

Approved

Date

Fred Kerr 2/22/84

MINUTES OF THE SENATE COMMITTEE ON AGRICULTURE AND SMALL BUSINESS

The meeting was called to order by Senator Fred Kerr at _____
Chairperson

10:00 a.m. on Tuesday, February 21, 1984, 19__ in room 423-S of the Capitol.

All members were present except: Senator Ross Doyen (E)
Senator Joe Norvell (E)

Committee staff present: Raney Gilliland, Research Department
Jim Wilson, Revisor's Office

Conferees appearing before the committee:

Lowell Burchett, Ex. Secy., Kansas Seed Dealers
Ex. Dir., Kansas Crop Improvement Association
Art Armbrust, Sharp Bros. Seed Company, Healy
Chmn., Legislative Committee, Kansas Seed Dealers
Ed Oborny, Jr., Bison farmer & certified seed grower
Harland Priddle, Secretary, State Board of Agriculture

Senator Warren moved the February 16, 1984 minutes be approved, seconded by Senator Thiessen. Motion carried.

SENATE BILL 645 - Lowell Burchett read his testimony as contained in Attachment 1, setting out the wheat seed segment of the industry since it is the most rapidly changing segment--rapidly increasing numbers of varieties available, increasing average number of varieties per farm, new conditioning requirements and other changes have dramatically increased the demand for certified seed. He stated in 1973, 80% of the Kansas wheat crop was planted with home grown seed and today it is estimated 60% is still home grown seed. He feels many of the vendors are in violation of the present Kansas Seed Law.

Answering Senator Kerr's question as to how the bill will accomplish what he desires, Mr. Burchett stated they have added several definitions including "hybrids". He feels there is a potential for hybrids to be produced by individual growers and there is nothing in the Kansas law covering this. To be a true hybrid it should be tested and labeled.

Mr. Burchett called attention to the pages 7 and 8 (referring to Attachment 2--the balloon draft pertaining to SB 645) setting out the current restrictions; these would be removed and he stated all seeds sold shall be tested and labeled. He also referred to pages 3 and 4.

Answering Senator Gannon's inquiry as to who they are trying to protect, Mr. Burchett stated the Kansas farmer should be assured he is getting the seed he feels he is paying for. He stated at the present time there are no common rules or standards which apply across the seed industry, and he feels there are increasing complaints as to the seed purchased not being what it is supposed to be. He feels the bill gives the buyer/seller more protection.

Relative to Senator Karr's question as to whether it would be reasonable to believe this law could be enforced, Mr. Burchett stated "absolutely".

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON AGRICULTURE AND SMALL BUSINESS,
room 423-S, Statehouse, at 10:00 a.m./~~p.m.~~ on Tuesday, February 21, 1984, 19 .

Art Armbrust's testimony is contained in Attachment 3. He stated he feels Senate Bill 645 would benefit both farmers and the ag industry of Kansas. Since the present seed law was passed in 1935 and revised several times, he feels it should be brought up to date with modern agriculture practiced in Kansas and the U.S. Present law does not describe or define the requirements for a hybrid, and the enforcement of Federal laws and Federal Seed Act and Recommended Uniform State Seed Law have been used as guides for this bill. He stated most Kansas seedmen take pride in self enforcement of requirements, when needed.

Ed Oborny presented his testimony as contained in Attachment 4. He, too, pointed out the need for all products sold for seed be tested and labeled, and supports the features for variety labeling.

Secretary Priddle stated Senate Bill 645 is a big bill. He commended those who have worked many hours on its contents, and stated they have had excellent sessions with the seed people. He stated in the department's interpretation of the bill, everyone selling seed would be considered to be a dealer. He stated, as the testimonies have pointed out, there has been an explosion in the seed business. His department would have added responsibility under this bill and called attention to the fiscal note (Attachment 5) to be in the amount of \$172,662. As the fiscal note sets out the implementation of this bill would be totally funded by the State General Fund and has not been included in the FY 1985 Governor's Budget Report. Secretary Priddle stated they have estimated it would take two people in the field and two in the lab (it may not be necessary to do all testing in their lab-- some may be commercially tested), and one clerk to handle the paper work. He stated there could be an industry mill levy or licensing fee.

Answering Senator Montgomery's inquiry if a specific variety has to be shown on the label or if it could contain an "unknown" or "undetermined" label, Mr. Burchett said such a label would not be acceptable.

Senator Kerr asked Mr. Burchett to point out exactly what the policy changes are when the committee meets on Wednesday, February 22.

The meeting was adjourned.

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SENATE

AGRICULTURE AND SMALL BUSINESS COMMITTEE

10:00 a.m., Room 423-S

TUESDAY, Feb. 21, 1984

Date

NAME	ADDRESS	ORGANIZATION
Ralph Hedgesmith	Duralay	Farm Bureau
John Blythe	Manhattan	Ks Farm Bureau
Dale Williams	Council Grove	Farm Bureau
Gary Johnson	Dwight	Ks. Farm Bureau
J.R. Leo	Council Grove	Ks. Farm Bureau
Mary Lee	Dwight	Ks. Farm Bureau
Joe Bunch	Everett (No SB 645)	Bunch Seed Farms
Bob Bunch	Everett	Bunch Seed Farms
Angela Windsor	Haven	Page
Kay Robinson	Haven	Page
Out Lot	Healy, Ks	Healy's Seed Dealership
Wes S. Givester	Ottawa	Ks Crop Improvement
Kent Symms	Atchison	Ks Kansas Crop Improvement
Ed Oborny Jr	Bison, Ks	KCTA
Kenneth M. Wilke	Topoka Board of Agriculture	Board of Agriculture
Archie Pridde	Topoka	" " "
James Nagel	"	Div. of Budget
Del Doty	"	HNS
Becky Crenshaw	"	Comm of Farm Orgs
Dwight Johnson	Manhattan	Farmer
Dwight Glean	Wichita	Ks Seed Dealers
Henry Johnson	Belleville	Ks Seed Dealers
Robert Hunt	Topoka	Ks Bd of Agric
Elmer Searcy	Topoka	Ks. St. Bd of Agric

Mr. Chairman, Members of the Senate Committee on Agriculture and Small Business.

My name is Lowell Burchett. I am here to present general testimony in support of SB-645.

I have served as Executive Director of The Kansas Crop Improvement Association since 1973 and as Executive Secretary of the Kansas Seed Dealers, Inc. since 1976. These responsibilities have brought me into a close working relationship with all facets of the seed industry from plant breeding through export marketing. I regularly work with many Kansas farmers as well as the majority of firms and individuals involved in the Kansas seed industry.

I would now like to briefly characterize a part of the Kansas seed industry as it specifically relates to SB-645. I have chosen the wheat seed segment of the industry because it is the largest and most rapidly changing segment.

Rapidly increasing numbers of varieties available, increasing average number of varieties per farm, new conditioning requirements and other changes have dramatically increased the demand for certified seed. This is particularly evident the past four years when production acres inspected have increased from 30,000 to almost 90,000 acres. In the ten years between 1973 and 1983, several other changes are noted: The dollar value of this seed increased from \$2 to \$15 million, the bushel volume sold increased from 360,000 to over 2 million; the number of varieties certified increased from 29 to over 50. Another significant change has been the rapid increase in number and total bushel production of private company varieties and hybrids.

Additional perspective may be gained by understanding where Kansas farmers get their seed for planting and how this situation is changing. In 1973, a state-wide drill box survey established that 80% of the Kansas wheat crop was planted with home grown seed, with approximately 15% purchased as bin run or uncertified seed from neighbors and others. Less than 5% was certified seed. In 1983, sales data from all certified and proprietary sources show enough seed sold to plant approximately 15% of the 14 million planted acres. An estimated 60% is still home grown seed, leaving 25% to come from other sources. It is further estimated that, of this latter 25%, 10% is neighbors trading seed with neighbors and 15% is sold by other established vendors, the majority of which is in clear violation of one or more provisions of the Kansas Seed Law. Many of these vendors are aware of their violations of state and federal law.

