

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2179

2007 SENATE AGRICULTURE

SB 2179

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2179

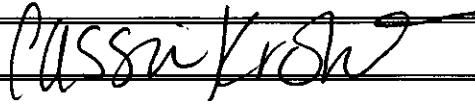
Senate Agriculture Committee

Check here for Conference Committee

Hearing Date: January 26, 2007

Recorder Job Number: 2065

Committee Clerk Signature



Minutes:

Sen. Flakoll opened the hearing on SB 2179, a bill to provide an appropriation for the mitigation of crop damage by blackbirds. 6 members were present, 1 absent (**Sen. Erbele**)

Sen. Wanzek, district 29, testified in favor of the bill.

Sen. Wanzek- This bill before you is a bill concerning the damage caused by blackbirds, mainly in the area of sunflowers. For those who are not aware, they can be a very menacing pest that creates a lot of havoc on production and costs a lot of money. There are others here that can give you more examples and answer more of your questions than I can.

Wayne Carlson, livestock program manager for the Dept of Ag, testified in support of the bill. See attached testimony.

Sen. Robinson, district 24, testified in favor of the bill.

Sen. Robinson- I am not a expert in sunflowers or blackbirds. But I do realize the magnitude of the loss and the damage that blackbirds can do to this crop. I support this bill.

Mike Clemens, producer representing the National Sunflower Association, See attached testimony.

Sen. Heckaman- what correlation does NDSU have with this since it is running through the wildlife, have they done a lot of research in this area that is going to be useful?

Mike Clemens- there is a man with the USDAAFS that will be doing research on it with counterparts out of Texas.

Sen. Klein- do we have sunflowers through out ND, or is it concentrated in a particular region? Are we going to be able to cover all the bases, how do you envision that all working?

Mike Clemens- There are 5 local trappers or hunters and they will work with like a local Cenex area, they will help identify areas, work with producers who are calling into the Ag dept and reporting damages. It is to target the birds that are flying in and there is a problem, it is not random baiting around the country side.

Sen. Taylor- do you envision this as being a ongoing program?

Mike Clemens- this is really a research project at this point that is why it is really important to keep the funding here it is at so we can do the research, document it and see how well the programs will work.

Sen. Wanzek- do you think there is any way to go ahead with this and in time see the results?

Mike Clemens- it is hard to see how it is going, producers will be able to weigh in how things are going.

Sen. Taylor- what do you think on the risk on the non target species on the baiting?

Mike Clemens- how they do this is they will you treated rice instead of treated corn, it is not a preferred food of a pheasant, they will do a pre baiting in the area first and observe it to make sure there are not any pheasants in the area, then they will come out with the hot bait. The bait that they use, the pheasant would have to eat 25 hot bait and a blackbird only needs to eat one and die. It would be decided by the wildlife services also.

Sen. Flakoll- in consideration to the good neighbor policy on the guns is there a program set up?

Mike Clemens- it would be in set up for agreement. There is a timer now on the boomers so that they turn on at sun up and off at sun down.

Sen. Wanzek- I believe there is a law in place for that already.

Sen. Flakoll- when we chase them away about how far would they go in about a 24 hour period?

Mike Clemens- I'm not sure completely, they could go to the neighbors field or move miles.

Dan Wiltse, producer from Lisbon ND and also serves on the National Sunflower Association Board, testified in favor of the bill. Showed a video to the committee from Lisbon ND on blackbirds.

Dan Wiltse- I stand in support of this bill.

Sen. Flakoll- have you talked about a coordinated effort with bordering states to get a program in place?

Dan Wiltse- actually with the ND sunflower industry we encompass South Dakota and other states and they know of this program. I think there was some work done in South Dakota.

Jeff Enger, director of the NDCUC, testified in favor of the bill.

Jeff Enger- We just discontinued production of sunflowers due to devastation because of blackbirds, it was to great of a economic loss. Blackbirds continue to be a problem. I urge a passage of SB 2179.

