMARCK, ND 58505-0020

**Testimony of Judy Carlson, Division Director
House Bill 1054
House Agriculture Committee
Peace Garden Room
10:30 am, January 10, 2013**

Chairman Johnson and members of the House Agriculture Committee, I am Judy Carlson, the Plant Industries Division Director at the North Dakota Department of Agriculture (NDDA). I am here today in support of House Bill 1054, which would allow the use of baling twine in addition to tags to identify weed seed free forage (WSFF).

Since this legislation was passed in 2009, use of the program has continued to grow with increased needs in counties with oil development. In 2009, there were 8,163 tags issued; 9,971 in 2010; 12,421 in 2011; and 25,722 bales tagged in 2012. The initial intent of WSFF was to limit the spread of noxious weeds in National Parks via forage fed to horses. However, demand has increased for WSFF in other areas, such as certifying straw used as mulch in establishing grass and making waddles for erosion control in construction.

It is more efficient and economical for growers to use colored twine when they are baling WSFF then manually affixing a tag to each bale. Under current law, this would not be allowed.

Chairman Johnson and committee members, I urge a “do pass” recommendation for HB 1054.

Thank you for your consideration, and I would be happy to answer any questions.

North American Noxious Weed List

North Dakota Weed Seed-Free Forage Program and North American Weed Management Association

Absinth wormwood (*Artemisia absinthium*) [P] [F]
 Annual sowthistle (*Sonchus oleraceus*) [A] [F]
 Baby's breath (*Gypsophila paniculata*) [P] [A] [F]
 Bermudagrass (*Cynodon dactylon*) [P] [F]
 Buffalobur (*Solanum rostratum*) [A] [N or F]
 Bull thistle (*Cirsium vulgare*) [B] [F]
 Canada thistle (*Cirsium arvense*) [P] [F]
 Common burdock (*Arctium minus*) [B] [F]
 Common crupina (*Crupina vulgaris*) [A] [F]
 Common Milkweed (*Asclepias syriaca*) [P] [F]
 Common tansy (*Tanacetum vulgare*) [P] [F]
 Dalmatian toadflax (*Linaria dalmatica*) [P] [F]
 Diffuse knapweed (*Centaurea diffusa*) [A, B, or P] [F]
 Downy Brome (*Cheatgrass*) (*Bromus tectorum*) [A] [F]
 Dyers woad (*Isatis tinctoria*) [A or B or P] [F]
 False chamomile (*Matricaria maritima*) [A] [P] [F]
 Field bindweed (*Convolvulus arvensis*) [P] [F]
 Hemp (marijuana) (*Cannabis sativa*) [A] [F]
 Henbane, Black (*Hyoscyamus niger*) [A or B] [F]
 Hoary cress (*Cardaria spp.*) [P] [F]
 Horsenettle (*Solanum carolinense*) [P] [N]
 Houndstongue (*Cynoglossum officinale*) [B] [P] [F]
 Johnsongrass (*Sorghum halepense*) [P] [F]
 Jointed goatgrass (*Aegilops cylindrica*) [A] [F]
 Kochia (*Kochia scoparia*) [A] [F]
 Leafy spurge (*Euphorbia esula*) [P] [F]
 Marsh sowthistle (*Sonchus arvensis*) [P] [F]
 Matgrass (*Nardus stricta*) [P] [F]
 Meadow knapweed (*Centaurea pratensis*) [P] [F]
 Medusahead (*Taeniatherum caput-medusae*) [A] [F]
 Miliun (*Milium vernale*) [A] [F]
 Musk thistle (*Carduus nutans*) [B] [F]
 Orange hawkweed (*Hieracium aurantiacum*) [P] [F]