Atch. 1

Kansas agribusiness has perhaps enjoyed more new investment and employment than most other states as a result of increased private plant breeding and related activities. At least eight major companies are currently active in Kansas with wheat breeding, testing, seed production, conditioning and/or marketing at the present time. As these programs mature, significantly more hybrid and variety releases are expected. Some of these cultivars have proved to be as good or better in yield than the best public varieties. This friendly (though cooperative) competition between public and private breeding programs have served Kansas farmers very well. The 1970 Plant Variety Protection Act and the prospect of developing successful hybrid wheats can be credited with stimulating these private investments.

I would now like to outline the reasoning and events leading to the presentation of this bill.

Seed industry and Kansas State Board of Agriculture representatives met in May, 1981 to discuss the current seed law. It was decided that updating and revision was advisable, and specific items were discussed. A committee from the seed industry was appointed to draft revisions. Art Sommer, KSDI Legislative Committee chairman was to lead the effort with Ken Wilke, KSBA attorney as consultant.

The press of individual schedules served to delay drafting of the proposal until mid 1983. The untimely death of Art Sommer in July, 1983 provided a great blow to the overall effort. Many contacts, commitments and much coordination was lost.

In September, 1983, we pieced together all available information into one draft. The present Kansas Seed Law was used as the basic document, with the Recommended Uniform State Seed Law (RUSSL) and the Federal Seed Act (FSA) as supplements. Drafts were made in September, November, December (1983) and February, 1984. These drafts were each circulated to widening audiences for comments and suggestions. The revised December draft was reviewed by the Seed Act Review Committee (SARC) of the American Seed Trade Association (ASTA), the ASTA Executive Vice President and counsel and by Don Ator, Chief of the Federal Seed Branch.

The KSDI Legislative Committee was formally reorganized in January 1984 and charged with moving ahead as expeditiously as possible with the bill.

Comments and suggestions from all sources were incorporated into the final draft which was then presented to this committee.

Further (mostly technical) suggestions from various sources have been suggested in the balloon bill presented now. The assistance of the Kansas State Board of

Agriculture is especially noted with appreciation.

In summary, the proposed bill addresses the original concerns expressed, is hopefully in harmony with RUSSEL and FSA and the best interests of Kansas Agriculture.

Finally, please allow me to express appreciation for the great helpfulness of Senator Kerr and members of this Committee, your staff,, Representative Fuller, the very hard working Revisor of Statutes staff, the Kansas State Board of Agriculture representatives and others who have been so kind and helpful. I'm sure it is obvious that few of us involved in this effort are professionals. We all have full time jobs at home, but have felt it our duty to do the best we can to improve what we can.

Thank you.

SENATE BILL No. 645

By Committee on Agriculture and Small Business

2-3

Attachment 2, 2/7/84

2

0018 AN ACT concerning agricultural seeds; relating to the sale or
 0019 exchange thereof; prescribing certain powers, duties and
 0020 functions for the secretary of the state board of agriculture;
 0021 declaring certain acts to be misdemeanors and prescribing
 0022 penalties therefor; authorizing rules and regulations; amend-
 0023 ing K.S.A. 2-1415, 2-1417, 2-1421, 2-1422, 2-1423, 2-1424,
 0024 2-1425, 2-1426 and 2-1426a and repealing the existing sec-
 0025 tions; also repealing K.S.A. 2-1422a, 2-1424a and 2-1427.

0026 *Be it enacted by the Legislature of the State of Kansas:*

0027 New Section 1. The provisions of section 5 and section 9 and
 0028 K.S.A. 2-1415, 2-1416, 2-1417 and 2-1421 to 2-1426a, inclusive,
 0029 and amendments to those statutes shall be known and may be
 0030 cited as the Kansas seed law.

0031 Sec. 2. K.S.A. 2-1415 is hereby amended to read as follows:
 0032 2-1415. As used in this act: *the Kansas seed law the following*
 0033 *words and phrases shall have the meanings ascribed respec-*
 0034 *tively thereto by this section.*

0035 (1) The term (a) "Agricultural seed" means the seed of
 0036 grass, legume, forage, cereal and fiber crops; or mixtures thereof
 0037 and shall include such other kinds of seed as are commonly
 0038 recognized in Kansas as agricultural seed and ~~such seeds of one~~
 0039 ~~or more plants specified to be noxious weeds by K.S.A. 2-1314~~
 0040 ~~and amendments thereto as are determined and designated by~~
 0041 ~~the secretary as being used as agricultural seed in Kansas, but~~
 0042 agricultural seed shall not include horticultural seeds.

(delete) (KSBA)

0043 (2) The term (b) "Person" means and includes individuals;
 0044 members any individual, member of a partnership, a corporation,
 0045 the executive and managing officers of corporations and associ-
 0046 tions; and agents and brokers company, association or society
 0047 (3) The term "processed": (c) "Conditioned" means

or State/Federal Agency (KSBA)

Attch. 2

0048 cleaned, or cleaned and blended, or otherwise prepared to meet
0049 the requirements of agricultural seed for the purpose of being
0050 planted or seeded.

0051 (4) The term (d) "Kind" means one or more related species
0052 or subspecies which singly or collectively is are known by one
0053 common name, and includes, among others, wheat, oat, vetch,
0054 sweet clover; and alfalfa.

0055 (5) The term (e) "Variety" means a subdivision of a kind;
0056 which is characterized by growth, yield, plant, fruit, seed or
0057 other characteristics by which it can be differentiated from other
0058 plants of the same kind.

0059 (6) The term "hard seed" means the seeds, which because of
0060 hardness or impermeability do not absorb moisture or germinate
0061 under seed testing procedure.

0062 (7) The term (f) "Hybrid" means the first generation seed
0063 of a cross produced by controlling the pollination and by com-
0064 bining (1) two or more inbred lines, (2) one inbred or a single
0065 cross with an open pollinated variety, or (3) two varieties or
0066 species, other than open pollinated varieties of corn (zea mays).
0067 Hybrid shall not include the second generation or subsequent
0068 generations from such crosses. Hybrid designations shall be
0069 treated as variety names.

0070 (g) "Controlling the pollination" means to use a method of
0071 hybridization which will produce pure seed which is 75% or
0072 more hybrid.

0073 (h) "Type" means a group of varieties so nearly similar that
0074 the individual varieties cannot be clearly differentiated except
0075 under special conditions.

0076 (i) "Hard seed," "pure seed," "germination," "inert matter"
0077 and other seed labeling and testing terms have the meanings
0078 ascribed to them in "rules for testing seeds" which ^{is} ~~was~~ pub-
0079 lished by the association of official seed analysts on October 1,
0080 1978, and any amendments thereto as of July 1, 1981.

0081 (j) "Label" means the all statements written, printed, sten-
0082 ciled or otherwise displayed upon, or attached to, the container
0083 of agricultural seed, and includes other written, printed, sten-
0084 ciled or graphic representations, in any form whatsoever per-

Add "Firm Seed" (KSBA)

(change) (KSBA)

(delete) (KSBA)

0085 timing which accompany or pertain to any agricultural seed,
0086 whether in bulk or in containers, and includes declarations and
0087 affidavits representations on invoices.

0088 (8) The term (k) "Secretary" means the secretary of the
0089 Kansas state board of agriculture.

0090 (9) The term (l) "Weed seeds seed" means the seeds of
0091 plants considered weeds in this state Kansas and shall include
0092 noxious includes restricted weed seeds and prohibited weed
0093 seeds; determined by methods established by regulation under
0094 this act.

