

Approved

Date 3-19-85

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE AND SMALL BUSINESS

The meeting was called to order by Lloyd D. Polson at
Chairperson

9:00 a.m./~~p.m.~~ on March 5, 1985 in room 423-S of the Capitol.

All members were present except: Representatives Solbach and Teagarden, who were excused.

Committee staff present:

Raney Gilliland, Legislative Research Department
Norman Furse, Revisor of Statutes Office
Mary Jane Holt, Committee Secretary

Conferees appearing before the committee:

Harland Priddle, Secretary, State Board of Agriculture
Art Armbrust, Seed Dealers
Bill Fuller, Kansas Farm Bureau
John Bunck, farmer and seedsman
Howard DeLange, Chairman, Kansas Seed Dealers

Hearing on H.B. 2002 - Kansas seed law revision - Re. Proposal No. 4.

Harland Priddle stated the State Board of Agriculture is not opposed to updating the seed law to conform to the Recommended Uniform State Seed Law, (RUSSL).

Raney Gilliland reviewed H.B. 2002. This bill is the result of an interim study in 1984.

Art Armbrust explained he was an opponent for parts of the bill, and a proponent for the updating of the seed law. He presented the recommendations of the Kansas Seed Dealers (Attachment A). He explained the amendments the seed dealers and other farm organizations proposed, (Attachment B).

Bill Fuller stated the Kansas Farm Bureau supports the bill as drafted by the interim committee. They support an amended "farmer exemption" as stated in (Attachment C). He passed out copies of the law listing noxious weeds, (Attachment D).

John Bunck did not agree with the Kansas Farm Bureau on the farmer exemption section. He proposed the farmer exemption be free of noxious weeds and have a limited amount of restricted weed seeds.

Howard DeLange supported the updating of the seed law and the amendments proposed by the Kansas Seed Dealers for long term benefits to all of agriculture.

The Chairman announced the hearing on H.B. 2002 was closed, and the bill will be considered Thursday, March 7, 1985.

The Committee meeting was adjourned at 10:00 a.m.

The next meeting will be on Wednesday, February 6, 1985, at 9:00 a.m. in Room 423-S.

**TESTIMONY PRESENTED TO THE
HOUSE COMMITTEE ON AGRICULTURE AND SMALL BUSINESS**

AMENDMENTS TO HB 2002

**BY
ART ARMBRUST, CHAIRMAN
KANSAS SEED DEALERS LEGISLATIVE COMMITTEE**

WHO DEVELOPED AMENDMENTS

1. KSDI
2. KCIA
3. KSBA
4. State Seed Laboratory
5. Noxious Weed Division

EXAMPLES USED FOR AMENDMENTS

1. Federal Seed Act
2. Recommended Uniform State Seed Law (RUSSL)
3. Other state seed laws

REASONS FOR AMENDING HB 2002

1. Update language of 1939 law
2. Include new problem weed seeds in the law
3. Define new technology and hybrids
4. Simplify necessary enforcement of the law
5. Afford consumer of agricultural seed the opportunity to make informed choices

Review of HB 2002

3/5/85

Attachment A

HOUSE BILL No. 2002

By Special Committee on Agriculture and Livestock

Re Proposal No. 4

12-18

0018 AN ACT concerning agricultural seeds; relating to the sale or
0019 exchange thereof; amending K.S.A. 2-1415, 2-1416, 2-1417 and
0020 2-1421 and repealing the existing sections.

0021 *Be it enacted by the Legislature of the State of Kansas:*

0022 Section 1. K.S.A. 2-1415 is hereby amended to read as fol-
0023 lows: 2-1415. As used in this act:

0024 (1) (a) ~~The term~~ "Agricultural seed" means the seed of grass,
0025 legume, forage, cereal and fiber crops, or mixtures thereof, but
0026 shall not include horticultural seeds.