Oxeye daisy (*Chrysanthemum leucanthemum*) [P] [F]
 Perennial pepperweed (*Lepidium latifolium*) [P] [F]
 Perennial sorghum (*Sorghum almum*) [P] [F]
 Perennial sowthistle (*Sonchus arvensis*) [P] [F]
 Plumeless thistle (*Carduus acanthoides*) [A or B] [F]
 Poison hemlock (*Conium maculatum*) [B] [F]
 Puncturevine (*Tribulus terrestris*) [A] [F]
 Purple loosestrife (*Lythrum salicaria*) [P] [F]
 Quackgrass (*Agropyron repens*) [P] [F]
 Rush skeletonweed (*Chondrilla juncea*) [P] [F]
 Russian knapweed (*Centaurea repens*) [P] [F]
 Saltcedar (*Tamarix sp.*) [P] [F]
 Scentless chamomile (*Matricaria perforata* or *M. milaceum*) [P]
 Scotch broom (*Cytisus scoparius*) [P] [F]
 Scotch thistle (*Onopordum acanthium*) [B] [F]
 Sericea Lespedeza (*Lespedeza cuneata*) [P] [F]
 Silverleaf nightshade (*Solanum elaeagnifolium*) [P]
 Skeletonleaf bursage (*Ambrosia tomentosa*) [P]
 Spotted knapweed (*Centaurea maculosa*) [B or P] [F]
 Squarrose knapweed (*Centaurea virgata*) [P] [F]
 St. Johnswort (*Hypericum perforatum*) [P] [F]
 Sulfur cinquefoil (*Potentilla recta*) [P] [F]
 Syrian beancaper (*Zygophyllum fabago*) [P] [F]
 Tansy ragwort (*Senecio jacobaea*) [B or P] [F]
 Toothed spurge (*Euphorbia dentata*) [A] [N or F]
 Wild oats (*Avena fatua*) [A] [F]
 Wild proso millet (*Panicum miliaceum*) [A] [F]
 Yellow hawkweed (*Hieracium pratense*) [P] [F]
 Yellow starthistle (*Centaurea solstitialis*) [A] [F]
 Yellow toadflax (*Linaria vulgaris*) [P] [F]

[A] Annual [B] Biennial [P] Perennial [N] Native [F] Foreign Origin

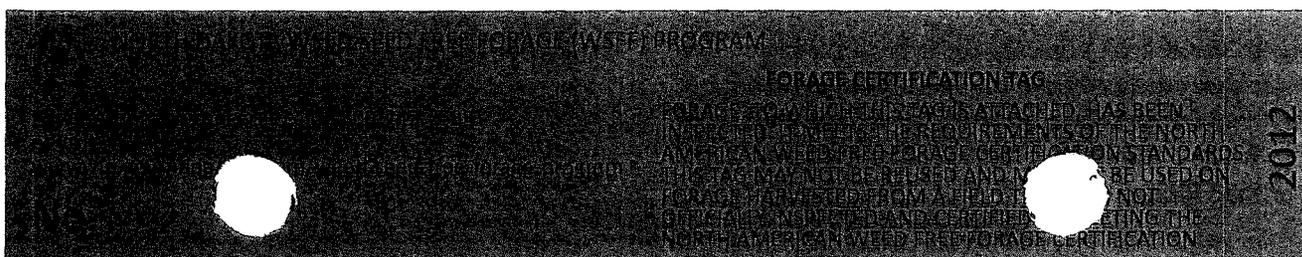
NORTH DAKOTA WEED SEED-FREE FORAGE PROGRAM



NORTH DAKOTA DEPARTMENT OF AGRICULTURE

600 E. Boulevard Avenue, Dept. 602
 Bismarck, North Dakota 58505-0020
 (800) 242-7535; (701) 328-2231
www.nd.gov/ndda/

Doug Goehring, Commissioner



North Dakota Weed Seed-Free Forage Program

Objectives

- Prevent the spread of noxious and invasive weeds through mulch or forage used by horse riders and recreational land users.
- Protect public and private lands from introduction of non-native, invasive plants species; and
- Provide a product that is recognized as acceptable and transportable onto public lands closed to all but certified weed seed free forage.

What is “certified weed seed-free forage”

Certified weed seed-free forage (WSFF) has been inspected by North Dakota Department of Agriculture (NDDA)-trained inspectors prior to cutting. Forage found to be free of weed seeds identified in the North American Weed Management Association (NAWMA) and the North Dakota noxious weed lists may be certified.