0095 (10) Noxious weed seeds are divided into two classes: (a)
0096 "prohibited noxious weed seed;" (b) "restricted noxious weed
0097 seed" as defined in this subsection:

0098 (a) (m) "Prohibited noxious weed seed" means the seed of
0099 field bindweed (*Convolvulus arvensis*); Russian knapweed
0100 (*Gentaurea repens*); hoary cress (*Lepidium draba*); Canada this-
0101 tle (*Cirsium arvense*); leafy spurge (*Euphorbia esula*); quack-
0102 grass (*Agropyron repens*); bur ragweed (*Francoeria tomentosa*);
0103 pignut (*Indian rushpea*) (*Hoffmannoeggia densiflora*); Texas
0104 blueweed (*Helianthus scaberrimus*); Johnson grass (*Sorghum hale-
0105 pensae*); sorghum alnum; and any plant the seed of which cannot
0106 be distinguished from Johnson grass; musk (nodding) thistle
0107 (*Carduus nutans L.*) perennial weeds which reproduce by seeds
0108 or by roots, stems or other reproductive means and which, when
0109 well established, are highly destructive and difficult to control
0110 by ordinary good cultural practices and includes the seed of
0111 those plants specified to be noxious weeds by K.S.A. 2-1314 and
0112 amendments thereto.

(leave in) sorghum alnum language. (KSBA)

Take out perennial (KSBA)

0113 (b) (n) "Restricted noxious weed seed" means and includes
0114 those objectionable weed seeds or bulblets which shall not be
0115 are restricted from being present in agricultural seed at a rate of
0116 occurrence per pound in excess of the number shown following
0117 the name of each weed seed, to wit: Wild mustards (*Braconia
0118 spp.*) 45; buckhorn plantain (*Plantago lanceolata*) 45; wild onion
0119 or garlic (*Allium spp.*) 45; dodder (*Cuscuta spp.*) 45; wild carrot
0120 (*Daucus carota*) 45; morning glory (*Ipomoea spp.*) 45; hedge
0121 bindweed (*Convolvulus sepium*) 45; pennywress (*Thlaspi ar-*

(delete) objectionable (FSA, ASTA, KSBA)

0122 vense) 45; swamp smartweed (*Polygonum eoccineum*) 45; dock
0123 (*Rumex spp.*) 90; oxeye daisy (*Chrysanthemum leucanthemum*)
0124 90; perennial sowthistle (*Sonchus arvensis*) 90; silverleaf (Pur-
0125 ple) nightshade (*Solanum elaeagnifolium*) 90; giant foxtail (*Se-*
0126 *taria faberi*) 90; horsenettle (*Bullnettle*) (*Solanum carolinense*)
0127 180; chess or cheat (*Bromus secalinus*) 90: *Provided*, That the
0128 total of restricted noxious weed seeds shall not exceed 300 per
0129 pound: *And provided further*, That in native grass, smooth
0130 brome grass, fescues and orchard grass seeds, chess or cheat shall
0131 not exceed 5,000 per pound *established by rules and regulations*
0132 *adopted under the Kansas seed law.*

0133 (11) The term (o) "Advertisement" means all representa-
0134 tions; other than those on the label; *which are disseminated in*
0135 *any manner; or by any means; relating and which relate to*
0136 *agricultural seed under the Kansas seed law.*

0137 (12) The term (p) "Record" means *and includes* all infor-
0138 mation relating to any lot or shipment of agricultural seed; and
0139 includes a file sample of each lot of such *agricultural seed.*

0140 (13) The term (q) "Stop sale order" means an administra-
0141 tive order; *which is authorized by law; restraining and which*
0142 *restrains the sale, use, disposition; and movement of a definite*
0143 *amount of real or potential agricultural seed.*

0144 (14) The term (r) "Seizure" means a legal process; issued
0145 by court order; against a definite amount of *agricultural seed.*

0146 (15) The term (s) "Lot" means a definite quantity of agri-
0147 cultural seed; *which is identified by a lot number or other mark;*
0148 *and of which every portion or bag of which is uniform; within*
0149 *recognized tolerances for the factors which appear in the label-*
0150 *ing; which is the processor's identification label.*

0151 (16) The term "germination" means the percentage of seeds
0152 capable of producing normal seedlings under ordinarily favor-
0153 able conditions; in accordance with the methods established by
0154 regulation under this act.

0155 (17) The term "pure seed" means the kind of seed declared
0156 on the label; exclusive of inert matter, other agricultural or other
0157 crop seeds, and weed seeds.

0158 (18) The term "inert matter" means all matter not seeds; and

0150 as otherwise determined by regulations under this act.

0160 (19) The term (t) "Other agricultural seeds or other crop
0161 seeds" means seeds of agricultural seeds other than those in-
0162 cluded in the percentage or percentages of kind or variety; and
0163 shall include includes collectively all kinds and varieties not
0164 named on the label.

detectable (KSBA)

0165 (20) The term "type" means a group of varieties so nearly
0166 similar that the individual varieties cannot be clearly differen-
0167 tiated except under special conditions.

0168 (21) The term (u) "Treated" means that the seed has re-
0169 ceived an application of a substance or process for which sub-
0170 stance or process is designed to reduce, control or repel certain
0171 disease organisms, insects or other pests attacking such seeds or
0172 seedlings growing therefrom. The term "treated" further implies
0173 an application of a substance or process designed to increase
0174 seedling vigor a claim is made.

0175 (22) The term (v) "Tested seed" means that a representa-
0176 tive sample of the lot of agricultural seed in question has been
0177 subjected to examination by qualified analysts using official
0178 methods and its character as to purity and germination has been
0179 determined.

mechanical purity separations, (KSBA)

0180 (23) The term (w) "~~Native grass seed~~" means the seeds of
0181 ~~aboriginal or native prairie grasses.~~

chaffy range grass seed includes but is not limited to bluestem, ~~grama~~, Indian, wild ryes, buffalo and prairie cord grasses. (KSBA)

0182 (x) "Certified seed" means any class of pedigreed seed or
0183 plant parts for which a certificate of inspection has been issued
0184 by an official seed certifying agency.

0185 (y) "Certifying agency" means: (1) An agency which is au-
0186 thorized under the laws of a state, territory or possession to
0187 officially certify seed and which has standards and procedures
0188 approved by the secretary of agriculture of the United States
0189 department of agriculture to assure the genetic purity and
0190 identity of the seed certified; or (2) an agency of a foreign
0191 country which is determined by the secretary of agriculture of
0192 the United States department of agriculture to be an agency
0193 which adheres to procedures and standards for seed certifica-
0194 tion comparable to those adhered to generally by seed certifying
0195 agencies under clause (1) of this subsection.

