

## MINUTES

## SPECIAL COMMITTEE ON AGRICULTURE AND LIVESTOCK

June 8 and 9, 1977  
Room 5108, State House

Members Present

Representative Ambrose Dempsey, Chairman  
Senator Fred Kerr, Vice-Chairman  
Representative Richard Adams  
Representative Dean Hinshaw  
Representative John J. Maloney  
Representative John Vogel  
Representative George Works  
Senator Neil Arasmith  
Senator Joe Norvell  
Senator Larry Rogers

Staff Present

Ron Smith, Legislative Research Department  
Hank Avila, Legislative Research Department  
John Rowe, Legislative Research Department  
Phill Jones, Legislative Research Department  
Don Hayward, Revisor of Statutes Office

Conferees

Art Sommer, Kansas Seed Dealers, Inc.  
John Blythe, Kansas Farm Bureau  
Don Chisom, County Extension Agent, Saline County  
Earl VanMeter, County Extension Agent, Douglas County  
W.W. Duitsman, Secretary of Kansas Board of Agriculture  
Lowell Burchett, Kansas Crop Improvement Association  
Don Jacka, Assistant Secretary of Kansas Board of Agriculture  
Bob Guntert, Control Division of State Board of Agriculture

The Chairman called the meeting to order at 9:00 a.m. and informed the Committee that it would be considering Proposal No. 3 and Proposal No. 4 this interim. He then requested staff to give its presentation regarding Proposal No. 3. The staff review of Proposal No. 3 was divided into two sections — Kansas Seed Laws and the Kansas Seed Laboratory. In reviewing the Kansas seed laws, the staff briefed the Committee on the problems that had been encountered by the Control Division in enforcing the Federal Plant Variety Protection Act. The staff also briefed the Committee on the possibility of upgrading the weed list in the Seed Laws by rules and regulations rather than by the present method of legislative initiative.

Staff review of the Agricultural Seed Laboratory was divided into four parts: (1) a review of the Seed Laboratory's present method of organization, (2) the present method of funding, (3) the types of services offered and the fees charged for them, and (4) the qualifications of personnel.

The Kansas Seed Laboratory is a division within the Kansas Board of Agriculture and is under the jurisdiction of the Secretary of Agriculture. Funding for the seed laboratory comes from two sources — the state's general revenue fund and the fees charged for service samples. Staff pointed out that at present, approximately 70 percent of the funding for the seed laboratory comes from the state's general revenue fund and the remaining 30 percent is derived from the fees charged for service samples. However, in looking at the number of tests conducted within the last year, seed laboratory personnel spend approximately 75 percent of their test time on service samples and only 25 percent on regulatory samples, as mandated by Kansas statutes for the inspection of seed sold in the state. In addition, it was pointed out that Kansas has the lowest fee scale for tests of any of the surrounding states surveyed. The seed laboratory offers three primary tests: the noxious weed seed test, germination tests, and the purity test.

Qualifications of the personnel employed by the seed laboratory were found to be quite comparable to those of the surrounding states. The question of qualifications was actually raised by the Kansas Seed Dealers in relation to whether or not Kansas could have a Registered Seed Technologist (R.S.T.) heading the laboratory. The staff found that personnel of any seed laboratory that is affiliated with a government agency cannot qualify for the R.S.T. designation. Following the staff's presentation, various Committee members raised questions concerning the staff report.

Following the questions presented by members of the Committee, the Chairman began hearings on Proposal No. 3 with Mr. Art Sommer (of Sommer Seed Company, Inc.) who is the officially designated legislative representative for the Kansas Seed Dealers, Inc. Mr. Sommer explained the Seed Dealers' position and informed Committee members that his organization feels the equipment of the state laboratory is inadequate compared with Iowa and that the industry is ready to pay more for better service. However, there are certain methods of raising additional revenue that the seed dealers would be opposed to such as the purchase of a special tag to add to the existing tags they now have on their seed. Mr. Sommer concluded that his organization would support measures that would bring about better results, help build confidence, and meet his organization's needs.

Following Mr. Sommer's testimony, several questions were asked by various Committee members. Senator Kerr questioned Mr. Sommer regarding the seed dealers' use of the laboratory. Mr. Sommer reported that there are some dealers who do not presently use the laboratory.

Representative Hinshaw raised the question of R.S.T. accreditation which resulted in considerable Committee discussion. Mr. Sommer said that the state perhaps needs to develop an educational program for lab personnel since the people presently employed appear to be well qualified in performing their tasks in comparison to surrounding states. It was again noted that no government employee would be in a position to be certified as an R.S.T. since the certification is granted by a private organization only to persons connected with commercial operations.

Representative Vogel asked whether the seed dealers would be willing to pay for additional services and to what extent if additional services were available. Mr. Sommer answered that he thought the industry would support fees comparable to Iowa or Colorado.

