

# MICROFILM DIVIDER

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



ROLL NUMBER
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DESCRIPTION

2145

2007 SENATE NATURAL RESOURCES

SB 2145

## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2145

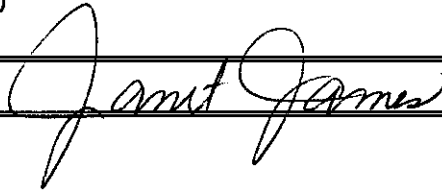
Senate Natural Resources Committee

Check here for Conference Committee

Hearing Date: January 19, 2007

Recorder Job Number: #1460

Committee Clerk Signature



Minutes:

**Senator Stanley Lyson**, Chairman of the Senate Natural Resources Committee opened the hearing on SB 2145 designating the chokecherry as the official state fruit.

Attendance was taken indicating all members of the committee were present.

**Senator Ben Tollefson**, Vice Chairman of the Senate Natural Resources Committee took the chair asking the sponsor of SB 2145 to introduce the bill.

**Senator Lyson** of District 1 introduced the bill stating it came about as a result of the efforts of the sixth grade class from Williston Richard School. He left the testimony to Mrs. Nancy Selby and her students.

**Nancy Selby**, 6<sup>th</sup> grade teacher from Rickard School in Williston, North Dakota testified in support of SB 2045 (See attached #1). She further added the students conducted a letter writing campaign all over the state. She also commented on the support of the community and families who offered the produce of their chokecherries with juice, jelly, jam and syrup as she displayed them to the committee. She stated her admiration for the students for their diligence and explained how this project was a wonderful learning experience as well as how the students had matured through the process.

**Hailey Horob**, a student at Rickard School of Williston, North Dakota testified in support of SB 2145 (See attachment #2).

**Lexie Enget**, a 7<sup>th</sup> grade student from Rickard School of Williston, North Dakota testified in support of SB 2145 (See attachment #3).

**Senator Constance Triplett** questioned if the pit of the chokecherry is poisonous to humans, why it is not to wild animals who eat it.

**Lexis Enget** responded that she did not know.

**Jake Germundsen**, a student at Williston Middle School testified in support of SB 2145 (see attachment #4)

**Senator Nick Hacker** from District 42 testified in support of SB 2145 and the 7<sup>th</sup> graders from Williston stating there are many things that symbolize the state of North Dakota and the chokecherry is very fitting.

**Senator Lyson** asked for any further testimony in support of SB 2145, if there was any testimony in opposition or in a neutral position.

Hearing none, **Senator Lyson** closed the hearing on SB 2145.

**Senator Triplett** made a motion for a Do Pass of SB 2145.

**Senator Tollefson** second the motion.

A roll call vote for a Do Pass of SB 2145 was taken indicating & Yeas, 0 Nays and 0 absent or not voting.

**Senator Lyson** will carry SB 2145.

**Senator Lyson** thanked the students for their efforts and complimented them on a job well done.

**Senator Herbert Urlacher** commended the teachers and students for the serious research they conducted to bring the bill about.



**REPORT OF STANDING COMMITTEE (410)**  
January 19, 2007 12:23 p.m.

**Module No: SR-13-0829**  
**Carrier: Lyson**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**SB 2145: Natural Resources Committee (Sen. Lyson, Chairman) recommends DO PASS**  
**(7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2145 was placed on the**  
**Eleventh order on the calendar.**

2007 HOUSE GOVERNMENT AND VETERANS AFFAIRS

SB 2145

## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2145

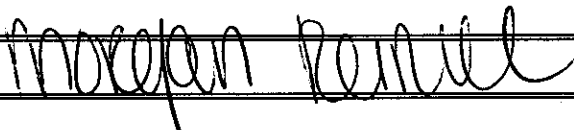
House Government and Veterans Affairs Committee

Check here for Conference Committee

Hearing Date: March 16, 2007

Recorder Job Number: 5201

Committee Clerk Signature



Minutes:

**Rep. Hatlestad:** Testimony attached.

**Rep. Grande:** As my former teacher I just wanted to say as an alumni as Rickard School I am really impressed that this is coming far.