Add:

(Z) "Growers declaration" means a declaration of a grower of agricultural seed stating for each lot of seed (1) the name of the kind, variety or type stated in accordance with sections 2-1416 and 2-1421, (2) lot grown, (4) quantity of seed, (5) date shipped or delivered, (6) to whom sold, shipped or delivered and (7) the signature and address of the grower issuing the declaration. (KSDI, KSBA)

(Z)

0196 Sec. 3. K.S.A. 2-1417 is hereby amended to read as follows:
 0197 2-1417. *Except as provided in section 5, each and every bulk*
 0198 *quantity, package, or parcel of agricultural seed transported,*
 0199 *offered for sale, or exposed for sale, or exchanged for planting or*
 0200 *seeding purposes, shall have a label, which shall be affixed*
 0201 *thereto or printed or stenciled thereon or in bulk quantity which*
 0202 *shall be furnished with the invoice, in the English language;*
 0203 *giving the following information, which shall not be modified or*
 0204 *denied in the labeling, label or on another label attached to the*
 0205 *container; and in bulk quantity shall be furnished with the*
 0206 *invoice:*

0207 (a) *The label shall contain information as to kind and variety*
 0208 *as follows:*

0209 (1) *For perennial forage crops, except grass seed mixtures,*
 0210 *the commonly accepted name of the kind or the name of the kind*
 0211 *and the variety; of each agricultural seed component in excess of*
 0212 *five percent (5%) 5% of the whole; and the percentage by weight*
 0213 *of each component in the order of its predominance. Where more*
 0214 *than one component is required to be named, the word "mix-*
 0215 *ture" or the word "mixed" shall be shown conspicuously on the*
 0216 *label, except that (A) if the variety is of those kinds generally*
 0217 *labeled as to variety as designated in the rules and regulations*
 0218 *adopted under the Kansas seed law and is not stated, the label*
 0219 *shall show the name of the kind and the words "variety not*
 0220 *stated"; (B) hybrids shall be labeled as hybrids; and (C) rye shall*
 0221 *be considered as a forage crop except when grown as a class of*
 0222 *certified seed;*

0223 (2) *for annual grain crops, the name of the kind and variety*
 0224 *for each agricultural seed component present in excess of 5% of*
 0225 *the whole and the percentage by weight of each;*

0226 (3) *for grass seed mixtures, (A) the word "mixed" or "mix-*
 0227 *ture" shall be stated with the name of the mixture; (B) the*
 0228 *headings "pure seed" and "germination" or "germ" shall be*
 0229 *used in the proper places; and (C) the commonly accepted name*
 0230 *of kind or kind and variety of each agricultural seed component*
 0231 *in excess of 5% of the whole and the percentage by weight of*
 0232 *pure seed in order of its predominance and in columnar form;*

(add) agricultural seed (KSBA)
 (add) one (KSBA)

(change) may be sold as "variety not stated"
except when sold as a class of certified
seed. (KSDI-KSBA)

(add) including but not limited to wheat,
barley, oats, triticale, soybeans, corn,
grain sorghum, millets and cultivated sunflowers.
 (KSDI-KSBA)

0233 (b) the percentage by weight of pure seed;

0234 (c) the percentage by weight of all weed seeds;

0235 (d) the percentage by weight of inert matter;

0236 (e) for each named agricultural seed: (1) The percentage of

0237 germination, exclusive of hard seed; (2) the percentage of hard

0238 seeds, if present; (3) total germination percentage including

0239 hard seed may be shown; and (4) the calendar month and year

0240 the test was completed to determine such percentages;

0241 (f) the percentage by weight of agricultural seeds (which may

0242 be designated as "crop seeds") other than those required to be

0243 named on the label;

0244 (g) the lot number or other lot identification;

0245 (h) the origin, i.e., the state or foreign country where the

0246 agricultural seed was grown, except grass seeds in quantities of

0247 less than ten (10) pounds for lawn seeding purposes, or a

0248 declaration that the origin of seed is unknown to seller;

0249 (i) the name and rate of occurrence per pound of each kind of

0250 "restricted noxious weed seeds" present, which shall not be

0251 more than the number per pound of restricted noxious weed

0252 seed in agricultural seed, as provided in K.S.A. 2-1415(10)(b);

0253 rules and regulations adopted under the Kansas seed law;

0254 (j) the name and address of the person responsible for such

0255 statement who labeled the agricultural seed or who sells, offers

0256 for sale or exposes for sale the agricultural seed in Kansas; and

0257 (k) for agricultural seed which has been treated with chemi-

0258 cals for insect or disease control, it shall be labeled to show the

0259 following:

0260 (1) A word or statement indicating that the seed has been

0261 treated;

0262 (2) the commonly accepted, coined, chemical or abbreviated

0263 chemical (generic) name of the applied substance, or description

0264 of the process used;

0265 (3) if the substance in the amount applied is harmful to

0266 human or other vertebrate animals, a caution statement, such as:

0267 "Do not use for food, feed or oil purposes," except that the

0268 caution statement for mercurials and similarly toxic substances

0269 must include in a contrasting color the word poison and a skull

or "firm seed" (KSBA)

or "firm seed" or firm seed (KSBA)

(add) germination (FSL)

(add) except that in the case of mixtures only the oldest test date among the component test dates needs to be shown. (FSL)

turf (KSBA)

turf (KSBA)

0270 and crossbones;

0271 (4) if the agricultural seed is treated with an inoculum, the
0272 date beyond which the inoculum is not considered effective; and

0273 (5) a separate label may be used to show this information, or
0274 it may be a component part of the main label.

0275 Sec. 4 K.S.A. 2-1421 is hereby amended to read as follows:

0276 2-1421. (A) (a) Except as provided in section 5, it shall be is
0277 unlawful for any person to exchange, sell, offer for sale, or expose
0278 for sale; or transport for sale any agricultural seed for seeding
0279 purposes within Kansas:

0280 (1) Unless a ~~an acceptable~~ test has been made to determine
0281 the percentage of germination and it shall have been completed
0282 within a ~~nine month~~ ^{five month} period (exclusive of the calen-
0283 dar month in which the test was completed) immediately prior to
0284 exchange, sale, exposure for sale, or offering for sale or trans-
0285 porting for sale;

0286 (2) which is not labeled in accordance with the provisions of
0287 this act the Kansas seed law;

0288 (3) which has a false, misleading; or incomplete label;

0289 (4) in any case where there has been false or misleading
0290 advertisement with regard thereto;

0291 (5) which contains prohibited noxious weed seeds; ~~(5)~~

0292 (6) which contains restricted noxious weed seeds in excess of
0293 the quantity prescribed by ~~K.S.A. 2-1415(10)(b)~~ rate of occur-
0294 rance per pound as provided by rules and regulations adopted
0295 under the Kansas seed law or in excess of the number declared
0296 on the label attached to the container of the agricultural seed or
0297 associated with the agricultural seed; ~~(6) (a) Other than native~~
0298 ~~grass seed;~~

0299 (7) which contains more than ~~two percent (2%)~~ 1% of weed
0300 seeds by weight, ~~other than agricultural seed which is native~~
0301 ~~grass seed; (b)~~

0302 (8) which is ~~native grass seed~~ and which contains more than
0303 ~~four percent (4%)~~ 1% of weed seeds by weight; (7)

0304 (9) if any label, advertisement; or other media represents
0305 such agricultural seed to be certified or registered seed or any
0306 class of certified seed, unless: (a) (A) Such certification or regis-

(add) a (KSDI-KSBA)

(add) as described in the Kansas Seed Law
(KSDI-KSBA)

(leave in) nine month (KSDI)

chaffy range grass seed (KSBA)

(add) except that smooth brome grass, tall
fescue, wheatgrasses and lespedeza seed where
2% of weed seed by weight is permitted.
(KSBA-KSDI)

0307 ~~that~~ has been determined by an official seed certifying
 0308 agency; and ~~(h)~~ (B) such agricultural seed bears an official label
 0309 issued for such agricultural seed; by such an official seed cer-
 0310 tifying agency stating that the seed is certified ~~or registered;~~ (8)
 0311 (10) by variety name agricultural seed not certified by an
 0312 official seed certifying agency when it is a variety for which an
 0313 ~~application has been made for~~ a certificate of plant variety
 0314 protection under public law 91-577, the plant variety protection
 0315 act ~~(PL 91-577)~~, specifying sale only as a class of certified seed,
 0316 except that agricultural seed from a certified lot may be labeled
 0317 as to variety name when used in a mixture by, or with the
 0318 approval of, the owner of the variety.