Ward Eichhorst, farmer near Underwood, ND, testified in favor of the bill. Showed the committee a letter that he had sent to the governor in 2006. Gave examples of his own experiences with the blackbirds on his own farm.

Sen. Klein- is anything being done about getting these birds off the migratory protected bird list?

Ward Eichhorst- we have been trying but nothing has been done yet.

Sen. Flakoll- so I legally can not hire a 12 year old boy to go out and shoot these birds?

Ward Eichhorst- legally no.

Sen. Flakoll- what natural predators do these birds have?

Ward Eichhorst- maybe hawks, I'm not sure.

Sen. Taylor- what are the hardest limitations that you are finding because of this migratory protected bird act?

Ward Eichhorst- there are many, if the migratory bird list went away it would help.

Larry Klemgartner, executive director of the National Sunflower Association, testified in favor of the bill.

Larry Klemgartner- I am going to just deal with a couple of questions that have come up.

When the bird is doing or about to do damage legally you can harass or kill that bird. When they come north in the spring the males come first and then the female. There is research being done to set up a bait to reduce the females, at this time the research is being done in South Dakota. Pheasants are not a concern to the bait that is being set for the blackbirds. This is a national problem both dealing with fields and in urban environments.

Sen. Flakoll- do you know what the average length of life is for a blackbird

Larry Klemgartner- about 3 to 4 years.

Sen. Klein- have we worked a lot with South Dakota?

Larry Klemgartner- yes and all the way down to Kansas.

Sen. Klein- once you remove them from a field about how far will they go in a day?

Larry Klemgartner- they will go 8 to 10 miles.

Sen. Heckaman- what research has been done in attacking the sting areas?

Larry Klemgartner- they like to nest in cattails. We have had a major program in getting rid of as many cattails as we can. They are foreign to this area.

Sen. Klein- how far north do they fly?

Larry Klemgartner- they do go into Canada.

Jim Slag, ND area farmer, testified in favor of the bill. Gave personal testimony of experiences on his own farm. Tape time 43:34-47:05.

Deana Wiese, administrator of the ND Ag Coalition, testified in favor of the bill. See attached testimony.

Brian Kramer, ND farm bureau and lobbyist 40, testified in favor of the bill.

Brian Kramer- We have had a long standing policy on the issue with blackbirds and whatever can be done to get rid of them. We think this is a good first step and hope that some of the research and stuff that comes out of this will be helpful to producers in the state.

Woody Barth , ND farmers union and lobbyist 286, testified in favor of the bill.

Woody Barth- we do stand in support of this bill, we have a long standing policy with the issued of blackbirds and other predators and crops and crop damage. We would support the appropriation to do research to control blackbird population and the damage to crops in ND. This problem has been around a long time and needs to be fixed. We would support this bill.

Tim Dekrey, president of the national Sunflower Association, testified in favor of the bill.

Tim Dekrey- we stand for this bill. Blackbirds are one of the main reason that sunflower production has gotten less and less over the past years. We feel that we have exhausted our efforts with the national wildlife control services.

Sen. Taylor- are we getting to a point where we are in danger of losing some of our processing capacity or with some companies if they cant get the product are they going to back out and go with someone else?

Tim Dekrey- it is something that is pushing us to push forward to come up with some type of result.

Sen. Wanzek- I had heard there was some type of research with genetics and trying to answer the problem that way in developing a sunflower plant that is less attractive or more difficult for the bird to harvest, was there ever any other progress or does that create other problems?

Tim Dekrey- I am not familiar enough with that research.

Sandy Clark from the ND Farm Bureau was also present and in favor of the bill along with

Rep. Muller from district 24.

No opposition to the bill.

Sen. Flakoll closed the hearing.

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2179

Senate Agriculture Committee

Check here for Conference Committee

Hearing Date: January 26, 2007

Recorder Job Number: 2067

Committee Clerk Signature

Minutes:

Sen. Flakoll opened discussion on SB 2179.