**Rep. Hatlestad:** They are responsible.

**Rep. Sukut:** *It is indeed not only a privilege but an honor to be here today to stand in support of SB 2145. I want to compliment this group of young people who have taken the initiative to follow this bill all the way through and get it to this point. They are definitely not only ambassadors for the city of Williston but for the entire State of ND. I, on behalf of District 1, want them to know that we are proud of them. I encourage you to reward these young people by sending SB 2145 with a unanimous do pass.*

**Nancy Selby:** Testimony Attached.

**Rep. Meier:** When it came to deciding, did you have a class vote on which fruit should be used?

**Nancy Selby:** They did vote. There were many voices. We had 24 students. That is part of the process. We broke up into 3 groups and each group researched the information and decided.



**Rep. Meier:** It was a full class decision?

**Nancy Selby:** It was. I think it was because it went back into the Lewis and Clark journals and the history. I think that was what they thought was very important to represent our state.

**Rep. Froseth:** I noticed that there are labels on the jars that look like they are commercially produced. I was wondering if chokecherries are grown in ND and commercially made into a product that is sold. They look like labels that are commercially made.

**Nancy Selby:** You are absolutely right. These two products are produced commercially. They come from Jamestown and they are a Pride of the Dakota product. As I emailed the women who produced them she said that only a small amount are planted and harvested. The majority of the chokecherries are grown wild. She does have people in the Turtle Mountain area that she does hire who go out and pick the berries for her. I don't think it's a huge commercial industry, but it has the potential.

**Hailey Horab:** Testimony attached.

**Rep. Kasper:** When I was a kid I used to pick the chokecherries off the tree and eat them. I'm wondering if in the process of deliberation, did you have to eat some of these chokecherries?

**Hailey Horab:** No we didn't. I have tried them myself and I think they are pretty good.

**Rep. Dahl:** You certainly sound like you know a lot about chokecherries. What is the greatest lesson that you have learned in this process?

**Hailey Horab:** I think that it was a great history lesson. I think it should be part of our state.

**Rep. Haas:** Before you really focused on the chokecherry, your teacher said you did consider some other plants. How many other plants did you consider?

**Hailey Horab:** We considered the chokecherry, the June berry, and the buffalo berry. We researched them all but found out the chokecherry was the most native to ND.

**Rep. Meier:** Is the chokecherry the state fruit for any other state?

**Hailey Horab:** It is not a state fruit for any other state, but hopefully it will be ours.

**Alexius Enget:** Testimony attached.

**Rep. Wolf:** You may not be able to answer this but I'm going to ask anyways. Where I live we have lots of chokecherries. There are all kinds of different varieties. I have one tree row that has green leaves and the berry. I have several other trees that have purple leaves with the berries. This one is an actual tree. This description of the chokecherry that has the scientific description of it, I know that this is a different type of tree because of the color, but which one does this cover?

**Alexius Enget:** I don't know.

**Rep. Haas:** They are all *Prunus virginiana*. The Shubert Chokecherry was found and it was a genetic mutation that had the purple leaves. They emerged green and became purple. It is a cultivar of the same genus and species. It had to be reproduced vegetative because you can't reproduce it sexually because you won't get the same plant.

**Rep. Wolf:** So all of my chokecherries are the same?

**Rep. Haas:** Yes.

**Jake Germundson:** Testimony attached.

**Rep. Karls:** I have a red chokecherry in my backyard. I would love to make jelly but the birds eat it. Is there a way that I can stop that?

**Jake Germundson:** I don't know.

**Rep. Kasper:** I have heard a couple of testimony about the commercialization of the chokecherry. Being this may become the state fruit, would it be possible that your class, beings you were the beginning of this journey, that you could plant the trees and start picking them

and sell them. They could make fruit, juice, and jelly, and you could be the first class in the state who started harvesting and making money with it.