0319 ~~(h)~~ (b) Except as provided in section 5, it is unlawful for any
 0320 person:

0321 (1) To alter ~~or~~, deface or destroy any label so that the infor-
 0322 ~~mation is false or misleading; or to mutilate any label required~~
 0323 under the Kansas seed law or any rule and regulation adopted
 0324 under the Kansas seed law or to alter or substitute any agricul-
 0325 tural seed in a manner that may defeat the purpose of the
 0326 Kansas seed law;

0327 (2) to disseminate any false or misleading advertisements
 0328 concerning agricultural seed;

0329 (3) to issue any statement, invoice, advertisement or decla-
 0330 ration as to the variety of any agricultural seed which is false or
 0331 misleading;

0332 (4) to hinder or obstruct the secretary or ~~an~~ a duly authorized
 0333 representative of the secretary, in the performance of his or her
 0334 official duties under the Kansas seed law;

0335 (5) to fail to comply with a "stop sale order," or to move or
 0336 otherwise handle or dispose of any quantity of agricultural seed
 0337 held under a "stop sale order," or a "stop sale" tag attached
 0338 thereto, except with express permission of the enforcing officer
 0339 in writing; and except for the purpose specified therein;

0340 (6) to use the word "trace" as a substitute for any statement
 0341 which is required;

0342 (7) to use the word "type" in any labeling in connection with
 0343 the name of any agricultural seed variety. Except as provided in

(delete) an application has been made for
(FSA-KSBA-KSDI)

(add) has been issued (KSBA)

(add) by variety name (KSBA-KSDI)

unnecessarily restrictive
10

*more restrictive than
indeed apt
this is farmer
1935 exemption*

*Can't do any trading
& be legal
sold on
his or her premises*

*Prohibition
section*

*alfalfa
millet
lepidium*

0344 subsection (A)(8) of this section; it shall not be a violation of this
0345 act for the grower of agricultural seed to sell on his or her
0346 premises for planting or seeding purposes; corn; sorghum;
0347 wheat; rye; barley; soybeans; alfalfa or oats which is not tested
0348 and labeled when the seed is grown on his or her land and is free
0349 from noxious weed seed.

zero tolerance

0350 New Sec. 5. (a) The provisions of K.S.A. 2-1417 and 2-1421
0351 and amendments to those sections shall not apply to:

0352 (1) Agricultural seed or grain not intended for sowing pur-
0353 poses;

0354 (2) agricultural seed in storage at, or being transported or
0355 consigned to, a cleaning or conditioning establishment for
0356 cleaning and conditioning if the invoice or label accompanying
0357 any shipment of the agricultural seed bears the statement "seeds
0358 for conditioning," except that any label or other representation
0359 which is made with respect to the uncleaned or unprocessed
0360 seed is subject to K.S.A. 2-1417 and 2-1421 and amendments to
0361 those sections; and

0362 (3) any carrier with respect to any agricultural seed trans-
0363 ported or delivered for transportation in the ordinary course of its
0364 business as a carrier if the carrier is not engaged in producing,
0365 conditioning or marketing agricultural seeds which are subject to
0366 the Kansas seed law.

0367 (b) No person shall be subject to any penalties imposed by
0368 the Kansas seed law for selling or offering for sale agricultural
0369 seeds which are subject to the Kansas seed law, which are
0370 incorrectly labeled or represented as to kind, species (and sub-
0371 species if appropriate), variety, type or origin and which cannot
0372 be identified by examination thereof, unless such person failed
0373 to obtain an invoice, ~~genuine~~ grower's declaration or other label
0374 information and to take such other precautions as may be rea-
0375 sonable to insure that the identity of the agricultural seed is as
0376 stated. A ~~genuine~~ grower's declaration of variety shall affirm that
0377 the grower holds records of proof concerning parent seed such as
0378 invoice and labels.

0379 Sec. 6. K.S.A. 2-1422 is hereby amended to read as follows:
0380 2-1422. Any person who shall violate any (a) Every violation of

-(delete) genuine (line 373 and 376
(KSDI)

(add) is a class A misdemeanor (KSBA)

0381 the provisions of this act shall be deemed guilty of the Kansas
0382 seed law is a misdemeanor and upon conviction thereof shall be
0383 punished by a fine of not less than twenty five dollars (\$25) \$25
0384 nor more than five hundred dollars (\$500) \$500.

0385 (b) (1) Except as otherwise provided in this subsection,
0386 when the secretary finds that any person has violated any of the
0387 provisions of the Kansas seed law, the secretary or the secre-
0388 tary's duly authorized representative may institute proceedings
0389 under K.S.A. 2-1424 and amendments thereto to have such
0390 person convicted therefor or the secretary may file such evi-
0391 dence as may be deemed necessary with the attorney general for
0392 purposes of prosecution.

No prosecution under this section may
be instituted unless the person accused of committing a viola-
tion of the Kansas seed law has been given an opportunity to
appear before the secretary or the secretary's duly authorized
representative to introduce evidence either in person or by
agent or attorney at a private hearing. If, after such hearing or
without such hearing if none is requested, the secretary deter-
mines that the evidence warrants prosecution, the secretary
shall proceed as provided in this subsection.

(delete) (KSBA)

0401 (2) The county attorney, district attorney or the attorney
0402 general, as the case may be, shall institute proceedings immedi-
0403 ately against any person charged with a violation of the Kansas
0404 seed law if, in the judgment of such officer, the information
0405 submitted to such officer warrants such action.

0406 (3) After judgment by the court in any case arising under the
0407 Kansas seed law, the secretary shall publish any information
0408 pertinent to the judgment of the court in such news or other
0409 information media as the secretary may designate from time to
0410 time.

0411 Sec. 7. K.S.A. 2-1423 is hereby amended to read as follows:
0412 2-1423. (A) (a) The secretary shall administer and enforce the
0413 provisions of the Kansas seed law and shall cooperate with the
0414 United States department of agriculture and other agencies in
0415 seed law enforcement.

0416 (b) Inspection. The secretary or a duly authorized represent-
0417 ative of the secretary shall inspect, sample and determine the

0418 purity and germination of agricultural seed at such time and in
0419 such places; and to such extent as the secretary or representa-
0420 tives of the secretary may deem advisable, analyze and test any
0421 agricultural seed which is subject to the provisions of the
0422 Kansas seed law and which is transported, exchanged, sold,
0423 offered or exposed for sale within Kansas for sowing purposes,
0424 at such time and place and to such extent as the secretary deems
0425 necessary to determine whether the agricultural seed is in com-
0426 pliance with provisions of the Kansas seed law. The secretary
0427 shall notify promptly the person who exchanged, sold, offered or
0428 exposed the agricultural seed for sale and, if appropriate, the
0429 person who labeled or transported the agricultural seed, of any
0430 violation, stop sale order or seizure. The secretary or an a duly
0431 authorized representative of the secretary may stop further sale
0432 or movement of any lot or lots of agricultural seed when found to
0433 be in violation of any of the provisions of this act the Kansas seed
0434 law, until compliance with the Kansas seed law has been satis-
0435 fied complied with or other disposition has been made. The duty
0436 of enforcing this act and carrying out its provisions and require-
0437 ments is vested in the secretary or a duly authorized representa-
0438 tive of the secretary. It is the duty of such officers: (1) To sample,
0439 inspect, make analysis of, and test agricultural seeds transported,
0440 sold or offered for sale or exposed for sale, within the state for
0441 planting and seeding purposes; at such time and place and to
0442 such extent as may be deemed necessary to determine whether
0443 said agricultural seeds are in compliance with provisions of this
0444 act; (2) To cooperate with the United States department of
0445 agriculture and other agencies in seed law enforcement.
0446 (B) (c) Access. The secretary or a duly authorized represent-
0447 atives representative of the secretary shall have free access
0448 during reasonable hours to all places of business, buildings,
0449 vehicles, cars, and vessels, of whatsoever kind, used in the sale,
0450 transportation, importation, or storage of agricultural seed; and
0451 shall have the power and authority: (1) To inspect the records
0452 concerning the place of origin, or concerning the sale, of any
0453 agricultural seed; (2) to open any package containing or sus-
0454 pected of containing any agricultural seed that is exposed or

0455 offered for sale, and (3) to take therefrom samples of contents for
0456 examination; may enter upon any public or private premises
0457 during regular business hours in order to have access to agri-
0458 cultural seed and the records connected therewith which are
0459 subject to the Kansas seed law and rules and regulations
0460 adopted thereunder, and may enter any truck or other vehicle
0461 which conveys agricultural seed by land, water or air at any
0462 time for the same purpose when the vehicle is accessible. The
0463 secretary or a duly authorized representative of the secretary
0464 may take samples of such agricultural seed for examination. The
0465 owner of the agricultural seed shall be paid the retail price of the
0466 sample so procured if the owner so requests.