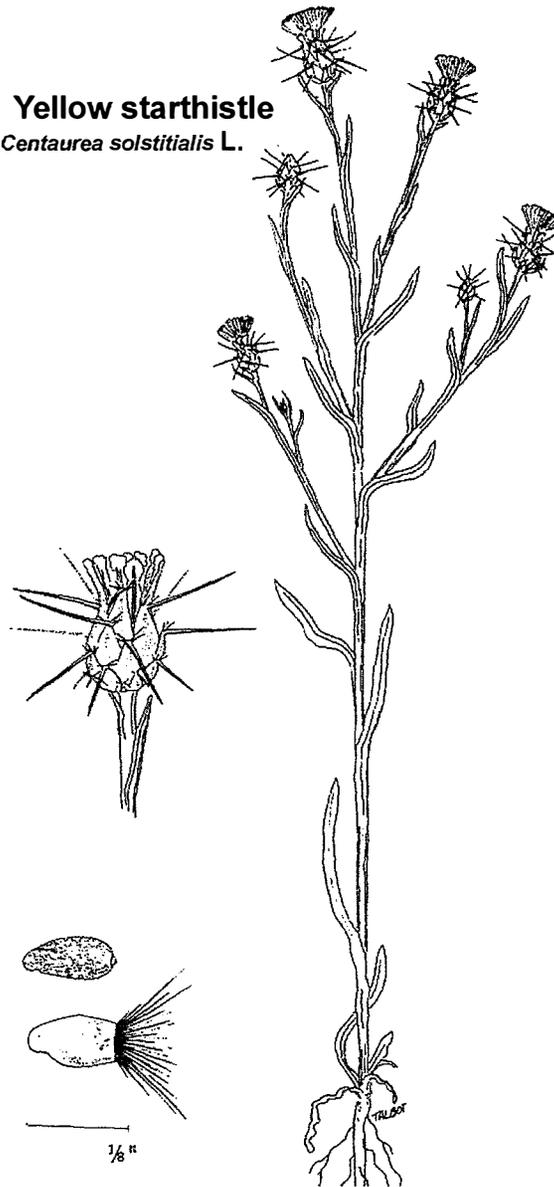
Is certified weed seed-free forage required?

Certified WSFF is required for use on many public lands, including state parks, national parks, military reservations and lands managed by the U. S. Forest Service, Bureau of Land Management, Bureau of Reclamation and U.S. Fish and Wildlife.

How does forage certification work?

Forage crops must be inspected on a field-by-field basis within ten days of cutting or harvest. A field includes a surrounding buffer zone of one rod (16½ feet or 5½ yards). The inspector follows a standard procedure to visually inspect the forage. The inspector also completes a Weed Seed Free Forage Inspection Report and Certification form [SFN 59074], detailing whether or not forage meets minimum standards. After baling, NDDA provides

Yellow starthistle
Centaurea solstitialis L.



the producer with a special tag to be affixed to each bale produced from the field. Storage sites for certified forage must also be inspected and meet NAWMA standards to prevent contamination of certified forage.

How do I get my forage inspected?

A list of inspectors is found on the NDDA website at www.nd.gov/ndda/program-info/weed-seed-free-forage-program/weed-seed-free-forage-inspectors or by calling NDDA at (800) 242-7535 or (701) 328-2231. From NDDA or an inspector, obtain a “request to inspect” form [SFN 59075], fill it out and send it to an inspector in your area. An inspector will contact you and arrange for the inspection(s).

Where can I find WSFF for sale?

A list of producers with WSFF for sale is available on the NDDA website at www.nd.gov/ndda/program-info/weed-seed-free-forage-program/certified-weed-seed-free-forage-available-sale or by calling (701) 328-2330 or (800) 242-7535. Also, check with the agency where the forage will be used (BLM, USFS, National Park Service, etc.), for a list of producers and/or vendors of WSFF or for a supply on hand.

How can I identify certified forage?

Every bale of certified WSFF has a colored, dated tag (see back page). Certified forage from other states may be similarly tagged or bound with specially colored twine. The producer may also have a copy of the inspection report that indicates that the field has or has not passed inspection and lists the numbers of the tags issued to him/her for each bale produced from each field.