The Chairman next called on Mr. John Blythe, representing the Kansas Farm Bureau, who submitted a written statement. Mr. Blythe expressed appreciation for being allowed to participate and said that there was some feeling in his organization that the seed laboratory could be improved.

Two Agricultural Extension Agents made the next presentations, Mr. Don Chisom of Salina and Mr. Earl VanMeter of Lawrence. Both made brief statements and pointed out their fears that, if the Committee raised fees too high on service tests, farmers might not use the test which could result in a reduction of crop production in Kansas. Both noted that, in their brief investigation of the seed laboratory and in questioning their constituents, neither had received a negative comment regarding its operation.

Mr. Lowell Burchett of the Crop Improvement Association from Kansas State University made a few comments which centered around the efficiency and effectiveness of such a program and said that he personally would support anything that would be beneficial to the farmer.

The last person to testify on Proposal No. 3 was Mr. W.W. Duitsman, Secretary of Agriculture for the Kansas Board of Agriculture. He expressed the concern of his Department to do a good job in leading agricultural state. In planning the budget, he had suggested that no changes be made for another year until a full and complete picture could be obtained. This would allow the Department and the Legislature a chance to evaluate the Seed Laboratory program in order to do the best job possible in the future in relation to its operation. Mr. Duitsman stated that the Department is willing to go along with anything that would make the seed laboratory more effective. He said that he wanted the operation to be efficient, effective, and economical without red tape. He agreed that permits might be a good way to increase funds.

Mr. Duitsman then outlined the next days' activities when the Committee would be visiting the Kansas Seed Laboratory located in Topeka. He also made a suggestion to the Committee that it consider visiting surrounding states' seed laboratories, namely Nebraska and Iowa.

The Committee discussed the idea of trips to the other seed laboratories and decided that it would be necessary only to visit one other seed laboratory. The Committee decided that the Nebraska Seed Laboratory would be the best one.

The Committee adjourned for lunch.

#### Afternoon Session

The Committee reconvened at 1:30 p.m. and continued the discussion of the morning. Among the topics discussed during the afternoon session were various methods of raising fees in order to raise additional revenues for operation of the seed laboratory, and how the Federal Plant Variety Protection Act would be applied in Kansas.

Senator Kerr made a motion that the Committee consider updating the weed seed list by rule and regulation with legislative approval. Senator Rogers seconded the motion. The motion failed.

Representative Vogel made a motion to the effect that the staff be directed to draw up a model plant variety enforcement procedure that fits within the present Kansas statutes. Senator Rogers seconded the motion, and the motion carried unanimously.

The Committee concluded its afternoon session by discussing the possible need of the seed laboratory in obtaining additional part-time help during its peak periods. The Committee also briefly discussed a trip to Lincoln, Nebraska, agreeing on a date of June 27, after authority is given by the Legislative Coordinating Council. Senators Kerr and Arasmith indicated that they would not be able to attend the trip to Lincoln.

The meeting was adjourned.

June 9, 1977

The Committee met in Room 510S, of the State House at 9:00 a.m. June 9 and departed from the State House for a tour of the seed laboratory located at 2524 West 6th in Topeka. The Committee spent the entire morning touring the seed laboratory as well as touring the other laboratories located in the same building.

The Committee discussed with the laboratory personnel some of the problems that have occurred in the operation of the seed laboratory. Following the tour, the Committee recessed for lunch.

The Chairman called the afternoon session of the two-day meeting back to order at 1:00 p.m. There was considerable discussion and comment regarding the tour of the seed laboratory.

The Committee discussed various ideas about raising additional revenue for the seed laboratory and measures to increase the efficiency and effectiveness of the laboratory. In addition, ideas were exchanged between members of the Committee and several of the conferees.

Mr. Sommer indicated that he would poll his membership to see what their needs are and that he would make this information available to the Committee as soon as possible.

After the discussion on Proposal No. 3, the Chairman directed the staff to give its preliminary review of Proposal No. 4 - Filled Milk and Filled Milk Products.

The staff briefed the Committee on the court case which is currently pending between the State of Kansas and Milnot Company over the Filled Milk Act. Staff also reviewed the past history of litigation involving Kansas and the Filled Milk Statutes and past litigation involving the Federal Filled Milk Statute and the Arkansas Filled Milk Statute. The Committee was briefed on the definition of filled milk products and the exclusionary provisions within the present Kansas statute as to proprietary and dietary products.

The staff also reviewed 1977 S.B. 453 which would have amended the present state statutes pertaining to filled milk products to allow the manufacture and sale of such products in the state.

The chairman adjourned the meeting at 3:30 p.m.

Prepared by Ronald D. Smith

Approved by Committee on:

July 27, 1977  
DATE