0467 (d) Reports of examinations. The secretary or a duly autho-
0468 rized representative of the secretary shall promptly notify the
0469 owner of all lots of agricultural seed officially inspected or
0470 sampled of the results of such inspection or analysis. The person
0471 who labeled the agricultural seed, if different than the owner,
0472 shall also be notified. Notice shall be given under this subsec-
0473 tion with regard to all samples whether or not the samples are in
0474 compliance with the Kansas seed law.

0475 (G) (e) Stop sale orders. The secretary or a duly authorized
0476 representative representative of the secretary shall have the
0477 authority: (1) To may issue and enforce a written or printed "stop
0478 sale" order to the owner or custodian of any quantity of agricul-
0479 tural seed which is subject to the Kansas seed law and which the
0480 secretary or duly authorized representatives of the secretary
0481 determine to be representative determines is in violation of any
0482 of the provisions of this act the Kansas seed law or rules and
0483 regulations promulgated adopted thereunder; which. The stop
0484 sale order shall prohibit further sale, processing conditioning
0485 and movement of such seed, except on approval of enforcing
0486 officer, until such officer has evidence that the Kansas seed law
0487 has been complied with; and he has issued a release from the
0488 "stop sale" order of such agricultural seed: Provided, he has
0489 been issued by such officer. With respect to agricultural seed
0490 which has been denied sale, processing conditioning and move-
0491 ment as provided in this paragraph subsection, the owner or

0492 custodian of such *agricultural seed* shall have the right to appeal
0493 from said *the stop sale order* to a court of competent jurisdiction
0494 in the locality in which the *agricultural seeds* are found; *praying*
0495 ~~for~~ *to request* a release from ~~such~~ *the stop sale order* and ~~for~~ the
0496 discharge of such *agricultural seed* from the *restrictions of the*
0497 *stop sale order prohibiting the sale, processing and movement in*
0498 *accordance with the findings of the court. And provided further:*

0499 The provisions of this ~~paragraph~~ *subsection* shall not be con-
0500 strued as limiting the right of the enforcement officer to proceed
0501 as authorized by other sections of ~~this act~~ *the Kansas seed law*.

0502 Sec. 8. K.S.A. 2-1424 is hereby amended to read as follows:

0503 2-1424. (a) *Reports of violations.* When the said secretary de-
0504 cides that prosecution for a violation of ~~this act~~ *the Kansas seed*
0505 *law* is warranted, ~~he or she~~ *the secretary* shall report the facts to
0506 the prosecuting attorney of the county in which the violation was
0507 committed and furnish that officer with a copy of the results of
0508 the analysis or other examination of ~~such~~ *the agricultural seed or*
0509 *the determination of a violation of the Kansas seed law or rules*
0510 *and regulations adopted thereunder regarding the agricultural*
0511 *seed* duly attested to by the analyst or other representative
0512 making the examination or determination.

0513 (b) *Seizure.* Any lot of *agricultural seed* which is not in
0514 compliance with the provisions of the *Kansas seed law* shall be
0515 subject to seizure on complaint of the secretary to a court of
0516 competent jurisdiction in the locality in which the seed is
0517 located. If the court finds the *agricultural seed* is in violation of
0518 the *Kansas seed law* and orders the condemnation thereof, such
0519 *agricultural seed* shall be denatured, processed, destroyed, re-
0520 labeled or otherwise disposed of in compliance with the laws of
0521 this state. In no instance shall the court order the condemnation
0522 of *agricultural seed* without first having given the defendant an
0523 opportunity to apply to the court for the release of the agricul-
0524 tural seed or for permission to condition or label the agricul-
0525 tural seed so that it complies with the *Kansas seed law* and the
0526 rules and regulations adopted thereunder.

0527 (c) *Injunction.* Whenever the secretary applies to any court
0528 for a temporary or permanent injunction restraining any person

0536 deficiencies or damages sustained within 10 days after the defi-
0537 ciencies or damages become apparent. If a satisfactory settle-
0538 ment is not achieved between the farmer and dealer within 30
0539 days thereafter, the farmer may send a written complaint speci-
0540 fying the deficiencies or damages and proposed settlement by
0541 registered mail to the dealer or the labeler of the agricultural
0542 seed, or both. The farmer shall send a copy of any such written
0543 complaint to the secretary or the authorized representative of the
0544 secretary. Within five working days after receiving the written
0545 complaint, the dealer and the labeler of the agricultural seed
0546 who receive the complaint shall make a written response to the
0547 farmer by registered mail and shall file a copy of such response
0548 with the secretary or the duly authorized representative of the
0549 secretary. ←

(add) alleged (KSDI-KSBA)

(add) alleged (KSDI-KSBA)

0550 (b) The secretary or the duly authorized representative of the
0551 secretary may investigate such complaints as deemed appro-
0552 priate by the secretary and may take such actions as specified for
0553 violations of the Kansas seed law.

0554 Sec. 10. K.S.A. 2-1425 is hereby amended to read as follows:
0555 2-1425. Any person may submit to the state seed laboratory
0556 samples of agricultural seed for germination or purity tests, or
0557 both, or other examination and receive the test upon paying to
0558 the secretary a fee per sample, test or examination as the state
0559 board of agriculture may decide. The state board of agriculture is
0560 hereby authorized and directed to establish by regulation, a
0561 schedule of fees for seed testing and examination, to be used as
0562 the basis of charges. *Provided*, That such fees shall not be less
0563 than one dollar (\$1) or more than twenty dollars (\$20) per test or
0564 examination. (a) The secretary may establish and maintain or
0565 make provisions for a seed laboratory and employ such quali-

(add) The failure to file a written complaint or response pursuant to this section shall not preclude the maintenance of any civil or criminal action. The failure to file a written complaint or response pursuant to this section is not a violation of this act. (KSBA)

0566 ~~field analysts, seed laboratory assistants and seed laboratory~~
 0567 ~~clerks as the secretary deems necessary to carry out the provi-~~
 0568 ~~sions of the Kansas seed law.~~

0569 (b) The secretary may adopt rules and regulations (1) gov-
 0570 erning the method of sampling, inspecting, analyzing, testing
 0571 and examining agricultural seed subject to provisions of the
 0572 Kansas seed law and the tolerances to be used therefor, (2)
 0573 specifying prohibited weed seed and restricted weed seed, in-
 0574 cluding the maximum rate of occurrence per pound which may
 0575 be present in agricultural seed, and (3) such other rules and
 0576 regulations necessary for the administration and enforcement of
 0577 the Kansas seed law.