For more information:

Plant Protection Division
North Dakota Department of Agriculture
600 E. Boulevard Ave., Dept. 602
Bismarck, North Dakota 58505-0020
(800) 242-7535 or (701) 328-2231
www.nd.gov/ndda

|

COMMISSIONER
DOUG GOEHRING



ndda@nd.gov
www.nd.gov/ndda

**NORTH DAKOTA
DEPARTMENT OF AGRICULTURE**

STATE CAPITOL
600 E. BOULEVARD AVE. - DEPT. 602
BISMARCK, ND 58505-0020

**Testimony of Rachel Seifert-Spilde, Noxious Weeds Specialist
Engrossed House Bill No. 1054
Senate Agriculture Committee
Roosevelt Park Room
10:00 am, March 8, 2013**

Chairman Miller and members of the Senate Agriculture Committee, I am Rachel Seifert-Spilde, the Noxious Weeds Specialist with the North Dakota Department of Agriculture (NDDA). I am here today in support of House Bill 1054, which would allow the use of baling twine in addition to tags to identify weed seed free forage (WSFF).

Since this legislation was passed in 2009, use of the program has continued to grow with increased needs in counties with oil development. In 2009, there were 8,163 tags issued; 9,971 in 2010; 12,421 in 2011; and 25,722 bales tagged in 2012. The initial intent of WSFF was to limit the spread of noxious weeds in state and National Parks via forage fed to horses. However, demand has increased for WSFF in other areas, such as certifying straw used as mulch in establishing grass and making waddles for erosion control in construction.

It is more efficient and economical for growers to use colored twine when they are baling WSFF then manually affixing a tag to each bale. Under current law, this would not be allowed.

I offer an attached amendment for your consideration because the name of the association responsible for creating standards has changed.

Chairman Miller and committee members, I urge a "do pass" recommendation for Engrossed HB 1054 as amended.

Thank you for your consideration, and I would be happy to answer any questions.

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1054

Page 1, line 1, after “subsections” insert “1,” and after “2” insert “,”

Page 1, line 4, after “Subsections” insert “1,” and after “2” insert “,”

Page 1, after line 5, insert:

“1. To obtain certification that weeds prohibited according to the standard in the North American ~~weed~~ invasive species management association are not cut when producing viable seeds and included in baled forage, the owner of the forage shall request that the agriculture commissioner conduct a certification inspection.”

Page 1, line 8, overstrike “weed” and insert immediately thereafter “invasive species”

Page 1, line 14, overstrike “weed” and insert immediately thereafter “invasive species”

Renumber accordingly.

North American Noxious Weed List

North Dakota Weed Seed-Free Forage Program and North American Weed Management Association

Absinth wormwood (*Artemisia absinthium*) [P] [F]
Annual sowthistle (*Sonchus oleraceus*) [A] [F]
Baby's breath (*Gypsophila paniculata*) [P] [A] [F]
Bermudagrass (*Cynodon dactylon*) [P] [F]
Buffalobur (*Solanum rostratum*) [A] [N or F]
Bull thistle (*Cirsium vulgare*) [B] [F]
Canada thistle (*Cirsium arvense*) [P] [F]
Common burdock (*Arctium minus*) [B] [F]
Common crupina (*Crupina vulgaris*) [A] [F]
Common Milkweed (*Asclepias syriaca*) [P]
Common tansy (*Tanacetum vulgare*) [P] [F]
Dalmatian toadflax (*Linaria dalmatica*) [P] [F]
Diffuse knapweed (*Centaurea diffusa*) [A, B, or P] [F]
Downy Brome (Cheatgrass) (*Bromus tectorum*) [A] [F]
Dyers woad (*Isatis tinctoria*) [A or B or P] [F]
False chamomile (*Matricaria maritima*) [A] [P] [F]
Field bindweed (*Convolvulus arvensis*) [P] [F]
Hemp (marijuana) (*Cannabis sativa*) [A] [F]
Henbane, Black (*Hyoscyamus niger*) [A or B] [F]
Hoary cress (*Cardaria* spp.) [P] [F]
Horsenettle (*Solanum carolinense*) [P] [N]
Houndstongue (*Cynoglossum officinale*) [B] [P] [F]
Jointed sorghum (*Sorghum halepense*) [P] [F]
Knapweed (*Centaurea* spp.) [P] [F]
Kodak goatgrass (*Aegilops cylindrica*) [A] [F]
Kochia (*Kochia scoparia*) [A] [F]
Leafy spurge (*Euphorbia esula*) [P] [F]
Marsh sowthistle (*Sonchus arvensis*) [P] [F]
Matgrass (*Nardus stricta*) [P] [F]
Meadow knapweed (*Centaurea pratensis*) [P] [F]
Medusahead (*Taeniatherum caput-medusae*) [A] [F]
Miliun (*Milium vernale*) [A] [F]
Musk thistle (*Carduus nutans*) [B] [F]
Orange hawkweed (*Hieracium aurantiacum*) [P] [F]