Sen. Klein- I was thinking that maybe we could use some of that money from bill from SB 2323 but there again that is one thing that we could adjust in the appropriations process.

Sen. Flakoll- I wonder if both bills would have a better chance of survival if we do that.

Sen. Wanzek- I have an amendment that is going to change the language from being appropriated out of the general fund to being appropriated out of the EARP fund.

Sen. Behm- sunflowers are going to quite growing sunflowers if something is not done.

Sen. Taylor- i wonder how the language would be, if available in the EARP fund with remainder by general fund?

Sen. Klein- if they did produce that money we are taking it out of general fund so to speak.

Roll call vote 1: **Sen. Wanzek** motioned for a do pass to adopt amendment **Sen. Klein** seconded the motion, 6 yeas, 0 nays, 1 absent. Roll call vote 2: **Sen. Wanzek** motioned for a do pass as amended to be rerefered to appropriations. **Sen. Klein** seconded the motion.

Sen. Wanzek was designated to carry the bill to the floor, 6 yeas, 0 nays, 1 absent (Sen. Erbele)

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Prepared by the Legislative Council staff for
Senator Wanzek
January 26, 2007

JW
1-31-07

PROPOSED AMENDMENTS TO SENATE BILL NO. 2179

Page 1, line 4, replace "general" with "environment and rangeland protection"

Renumber accordingly

Date: Jan 26, 2007
Roll Call Vote #: 1

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2179

Senate Agriculture Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass to adopt amendment

Motion Made By Wanzek Seconded By Klein

Senators	Yes	No	Senators	Yes	No
Tim Flakoll-Chairman	X		Arthur H. Behm	X	
Terry M. Wanzek-Vice Chairman	X		Joan Heckaman	X	
Robert S. Erbele			Ryan M. Taylor	X	
Jerry Klein	X				

Total (Yes) 6 No 0

Absent 1 - (Sen. Erbele)

Floor Assignment _____

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

Date: Jan 26, 2007
Roll Call Vote #: 2

**2007 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2179**

Senate Agriculture Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass as Amended to be rereferred to Apps.

Motion Made By Wanzek Seconded By Klein

Senators	Yes	No	Senators	Yes	No
Tim Flakoll-Chairman	X		Arthur H. Behm	X	
Terry M. Wanzek-Vice Chairman	X		Joan Heckaman	X	
Robert S. Erbele			Ryan M. Taylor	X	
Jerry Klein	X				

Total (Yes) 6 No 0

Absent 1 - (Sen. Erbele)

Floor Assignment Sen. Wanzek

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

REPORT OF STANDING COMMITTEE

SB 2179: Agriculture Committee (Sen. Flakoll, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE REREFERRED to the Appropriations Committee (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2179 was placed on the Sixth order on the calendar.

Page 1, line 4, replace "general" with "environment and rangeland protection"

Renumber accordingly

2007 SENATE APPROPRIATIONS

SB 2179

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2179

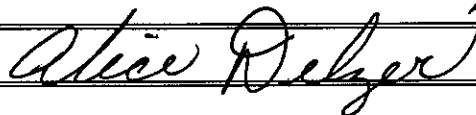
Senate Appropriations Committee

Check here for Conference Committee

Hearing Date: 02-08-07

Recorder Job Number: 3195

Committee Clerk Signature



Minutes:

Chairman Holmberg opened the hearing on SB 2179 at 11:00 am on February 8, 2007, regarding the mitigation of crop damage by blackbirds referred from the Agriculture Department.

Senator Terry M. Wanzek, District 29, Jamestown gave oral testimony in support of the bill. **Dan Wiltse, National Sunflower Association** presented written testimony (1) and showed a video and gave oral testimony in support of SB 2179.