0578 (c) The secretary may make or provide for making purity
 0579 and germination or other tests of agricultural seed for farmers
 0580 and dealers on request. The secretary may adopt rules and
 0581 regulations governing such testing and may fix, charge and
 0582 collect fees for the tests made. The secretary may extend credit
 0583 for work done, and the sender of the sample may be invoiced for
 0584 such charges from time to time. Testing shall be discontinued for
 0585 any person who fails to pay such charges within ~~thirty (30)~~ 30
 0586 days after invoice is issued. The ~~limitation on free tests shall not~~
 0587 ~~apply to the state boards, commissions, or educational, penal or~~
 0588 ~~eleemosynary institutions shall not be charged for any tests of~~
 0589 ~~agricultural seed conducted therefor by the state seed labora-~~
 0590 ~~tory.~~ The state seed laboratory shall not be obligated to analyze
 0591 any uncleaned, ~~unprocessed, and unconditioned~~ or other time-
 0592 consuming sample or any sample which obviously does not meet
 0593 ~~state the requirements of the Kansas seed law requirements.~~

0594 (d) The secretary shall remit all moneys received by or for
 0595 the secretary under ~~article 44 of chapter 2 of Kansas Statutes~~
 0596 ~~Annotated and amendments thereto~~ the Kansas seed law to the
 0597 state treasurer at least monthly. Upon receipt of any such remit-
 0598 tance the state treasurer shall deposit the entire amount thereof
 0599 in the state treasury and the same shall be credited to the seed
 0600 examination fee fund. All expenditures from ~~such the seed ex-~~
 0601 ~~amination fee fund~~ shall be made in accordance with appropria-
 0602 tion acts upon warrants of the director of accounts and reports

Technicians (KSBA)

(add) The list of restricted weeds and the allowances (analytical variations) to be used therefore which are in effect on the shall continue in effect until the State board of agriculture adopts rules and regulations establishing a different list of restricted weed seeds and allowances therefore under this section. (KSBA)

0603 issued pursuant to vouchers approved by the secretary of the
0604 state board of agriculture or by a person or persons designated by
0605 the secretary.

0606 Sec. 11. K.S.A. 2-1426 is hereby amended to read as follows:
0607 2-1426. The secretary shall, at his or her in the secretary's
0608 discretion, issue or publish reports setting forth the results of
0609 inspections, examinations, analyses, or tests conducted under
0610 the provision of chapter 2, article 14, of the Kansas Statutes
0611 Annotated, and acts amendatory thereof and supplemental
0612 thereto, which report Kansas seed law and such reports may
0613 include the names of persons, associations of persons, or corpo-
0614 rations having that had agricultural seed under examination;
0615 and. The secretary may issue other reports giving information on
0616 agricultural seed.

0617 Sec. 12. K.S.A. 2-1426a is hereby amended to read as fol-
0618 lows: 2-1426a. Each person whose name appears on the label as
0619 handling agricultural seeds subject to this act, the Kansas seed
0620 law shall keep for a period of three (3) years complete records of
0621 each lot of agricultural seed handled; and shall keep a file sample
0622 of each lot of agricultural seed for a period of one (1) year after
0623 final disposition of said such lot of agricultural seed. All such
0624 records and samples pertaining to any shipment of agricultural
0625 seed shall be accessible during customary business hours; for
0626 inspection by the secretary; or a duly authorized representative
0627 of the secretary.

0628 Sec. 13. K.S.A. 2-1415, 2-1417, 2-1421, 2-1422, 2-1422a, 2-
0629 1423, 2-1424, 2-1424a, 2-1425, 2-1426, 2-1426a and 2-1427 are
0630 hereby repealed.

0631 Sec. 14. This act shall take effect and be in force from and
0632 after its publication in the statute book.

Suggested Weed List with Allowances
and Special Considerations

3rd Revision
by C.M. Webster,
Freeman Biery &
Ron McGregor
Feb. 2, 1984

PROHIBITED LIST (None Allowed)

- Field Bindweed (Convolvulus arvensis)
Russian Knapweed (Centaurea repens)
Hoary cross (Lepidium draba)
* Tall whitetop (Lepidium latifolium)
Texas blueweed (Helianthus ciliaris)
Johnsongrass (Sorghum halepense) and Sorghum aluum (Sorghum aluum)
(And any seed species indeterminable there from)
Canada thistle (Cirsium arvense)
Leafy spurge (Euphorbia esula)
Quackgrass (Agropyron repens)
Pignut, Indian rush pea (Hoffmannseggia densiflora)
Bur ragweed, poverty weed (Franseria tomentosa & discolor)
Musk , nodding thistle (Carduus nutans)
* Common milkweed (Asclepias syriaca)
* Climbing milkweed (Gonolobus laevis)
* Wild Proso millet (Panicum milaceum, wild strain)
* Hemp dogbane (Apocynum cannabinum)
* Kudzu (Pueraria lobata)
* Russian Pea (Sesbania salsola)

(NO TOLERANCE WILL BE PERMITTED ON THE ABOVE PROHIBITED WEEDS WHEN FOUND IN
LABELED SEED LOTS).

* New Additions

18 total, (7 new)

(continued on next page)

RESTRICTED WEED SPECIESRecommended Number
Permitted per Pound

Silverleaf nightshade (<u>Solanum elaeagnifolium</u>)	45 **	
Horsenettle, bullnettle (<u>Solanum carolinense</u>)	45**	
Dock (<u>Rumex spp.</u>)	45	
Ox-eye daisy (<u>Chrysanthemum leucanthemum</u>)	45	
Perennial sowthistle (<u>Sonchus arvensis</u>)	45	
Giant foxtail (<u>Seteria faberi</u>)	45	21 species, 7 new additions to restricted weed list.
Cheat (<u>Bromus secalinus</u>)	45	
* Hairy chess (<u>Bromus commutatus</u>)	45	
Buckhorn plantain (<u>Plantago lanceolata</u>)	45	
Wild Mustards (<u>Brassica spp.</u>)	18	
(Except oil rape seed and vegetable species when intended for crop production).		
* Treacle, (<u>Erysimum repandum</u>)	18	
* Tansy mustard (<u>Descurainia spp.</u>)	18	
Dodder (<u>Cuscuta spp.</u>)	18	
(Except that lespedeza seed may contain 45 dodder per lb.)		
Wild carrot (<u>Daucus carota</u>)	18	
Morning glory (<u>Ipomoea spp.</u>)	18	
Hedge bindweed (<u>Convolvulus sepium</u>)	18	
Pennycress, fanweed (<u>Thlaspi arvense</u>)	18	
* Wild oats (<u>Avena fatua</u>)	3	
* Jointed goatgrass (<u>Aegilops cylindrica</u>)	1	
* Wild buckwheat, black bindweed (<u>Polygonum convolvulus</u>)	1	
* Velvetleaf, butterprint (<u>Abutilon theophrasti</u>)	1	

** Horsenettle and Solanum spp. in general are considered to be especially troublesome and perhaps should be permitted only at a lower rate per pound.

(Continued on next page)

Mr. Chairman, members of the Senate Committee on Agriculture and Small Business. I am Art Armbrust and I wish to present testimony from the Kansas Seed Dealers in support of SB-645.

By way of personal introduction, I would like to relate the following. I was born and raised on a farm in central Kansas, worked for the Kansas Crop Improvement Association while a student at Kansas State University and joined the Rudy Patrick Seed Company in Hutchinson, Kansas in 1959. I managed the Hutchinson Kansas operation from 1961 to 1970, and worked in management positions in Kansas City until 1972. I have been with Sharp Brothers Seed Company of Healy, Kansas from 1972 until the present. I am serving as Chairman of the Legislative Committee of the Kansas Seed Dealers, Inc. and have served as President of the organization. I am presently serving as the Central Regional Vice President of the American Seed Trade Association.

The operation I represent, Sharp Brothers Seed Company and Sharp Farms are involved in the production of seed of native grasses and forbs, forage sorghum, hybrid forage sorghums, sorghum sudangrass hybrids, wheat, oats, barley and soybeans. We are also involved in contract production, conditioning and merchandising of these seed items.

I feel that passage of SB-645 would greatly benefit both farmers and the agricultural industry of this state. The present seed law was passed in 1935 and has been revised several times. Much needed changes in the language, terminology, and definitions used are needed to bring this law into step with the modern agriculture practiced in this state and nation.