**Jake Germundson:** I suppose we could.

**Kathy Trogstad:** Testimony attached.

**Denise Suess:** *Today I stand before you wearing two different hats. The first hat is of a parent. I can not tell you the amount of pride I carry for these kids. The initiative, the eagerness, the dedication that these students have shown during this project is truly tremendous. They have worked hard to get to this point. They have earned their recognition. My second hat is that of an educator. I have the opportunity to go to work each and every day and work with youth. I have worked with youth who at times struggle to learn. I am a firm believer in hands on learning. By allowing these young people this marvelous opportunity we have seen in this project, you have become part of a life time memory. I ask you to please vote in favor of SB 2145. You will not regret it.*

**Holly Owens:** Testimony attached.

**Rep. Haas:** Could you give us the name of the publication yet?

**Holly Owens:** It is the ND Studies Project.

**Rep. Haas:** Is there any more testimony for SB 2145? If not we will close the hearing on SB 2145.

## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2145

House Government and Veterans Affairs Committee

Check here for Conference Committee

Hearing Date: March 16, 2007

Recorder Job Number: 5202

Committee Clerk Signature

*Morgan Bennett*

Minutes:

**Rep. Meier:** I move a do pass.

**Rep. Dahl:** I second that.

**Rep. Haas:** Is there any more discussion?

**Rep. Weiler:** I would like to thank you kids and teachers that came. This is such a neat deal. I hope that in the future you are able to look back on this and think that this was a wonderful thing that you guys did.

**Rep. Haas:** Is there any more discussion? If not we will take a roll call vote on a do pass motion for SB 2145. The do pass motion passes with a vote of 12-0-1. I will carry this bill.

Date: 3-16-07  
Roll Call Vote #: 1

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. "Click here to type Bill/Resolution No."

House Government and Veterans Affairs Committee

Check here for Conference Committee

Legislative Council Amendment Number SB 2145

Action Taken DO PASS

Motion Made By Rep. Meler Seconded By Rep. Dahl

Representatives			Representatives		
	Yes	No		Yes	No
Rep. C. B Haas Chairman	X		Rep. Bill Amerman	X	
Rep. Bette Grande VC	X		Rep. Louise Potter	X	
Rep. Randy Boehning			Rep. Jasper Schneider	X	
Rep. Stacey Dahl	X		Rep. Lisa Wolf	X	
Rep. Glen Froseth	X				
Rep. Karen Karls	X				
Rep. Jim Kasper	X				
Rep. Lisa Meler	X				
Rep. Dave Weller	X				

Total (Yes) 12 No 0

Absent 1

Floor Assignment Rep. Haas

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

**REPORT OF STANDING COMMITTEE (410)**  
March 16, 2007 1:09 p.m.

**Module No: HR-50-5570**  
**Carrier: Haas**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**SB 2145: Government and Veterans Affairs Committee (Rep. Haas, Chairman)**  
recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2145  
was placed on the Fourteenth order on the calendar.

2007 TESTIMONY

SB 2145

Mr. Chairman, for the record my name is Nancy Selby. I am a sixth grade teacher at Rickard Elementary in Williston.

The idea of the chokecherry becoming the state fruit started in February 2006 when my sixth grade students discovered North Dakota did not have a state fruit. Perfect timing, we were also working on persuasive letter writing which is in Standard 3 of the Language Arts document.

The students first wrote to Governor Hoeven who directed them to write to their local legislators. The students wrote to Senator Lyson who assigned a list of tasks for them to complete.

Several times I asked the students, "Are you done with this, have you learned enough," and each time they said, "No." They were committed to completing this project.

In late August Senator Lyson wrote to each of the students and enclosed a copy of the proposed bill.

Today some of these students are here to present to Senator Lyson and this committee facts to support adopting the Chokecherry as our state fruit.

off to bring jars - u haul

Who knows...the new State motto could be  
Discover North Dakota...The Chokecherry State.



Mr. Chairman my name is Hailey Horob and I attend williston middle school.

### Chokecherries

By: Hailey Horob

The chokecherry bush is a large shrub bearing small purple fruits in the fall. The Native Americans used the chokecherry for many things.

The chokecherry was an important source of vitamins A and C.

Chokecherries were noted to be found back as far as the time of Lewis and Clark. Lewis quotes on May 12, 1805, "The choke cherry also grows here in the hollows and at the heads of the gullies. Antelope, Buffalo Elk, and deer feed on the choke cherry." The Native Americans in North Dakota such as the Sioux Indians used the chokecherries in soups, stews, and pemmican. Pemmican is a mixture if meat, ripe dried

chokecherries that they pounded into a flour like substance, and animal fat that was one of the main substances for Indians during long journeys and trips. Then when the pemmican was ready Native Americans put the pemmican in their pouches and ate it on their journeys. The seeds in the chokecherry are very poisonous so before they pounded them they removed the seeds so that they would not get sick from them. The chokecherry was also used in Chokecherry Cakes. Chokecherry Cakes were ripe chokecherries that were dried and had the seeds removed and then pounded and mixed with other things to make the cakes.