Senator Bowman had questions regarding research done for electrocution of birds, the poisoning along the gravel roads and whether this endangers the pheasant population, and the costs or damages to the fields by the blackbirds. He was informed that USDA Wildlife Services are helping control the blackbirds. He was also informed that electrocution was not possible with blackbirds.

George Linz, USDA – WS explained the problems of trying to electrocute the birds and gave the information regarding the pheasants, stating the dosage would not harm the pheasants. He also stated that USDA Wildlife Services contract with grad students at NDSU and find there is great support with the different programs as PLOT an different Wild Life projects.

Senator Krauter had questions relating to the current prices of the treated seed.

Senator Krebsbach asked about the involvement of the County Extension Service and if individual farmers could treat and spread the seed themselves. She was informed that only trained to perform these duties are invested with this responsibility and it is a carefully monitored program. This program is not in a research phase.

Reggie Herman, Sunflower producer testified in support of SB 2179.

Ward Eichhorst, Sunflower Producer presented written testimony (2) and gave oral testimony in support of SB 2179.

Wayne Carlson, Program Manager for Livestock Services presented written testimony (3) and gave oral testimony in support of SB 2179.

Senator Grindberg had questions regarding where these birds are causing the most damage and if there is case by case studies done.

There was no further discussion. SB 2179 was closed.

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2179

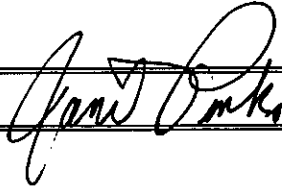
Senate Appropriations Committee

Check here for Conference Committee

Hearing Date: 02/13/07

Recorder Job Number: 3449

Committee Clerk Signature



Minutes:

Chairman Holmberg opened the hearing on SB 2179 discussing the bill.

Senator Bowman moved a do pass on amendment .0201, **Senator Tallackson** seconded.

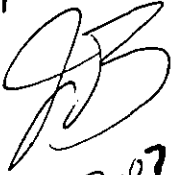
Discussion opened. An oral vote was taken. The motion carried.

Senator Bowman moved a DO PASS on the bill as amended, **Senator Krauter** seconded.

No discussion was held. A roll call vote was taken on SB 2179. The results were 14 yes, 0 no, 0 absent. The motion passed and **Senator Bowman** will carry the bill.

Chairman Holmberg closed the hearing

February 12, 2007


2-13-07

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2179

Page 1, line 5, replace "\$159,000" with "\$79,500" and after the second comma insert "and appropriated out of any moneys in the oilseed fund in the state treasury, not otherwise appropriated, the sum of \$79,500, or so much of the sum as may be necessary,"

Renumber accordingly

Date:
Roll Call Vote #:

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2179

Senate Appropriations Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken DP as amend 0201

Motion Made By Bowman Seconded By Tallackson

Senators	Yes	No	Senators	Yes	No
Senator Ray Holmberg, Chrm	✓		Senator Aaron Krauter	✓	
Senator Bill Bowman, V Chrm	✓		Senator Elroy N. Lindaas	✓	
Senator Tony Grindberg, V Chrm	✓		Senator Tim Mathem	✓	
Senator Randel Christmann	✓		Senator Larry J. Robinson	✓	
Senator Tom Fischer	✓		Senator Tom Seymour	✓	
Senator Ralph L. Kilzer	✓		Senator Harvey Tallackson	✓	
Senator Karen K. Krebsbach	✓				
Senator Rich Wardner	✓				

Total (Yes) 14 No _____

Absent _____

Floor Assignment Bowman

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

REPORT OF STANDING COMMITTEE

SB 2179, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2179 was placed on the Sixth order on the calendar.