For instance, our present law does not describe or define the requirements for a hybrid. We must also update the enforcement of Federal laws such as the Plant Variety Protection Act. The new revisions of the Federal Seed Act and the Recommended Uniform State Seed Law (RUSSEL) have been used as guides for SB-645. These changes will help Kansas farmers and seedsmen to be competitive in exporting seeds to other states as well as abroad.

Kansas is an important producer and supplier of several important seed crops. The following list shows Kansas percent of the total U.S. production of several important seed crops and an estimate of the seed exported out of the state.

Att. 3

<u>CROP</u>	<u>% U.S. TOTAL</u>	<u>% EXPORTED</u>
Brome Grass	50-75%	80-90%
Alfalfa	3-7%	60-75%
Tall Fescue	3-4%	40-60%
Lespedeza	10-25%	70-80%
Red Clover	2-3%	50-60%

In addition, Kansas is the number one producer of Hard Red Winter Wheat seed and an important producer of soybeans, barley and oat seed. We are the number two producer of hybrid grain sorghum, forage sorghum, sorghum sudangrass hybrids, and hybrid forage sorghum seed. Likewise, we are an important producer of native grass seeds, millets and other specialty crops seeds. Certainly the income derived from this production is important to many Kansas farmers and the ag related businesses located in this state.

Our industry has shown exceptional growth in the past eight years. In 1976, there were 29 approved conditioners of seed in Kansas; by 1981, just five years later this number had doubled to 58. In 1983 the number grew to 97 and we expect to have well over 100 in 1984. This not only represents a sizable investment in plant and equipment and opportunities for employment but also represents increased income opportunities for Kansas farmers as seed growers and contract producers of seed. This also assures the fact that new releases of both public and private varieties of those crops important to Kansas farmers will be available to them at the earliest possible date.

To illustrate how fast new developments can be made available to our farmers, I would like to cite the following:

<u>YEAR</u>	<u>% ACREAGE PLANTED TO SEMIDWARF</u> <u>WHEAT VARIETIES</u>
1979	12
1980	29
1981	47
1982	63
1983	over 65%

This is but one example of new product availability and acceptance by the farmers of our state. The importance of good seed of new and more productive varieties is essential if Kansas farmers are to remain competitive in the production of quality wheat, feed grains and forage crops.

There are included some important consumer protection or buyer assurance provisions in this new law. It provides that if someone wishes to sell seed for planting purposes, they must test and label the seeds for purity, germination and weed seed content and must also label the variety of certain specified crops, primarily annual grain crops.

We feel this to be very important as the first consideration of most farmers when purchasing seed is variety. He must be assured he is getting the performance, disease or insect resistance or other important agronomic traits represented by the variety he has chosen. In the case of certain important characteristics, it can make the difference between a good crop or an entire crop lost to a specific disease or insect. We are asking that the buyer be assured of both the mechanical factors (purity, germination, weed seed content) and the genetic factors (variety) when he purchases his most basic input - - seed. At the same time, these factors limit the liability of the seller if he can document these important factors concerning the product he is selling. This is most important in the modern business world.

We are not asking for increased enforcement. While it could be suggested that Kansas farmers could benefit from additional seed control activity, there is no suggestion of or requirement for additional control activity contained in this suggested revision.

Most Kansas seedsmen take great pride in the self enforcement which we impose on ourselves. It is inherent in the industry that we must properly label and identify the products we sell or our customers will soon eliminate those of us who don't. We feel that SB-645 will provide for more effective and timely enforcement when needed or deemed appropriate to properly protect our Kansas farmers and in turn our agricultural industry. We urge your favorable consideration of SB-645.
Thank you.

Chairman - Members of the Committee on Agriculture and Small Business

I am Ed Oborny, Jr. and I am here to give testimony in favor of passage of SB-645.

To introduce myself I would like to state that I am a farmer from Bison, Kansas located in the west central part of the state. I was born and raised on a farm in Rush Co., attended KSU, have served on the board and as President of the Kansas Crop Improvement Association. I have been involved in the production and sale of seed all of my life, first as part of my father's operation and in recent years on my own. We have produced wheat, open pollinated grain sorghum, forage sorghum, and soybeans for sale as certified seed. I feel very strongly that the seed industry represents a very basic and vitally important input of great importance to each and every agricultural operation in this state.

As a Kansas farmer I have always been aware of the benefits of superior crop varieties and high quality seed. In recent years, more and more farmers have become aware of the benefits of high quality seed, and this is especially true for the new wheat varieties. Recent research at Kansas State University has proved that superior quality seed of any variety has important benefits to the planter of that seed. Conscientious seed growers and handlers know that it requires extra efforts in quality control practices to produce consistently high quality seed and that it must be properly sampled and tested to be sure the job is consistent and complete. The research noted has been initiated and supported by money collected from KCIA members' self assessments. General use of superior practices revealed by this research will result in benefits that will add to the income of my fellow farmers and as such, benefits not only agriculture but all the citizens of the state.

I was not real familiar with the state and federal laws affecting seed until I was asked to serve with the group that studied and worked on revisions. It was during this time that I realized we needed to update the language of the law, include some definitions that were missing and generally bring the law up to date. If I was still farming with old methods I couldn't succeed today so I feel it very important that we also modernize our seed law. After all, it affects the most basic input of every farmer's operation.

I believe we should require that all products sold for seed be tested and labeled and I certainly support the features for variety labeling. After all, the first thing I consider on my farm is the variety I am planting. I am certainly aware of the

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importance of the purity, germination, other crop seed content and certainly weed seed content, but my first concern is the variety I select. I feel that the provisions for labeling are an important addition to the law and will benefit all aspects of Kansas agriculture and related industry. I have always been aware of the benefits of high quality seed of known genetic background and purity. I didn't realize the importance of adequate laws and enforcement of them until I became involved in this work with revising the old law.

It is because of the important place that good seed should and must play in all farming operations that I urge your consideration of passage of this very important piece of legislation.

I thank you for this opportunity.

559	645
Fiscal Note	Bill No.
1984 Session	
February 20, 1984	

The Honorable Fred Kerr, Chairperson
Committee on Agriculture and Small Business
Senate Chambers
Third Floor, Statehouse

Dear Senator Kerr:

SUBJECT: Fiscal Note for Senate Bill No. 645, by Committee
on Agriculture and Small Business

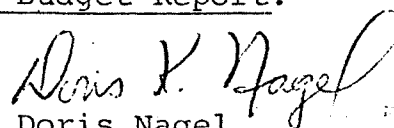
In accordance with K.S.A. 75-3715a, the following fiscal note for Senate Bill No. 645 is respectfully submitted to your committee.

Senate Bill 645 makes extensive revisions to the present Kansas Seed Law. Under this act, all sales of seeds between farmers would be subject to the same seed testing and purity requirements currently required only for commercial transactions.

The State Board of Agriculture estimates that enactment of this bill would require two additional field inspectors, two new positions in the laboratory, one additional clerical position, and additional laboratory equipment. The agency also believes that the additional personnel and equipment would require expansion of the Seed Laboratory. The agency's estimate of the fiscal impact of Senate Bill No. 645 for FY 1985 is \$172,662 in state general funds.

The numbers developed by the Board of Agriculture are based on an increase of 2,000 samples per year. However, caution should be exercised in using this figure, since the number of additional samples which would result from enactment of this bill is very difficult to predict.

In summary, enactment of Senate Bill No. 645 may have a significant fiscal impact on the State Board of Agriculture. The Board of Agriculture estimates the fiscal impact in FY 1985 to be \$172,662. The costs of implementing Senate Bill No. 645 would be totally funded by the State General Fund and have not been included in the FY 1985 Governor's Budget Report.



Doris Nagel
Budget Analyst
For the Director of the Budget

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