Oxeye daisy (*Chrysanthemum leucanthemum*) [P] [F]
Perennial pepperweed (*Lepidium latifolium*) [P] [F]
Perennial sorghum (*Sorghum almum*) [P] [F]
Perennial sowthistle (*Sonchus arvensis*) [P] [F]
Plumeless thistle (*Carduus acanthoides*) [A or B] [F]
Poison hemlock (*Conium maculatum*) [B] [F]
Puncturevine (*Tribulus terrestris*) [A] [F]
Purple loosestrife (*Lythrum salicaria*) [P] [F]
Quackgrass (*Agropyron repens*) [P] [F]
Rush skeletonweed (*Chondrilla juncea*) [P] [F]
Russian knapweed (*Centaurea repens*) [P] [F]
Saltcedar (*Tamarix* sp.) [P] [F]
Scentless chamomile (*Matricaria perforata* or *M. inodora*) [P]
Scotch broom (*Cytisus scoparius*) [P] [F]
Scotch thistle (*Onopordum acanthium*) [B] [F]
Sericea Lespedeza (*Lespedeza cuneata*) [P] [F]
Silverleaf nightshade (*Solanum elaeagnifolium*) [P]
Skeletonleaf bursage (*Ambrosia tomentosa*) [P]
Spotted knapweed (*Centaurea maculosa*) [B or P] [F]
Squarrose knapweed (*Centaurea virgata*) [P] [F]
St. Johnswort (*Hypericum perforatum*) [P] [F]
Sulfur cinquefoil (*Potentilla recta*) [P] [F]
Syrian beancaper (*Zygophyllum fabago*) [P] [F]
Tansy ragwort (*Senecio jacobaea*) [B or P] [F]
Toothed spurge (*Euphorbia dentata*) [A] [N or F]
Wild oats (*Avena fatua*) [A] [F]
Wild proso millet (*Panicum miliaceum*) [A] [F]
Yellow hawkweed (*Hieracium pratense*) [P] [F]
Yellow starthistle (*Centaurea solstitialis*) [A] [F]
Yellow toadflax (*Linaria vulgaris*) [P] [F]
[A] Annual [B] Biennial [P] Perennial [N] Native [F] Foreign Origin

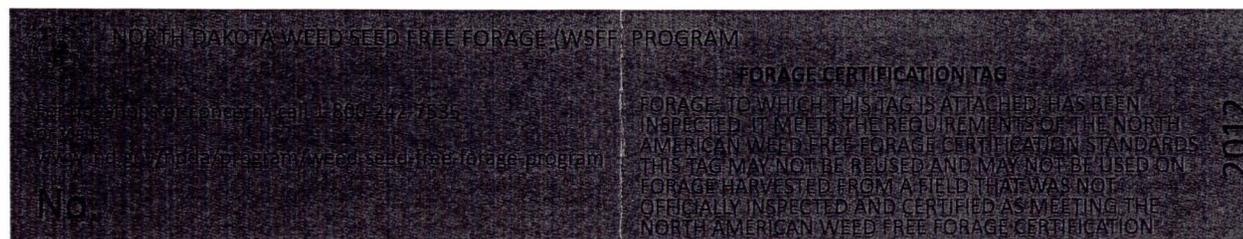
NORTH DAKOTA WEED SEED-FREE FORAGE PROGRAM



NORTH DAKOTA DEPARTMENT OF AGRICULTURE

600 E. Boulevard Avenue, Dept. 602
Bismarck, North Dakota 58505-0020
(800) 242-7535; (701) 328-2231
www.nd.gov/ndda/

Doug Goehring, Commissioner



North Dakota Weed Seed-Free Forage Program

Objectives

- Prevent the spread of noxious and invasive weeds through mulch or forage used by horse riders and recreational land users.
- Protect public and private lands from introduction of non-native, invasive plant species; and
- Provide a product that is recognized as acceptable and transportable onto public lands closed to all but certified weed seed free forage.