Page 1, line 5, replace "\$159,000" with "\$79,500" and after the second comma insert "and appropriated out of any moneys in the oilseed fund in the state treasury, not otherwise appropriated, the sum of \$79,500, or so much of the sum as may be necessary,"

Renumber accordingly

2007 HOUSE AGRICULTURE

SB 2179

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2179

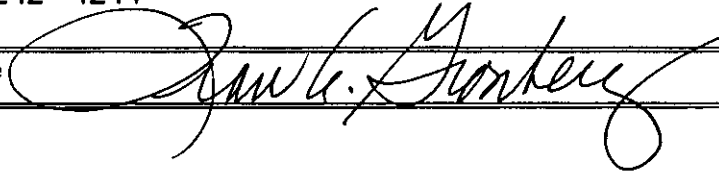
House Agriculture Committee

Check here for Conference Committee

Hearing Date: 3-2-07

Recorder Job Number: 4242 4244

Committee Clerk Signature



Minutes:

Chairman Johnson opened the hearing on SB 2179. Is there anyone here in support of the bill? Senator Wanzek could not be here today. Senator Boe do you have any comments on the bill?

Sen Boe: It is what it is.

Sen Headland: District 21 It is self explanatory. It is to appropriate some money to alleviate the blackbird problem. I stand in support of it.

Rep Belter: I know there is a tremendous problem with blackbirds on sunflowers, but do they also bother corn?

Rep Headland: Yes, they are extremely hard on corn.

Rep Froelich: I have a question on where the funding is coming from.

Rep Headland: I'm not real sure what the Senate did on the bill. I didn't realize that Senator Wanzek wasn't going to be here.

Chairman Johnson: We'll have the hearing on the bill is there is someone here to testify, but we'll hold it over until next Thursday when Senator Wanzek is back.

Rep Brandenburg: I'm not sure, but I think that there is some federal money that ties together with this blackbird problem.

John Sandbakken, National Sunflower Association: (testimony attached)

Chairman Johnson: When using DRC 1339 near gravel roads, is there any problem with other game or pheasants getting the bait?

Sandbakken: That's the reason they have to monitor. Once the bait is put down on the road, they monitor and if there are any non target birds like pheasants they would not be able to use it there. It is right on the label.

Rep Brandenburg: Is there federal money tied to this?

Sandbakken: There is federal money tied to it. A lot of it is for research.

Rep Froelich: How much money is US Fish and Wildlife right now spending to control blackbirds?

Sandbakken: I don't know. I don't have the total budget. On our end they get about \$400,000 to \$500,000 per year. It is not just ND, it is the whole area ND and SD. I don't have a total budget figure, but I believe it is somewhere between \$700,000 and \$800,000.

Rep Onstad: DRC 1339 seems to be the best way. Are you researching other ways? Because it could become a problem with pheasants and pheasants and sunflowers seem to go together.

Sandbakken: We've tried other methods, but this is a good tool in heavy areas. They use some chemicals and research other methods.

Wayne Carlson, Project Manager for the ND Livestock Service: (testimony attached)

The producers couldn't make it today because of the weather. But they will be here next time.

Chairman Johnson: We sacrifice about 80 acres just to keep them off the other fields.

Rep Uglem: Do we have any real control or do we just move them on to the next neighbor?

Carlson: Right now, that's basically the only control we have is to scare them on to some other food source.

Deana Wiese, Administrator of the ND Ag Coalition: (testimony attached)

No opposition.

Rep Onstad: Do the new sunflowers attract more blackbirds than the old ones?

Carlson: No.

Chairman Johnson closed the hearing.

Chairman Johnson and the committee decided that anyone else coming to testify would be in favor of the bill and consequently decided to take the vote immediately.

A Do Pass Motion was made by Rep Brandenburg.

It was seconded by Rep Headland.

(Yes) 13 (No) 0 (Absent) 0

Carrier: Rep Mueller

Date: 3/2/07
Roll Call Vote #: 1

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO.