The leaves of the chokecherry were used in tea as a treatment for stomach disorders and intestinal worms. Lewis also quotes in his journal on June 12 1805, " Having brought no medicine with me I resolved to try an experiment with some simples; and the choke cherry which grew abundantly in the bottom fist struck my attention; I directed a parcel of the small twigs to be gathered striped of their leaves, cut into pieces of about 2 inches in length and boiled in water until a strong black decoction of an astringent bitter taste was produced; at sunset I took a pint of this decoction and abut an hour after repeated the process. By 10 in the evening I was entirely relieved from pain and in fact every symptom of the disorder forsook me; me fever abated, a gentle perspiration was produced and I had a comfortable and refreshing nights rest." The bark was the primary source of palliative treatments, particularly the cambium, a layer of specialized cells between the bark and the wood generally referred to as inner bark. The bark was soaked in a water bath and used as a tonic to treat a variety of elements including coughs, sore throats, diarrhea, mild fevers, worms, bronchitis, and other digestive complications.

Lauren  
Yellowbird  
from  
Fort Union

Mandan,  
Arikarrah  
Hisatsa,

Mr. Chairman ~~my~~ for the record  
my name is Lexie Engel & I  
~~attend Williston Middle School.~~

**USES OF THE CHOKECHERRY**

Attachment #3

In 1629, chokecherry was ~~imported~~ <sup>exported</sup> to England where it has been cultivated as an ornamental. It was first cultivated in North America as an orchard crop in 1724. Anthropologists indicate cherries have been harvested in Eurasia from 4000 to 5000 B.C.

orchid

In my part of our presentation I will cover some of the major uses of the chokecherry from the past as well as present day uses. I will cover them in 4 parts: **CONSERVATION- WILDLIFE- FOOD- LANDSCAPING AND ETHNOBOTANY.**

**CONSERVATION:** The chokecherry is used extensively in shelterbelts, windbreaks, wildlife habitat and mass plantings for erosion control. ~~Chokecherry does well in riparian area planting.~~ It provides thermal cover over the water and works well in stabilizing streambanks. It has been used on disturbed sites like mined land reclamation, construction sites and it has a good erosion control plant because it can form thickets and spread by rhizomes.

**WILDLIFE:** The chokecherry is very important to the animals of North Dakota. Many birds, rabbits, rodents, deer and many more animals seek out and eat its fruit. It provides excellent cover, food, and nesting habitat for a variety of birds. It is used extensively by deer in our harsh ND winters as a browse source. In the early spring flowers provide an important source of nectar for butterflies, honeybees and ants.

**FOOD:** The fruit was a staple for numerous Indian tribes across the North American continent, especially to tribes who lived on the plains and prairies like ours in North Dakota. Tribes used the fruit in many ways, to list a few was the fruit and or juice were eaten alone. The whole chokecherry, including the pulp, skin and stone were pulverized into a pulp, shaped into balls and dried in the sun for future use. But one of the most important uses was it was part of the recipe for pemmican, or mince-meat. Likewise, pioneers and settlers came to realize its food value. Mature fruits are still collected to and used to make jellies, jams, pie-fillings, syrups, sauces and wines. If any of you have never tried it, you're in for something special.

**LANDSCAPING:** In some parts of the U.S., the chokecherry is a popular ornamental. Its quick growth, mature size, attractive white flowers in the spring and strong, sweet and almond-like aroma fragrance make it a good yard tree in urban areas. In ND, as I mentioned earlier, it is a very important part of our native landscape and excellent food and shelter for our abundant wildlife.