What is “certified weed seed-free forage”

Certified weed seed-free forage (WSFF) has been inspected by North Dakota Department of Agriculture (NDDA)-trained inspectors prior to cutting. Forage found to be free of weed seeds identified in the North American Weed Management Association (NAWMA) and the North Dakota noxious weed lists may be certified.

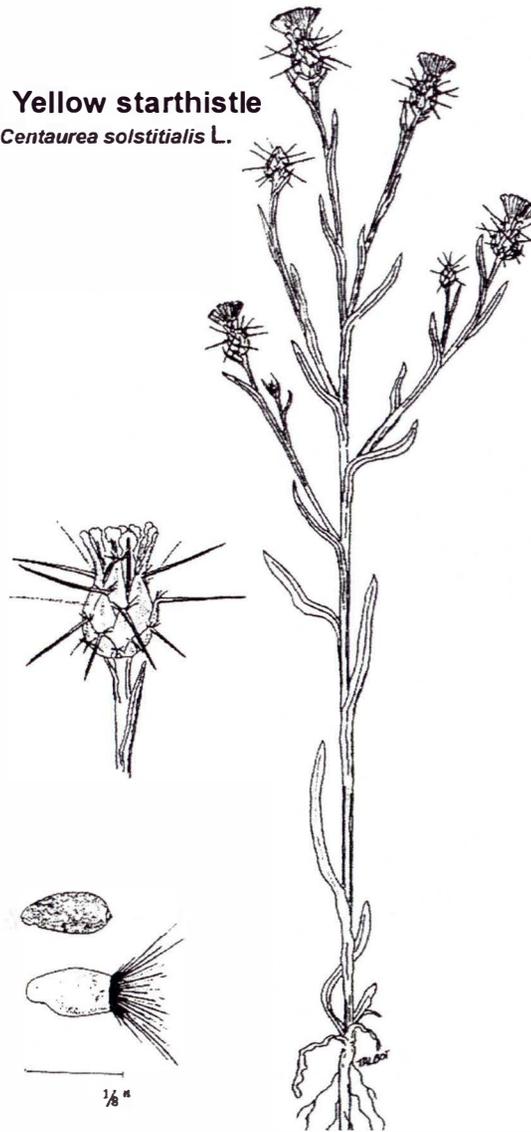
Is certified weed seed-free forage required?

Certified WSFF is required for use on many public lands, including state parks, national parks, military reservations and lands managed by the U.S. Forest Service, Bureau of Land Management, Bureau of Reclamation and U.S. Fish and Wildlife.

How does forage certification work?

Forage crops must be inspected on a field-by-field basis within ten days of cutting or harvest. A field includes a surrounding buffer zone of one rod (16½ feet or 5½ yards). The inspector follows a standard procedure to visually inspect the forage. The inspector also completes a Weed Seed Free Forage Inspection Report and Certification form [SFN 59074], detailing whether or not forage meets minimum standards. After baling, NDDA provides

Yellow starthistle
Centaurea solstitialis L.



the producer with a special tag to be affixed to each bale produced from the field. Storage sites for certified forage must also be inspected and meet NAWMA standards to prevent contamination of certified forage.

How do I get my forage inspected?

A list of inspectors is found on the NDDA website at www.nd.gov/ndda/program-info/weed-seed-free-forage-program/weed-seed-free-forage-inspectors or by calling NDDA at (800) 242-7535 or (701) 328-2231. From NDDA or an inspector, obtain a “request to inspect” form [SFN 59075], fill it out and send it to an inspector in your area. An inspector will contact you and arrange for the inspection(s).

Where can I find WSFF for sale?

A list of producers with WSFF for sale is available on the NDDA website at www.nd.gov/ndda/program-info/weed-seed-free-forage-program/certified-weed-seed-free-forage-available-sale or by calling (701) 328-2330 or (800) 242-7535. Also, check with the agency where the forage will be used (BLM, USFS, National Park Service, etc.), for a list of producers and/or vendors of WSFF or for a supply on hand.

How can I identify certified forage?

Every bale of certified WSFF has a colored, date tag (see back page). Certified forage from other states may be similarly tagged or bound with specially colored twine. The producer may also have a copy of the inspection report that indicates that the field has or has not passed inspection and lists the numbers of the tags issued to him/her for each bale produced from each field.

For more information:

Plant Protection Division

North Dakota Department of Agriculture
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Bismarck, North Dakota 58505-0020
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