House Agriculture

Committee

Check here for Conference Committee

Legislative Council Amendment Number SB2179

Action Taken Do Pass as Re referred to Appropriations

Motion Made By Rep. Brandenburg Seconded By Rep. Headland

Representatives	Yes	No	Representatives	Yes	No
Chairman Dennis Johnson	✓		Tracy Boe	✓	
Vice Chair Joyce Kingsbury	✓		Rodney Froelich	✓	
Wesley Belter	✓		Phillip Mueller	✓	
Mike Brandenburg	✓		Kenton Onstad	✓	
Craig Headland	✓		Benjamin Vig	✓	
Brenda Heller	✓				
John D Wall	✓				
Gerry Uglen	✓				

Total (Yes) 13 No 0

Absent 0

Floor Assignment Rep Mueller

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

REPORT OF STANDING COMMITTEE

SB 2179, as reengrossed: Agriculture Committee (Rep. D. Johnson, Chairman) recommends DO PASS and BE REREFERRED to the Appropriations Committee (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed SB 2179 was rereferred to the Appropriations Committee.

2007 HOUSE APPROPRIATIONS

SB 2179

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2179

House Appropriations Committee
Education and Environment Division

Check here for Conference Committee

Hearing Date: March 7, 2007

Recorder Job Number: 4574

Committee Clerk Signature

Shirley Brannery

Minutes:

Chairman Wald: Called the meeting to order on SB 2179, a bill for an Act to provide an appropriation for the mitigation of crop damage by blackbirds by introducing Wayne Carlson:

Carlson, Program Manager for Livestock Services: One of my duties is to oversee the livestock services in our budget. This bill to do a research project on sunflowers to bait and to trap blackbirds in areas where there is a lot of damage. The research will be done by an individual who works for wild life services. This bill was requested by the National Sunflower Association. It is a two-year project and the funding source will come from our department. It is a study to see if road-side baiting works using DRC 1339.

Representative Hawken: This is not general fund money.

Carlson: No. It is a study. It will go operational in the fall.

Representative Klein: How will it be implemented?

Carlson: They will use traps and bait with poison. DRC1339 is a chemical that is specific to blackbirds, it doesn't really hurt a lot of nontarget.....It is labeled by the Wildlife Service.

Brown rice is the preferred bait because most game birds don't like it. This is all managed by the Ag Department.

Representative Hawken: Move a Do Pass on SB 2179

Page 2
House Appropriations Committee
Education and Environment Division
Bill/Resolution No. SB 2179
Hearing Date: March 7, 2007

Representative Aarsvold: Second

Chairman Wald: No amendments, so call the roll on final passage.

Vote: 5 Yes, 0 No, 2 Absent Motion Do Pass Carried. Carrier: Representative Klein:

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2179

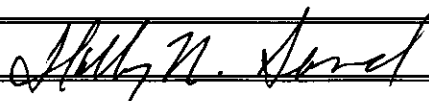
House Appropriations Committee

Check here for Conference Committee

Hearing Date: March 9, 2007

Recorder Job Number: 4777

Committee Clerk Signature



Minutes:

Chm. Svedjan opened the hearing on SB 2179.

Rep. Klein: SB 2179 takes money from the environmental protection fund of \$79,500, and another \$79,500 from the check off fund to do a study by the agricultural research service in Bismarck. It's a two year project to study an operational use of traps with poison to control blackbirds. We've had some serious damage to the sunflower people and this was a proposal to try and solve that problem. Basically it's both a study and an operation where they will use various poisons and cages using brown rice to entice these blackbirds into a cage. It will not effect pheasants or other game birds. This is a proposal by the ARS to control blackbirds.

Chm. Svedjan: You mentioned something about it being a study?

Rep. Klein: It is both a study and an actual research project where they are going to set out various cages with poison in them to see if they can control blackbirds.

Rep. Carlisle: The AG department has money in their fund. They were doing all kinds of stuff.

Rep. Klein: There wasn't anything in the Ag department budget to do this. This was something that came about that the check off people wanted and the sunflower folks too.

Chm. Svedjan: Where does the check off funds actually go?

Rep. Klein: Depending on the various agencies. This I understand comes from the sunflower check off people.