**ETHNOBOTANY:** Chokecherries covered a large geographic range in North America, so a majority of tribes used it to treat a variety of health problems. It was valued especially for its astringent properties and beneficial effect upon the respiratory system. The Arikara women would drink the b juice to stop post-partum hemorrhage. The Blackfeet drank berry juice for diarrhea and sore throat. The Cherokees used warm chokecherry tea for women when labor pains began. The Cheyenne gather immature fruit, dry it in the sun, pulverize it and use it as a treatment for diarrhea. The P made a medicinal tea from the leaves and twigs to treat colds. The Sioux, Crows and Gros V and many others made a bark tea to cure stomach aches and dysentery. In their journals, Lewis Clark recorded that while camped on the upper Missouri River Captain Lewis became ill with abdominal cramps and fever. He made a tea from chokecherry twigs and was well the next day. I don't know exactly where but I think it was right here in ND.

To sum everything up that I have covered here today, this is why we at Rickard school think the chokecherry should be our state fruit. Without mentioning the history of the chokecherry in ND, it is still today an important part of our future. Please consider our proposal and on behalf of Rickard school, I personally would like to thank each and everyone of you for taking your precious time out today to hear our united voice on what we believe should be our state fruit.... **THE CHOKECHERRY. THANK YOU KINDLY**

Mr. Chairman my name is Jake Germundson. I go to Williston Middle School

The choke cherry is related to the American Plum and different cherries.

Most choke cherries grow wild only a very small percent is planted.

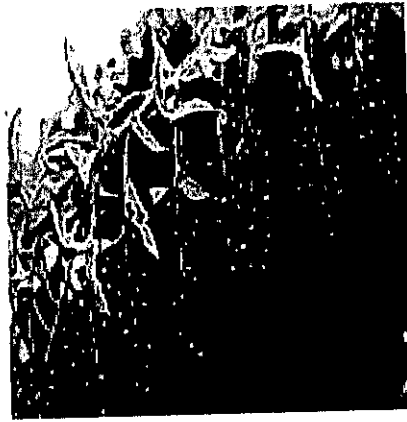
Ronald Smith from North Dakota State University told us by email that choke cherries are native to North Dakota and are found all over the state.

Kay Eagleson from Jamestown is the owner of Berry Dakota which produces, jam, jelly, syrup. She get 4 gallons out 16 pounds of choke cherries. She uses 1,000 to 1,200 pounds of choke cherries in a year. She said she gets <sup>from to</sup> 84-96 jars of 8 oz juice. 108-120 jars of 6 oz jelly. She got some of her berries from the Turtle Mountains. Sometimes she picks by Jamestown and most of those have been planted. She said "It would be great to be able to say that I make jelly from the State Fruit."  
~~she~~ - MS Eagleson is just one of many ND Dakotans who use choke cherries to create these products.  
North Dakota is one of 24 states without a State Fruit.

I urge you to support Senate Bill 2145 to designate the choke cherry as the official State Fruit of North Dakota.

Note for me

why do I think it's important



Chokecherry

\*Prunus virginiana

\*Native to North Dakota

\*The chokecherry grows on slopes of the Missouri river.

\*Native Americans used it for pemmican, tea, and cakes.

\*Documented in the Lewis and Clark journal dated 1805.

\*Today it's used for jelly, wine, and syrup.

Thank you, Mr. Chairman and members of the GVA Committee for the opportunity to address this distinguished group. For the record my name is Representative Patrick Hatlestad, District One, Williston.

It is my pleasure to introduced SB 2145, a bill to designate the Chokecherry as the state's official fruit. It is also my pleasure to introduce the chokecherry experts from Williston, Mrs. Selby, leader of the Pack and her former 6<sup>th</sup> grade class (2006 – Richard School)

We, as legislators, take pride in the belief that we are part of a citizen legislature. A belief that anyone can get involved in their government. I would like to offer a civics lesson in motion, an example of individuals who became deeply involved in North Dakota government. Individuals who picked up on an idea, did the required ground work, saw their efforts flourish and ran with it all the way to the state legislature and today will, with your help, leave their mark. These individuals are here today to discuss, with you, the reasons they believe Chokecherries should be North Dakota's official fruit.

I would attempt to answer any questions you may have but would prefer to defer to the Chokecherry experts. Listed below are the names of the Class and their instructor.

Mrs. Nancy Selby, Instructor extraordinaire

\*Hailey Horab, \*Alexius Enget, \*Jake Germundson , Josten Bratcher, Derek Woodhams, Ali Wells, Courtney Wrolson, Cassidy Owens, Gabe Bjerke, Londen Peterson, and Amanda Suess.

- speakers for the class

Mrs. Selby

Mr. Chairman for the record, my name is Nancy Selby. I am a sixth grade teacher at Rickard Elementary in Williston.

The idea of the chokecherry becoming the state fruit started in February, 2006. My students and I were reading a story in our "Scholastic Magazine." A child from another state discovered his state had no fruit. The story was about the process of a bill becoming a law and also the positive impact that young people can have.

One of the students here today, Hailey Horob, spoke up ...Mrs. Selby do we have a state fruit? My response was well, where can we look? They looked in an encyclopedia and on the internet, and of course, their 4<sup>th</sup> grade teacher, Mrs. Trogstad, would surely know. And so we discovered that North Dakota was without a state fruit.

At this same time we were working on persuasive letter writing which is in Standard 3 of the sixth grade language arts document. The majority of the students chose to write about the state fruit. But...which fruit should get the honors? Suggestions from the students were the chokecherry, the buffalo berry and the june berry. The students worked in groups to research each berry. The groups then presented the information to the class. All agreed that the chokecherry was the best to represent the state.

The students first wrote to Governor Hoeven with their idea. He wrote back and encouraged them to write to their local legislators. The students then wrote to Senator Lyson with their proposal.

Senator Lyson wrote back to each student. He explained how he would have a bill drawn up. Then he assigned a list of research questions and tasks for the students to accomplish. They were excited and anxious to get started. They found all the answers to his questions and wrote back with the information. I think he was surprised that the kids had stuck with the issue.

This past fall Senator Lyson wrote again to each student and enclosed a copy of the Senate Bill. He told them to be ready to come to Bismarck and testify in committee hearings. And here we are. Before the students speak and give you the facts of their research I want to share with you some of the responses I received after our January 19 Senate hearing.

Vera Bergstrom of Ray wrote to tell me how important the chokecherry was during the depression. She said that even during the drought chokecherries grew and they were able to make jelly and syrup.

A fellow teacher emailed to tell me how excited her dad was about the chokecherry becoming the state fruit. In the early days of February she helped him make chokecherry jelly. He had some chokecherries in his freezer from several years ago. She said what a wonderful time they had together making about 20 pints of chokecherry jelly. Mrs. Angermeier's class was participating in the bread fair that day and she said that the next day she would let them sample some of the chokecherry jelly on their fresh bread. *She said she had to represent them*

*Mary Ann*

I urge you to support Senate Bill 2145 designating the Chokecherry as the State Fruit. Now the students will present the information they found during their research.



Mr. Chairman for the record my name is Hailey Horob. And I am a 7<sup>th</sup> grader at the Williston Middle School

Today in my part I will cover how the chokecherry was used in the past.

## Chokecherries By: Hailey Horob

The chokecherry is a shrub or small tree, growing from 6 to 25 feet tall with horizontal branches, growing in dense thickets. Flowers grow from April to July, and fruits maturing from July to September. The flowers grow in dense clusters. The bush produces a dark red to black, fleshy, cherry-like fruit. The fruit has a tart and astringent taste, being  $\frac{1}{4}$  to  $\frac{1}{2}$  inch in diameter.

The chokecherry was a very important part of the Native Americans diet. The berries were collected in the fall and frozen or dried so that they could be eaten in the winter months. They were a very important source of vitamins A and C. Often, the fruits were pounded into a flour-like material that was stored in cakes for use after dehydration in soups or sauces or as an additive to other foods, such as pemmican. Lauren Yellowbird from <sup>El Union</sup> ~~the south~~ tells us that, "Pemmican is a mixture of meat, ripe dried chokecherries that they pounded into a flour like substance, and animal fat that was one of the main substances for Native American during long journeys or hunts." Chokecherries were noted to be found back as far back as the time of Lewis and Clark. Lewis quotes on May 12, 1805, "The choke cherry also grows here in the hollows and at the heads of the gullies. Antelope, Buffalo Elk, and deer feed on the choke cherry." The Native Americans in North Dakota such as the Sioux Indians, Hidatsa, and Black Feet used the chokecherry in soups, stews, and pemmican. The chokecherry was also used in Chokecherry Cakes. Chokecherry Cakes were ripe chokecherries that were dried and then pounded and mixed with other things to make the cakes. The seeds in the