0027 (2) (b) ~~The term~~ "Person" means ~~and includes individuals,~~
0028 ~~members any individual, member of a partnership, a corporation,~~
0029 ~~the executive and managing officers of corporations and associa-~~
0030 ~~tions, and (agents and brokers) company, association or society.~~

0031 (3) (c) ~~The term~~ "Processed" means cleaned, or cleaned and
0032 blended, to meet the requirements of agricultural seed for the
0033 purpose of being planted or seeded.

0034 (4) (d) ~~The term~~ "Kind" means one or more related species
0035 or subspecies which singly or collectively is known by one
0036 common name, and includes, among others, wheat, oat, vetch,
0037 sweet clover, and alfalfa.

0038 (5) (e) ~~The term~~ "Variety" means a subdivision of a kind,
0039 which is characterized by growth, yield, plant, fruit, seed or
0040 other characteristics by which it can be differentiated from other
0041 plants of the same kind.

0042 (6) (f) ~~The term~~ "Hard seed" means the seeds, which be-
0043 cause of hardness or impermeability do not absorb moisture or
0044 germinate under seed testing procedure.

0045 (7) (g) ~~The term~~ "Label" means the statements written,

(leave in)

(replace)

agents and brokers

"Conditioned"

Attachment: B

Atch. B
3/5/85

0046 printed, stenciled or otherwise displayed upon, or attached to,
0047 the container of agricultural seed, and includes other written,
0048 printed, stenciled or graphic representations, in any form what-
0049 soever, pertaining to any agricultural seed, whether in bulk or in
0050 containers, and includes declarations and affidavits.

0051 (8) (h) ~~The term~~ "Secretary" means the secretary of the
0052 ~~Kansas~~ state board of agriculture.

0053 (9) (i) ~~The term~~ "Weed seeds seed" means ~~the~~ seeds of plants
0054 considered weeds in this state and ~~shall include~~ includes nox-
0055 ious weed seeds seed and restricted weed seed, determined by
0056 methods established by rule and regulation under this act.

0057 (10) Noxious weed seeds are divided into two classes: (a)
0058 "prohibited noxious weed seed," (b) "restricted noxious weed
0059 seed" as defined in this subsection:

0060 (a) ~~Prohibited noxious~~ (j) "Noxious weed seed" means the
0061 seed of Kudzu (*Pueraria lobata*), field bindweed (*Convolvulus*
0062 *arvensis*), Russian knapweed (*Centaurea repens*), hoary cress
0063 (*Lepidium draba*), Canada thistle (*Cirsium arvense*), leafy
0064 spurge (*Euphorbia esula*), quackgrass (*Agropyron repens*), bur
0065 ragweed (*Franseria tomentosa*), pignut (*Indian rushpea*) (*Hoff-*
0066 *mannseggia densiflora*), ~~Texas blueweed~~ (*Helianthus eiliaris*),
0067 Johnson grass (*Sorghum halepense*), ~~sorghum alnum~~, and any
0068 ~~plant the seed of which cannot be distinguished from Johnson~~
0069 ~~grass~~, and musk (nodding) thistle (*Carduus nutans L.*).

0070 (b) (k) "Restricted noxious weed seed" means and includes
0071 weed seeds or bulblets which shall not be present in agricultural
0072 seed at a rate per pound in excess of the number shown following
0073 the name of each weed seed; ~~to wit:~~ Wild mustards (*Brassica*
0074 *spp.*) 45, buckhorn plantain (*Plantago lanceolata*) 45, wild onion
0075 or garlic (*Allium spp.*) 45, dodder (*Cuscuta spp.*) 45, wild carrot
0076 (*Daucus carota*) 45, morning glory (*Ipomoea spp.*) 45, hedge
0077 bindweed (*Convolvulus sepium*) 45, pennycress (*Thlaspi ar-*
0078 *vense*) 45, swamp smartweed (*Polygonum coccineum*) 45, dock
0079 (*Rumex spp.*) 90, oxeye daisy (*Chrysanthemum leucanthemum*)
0080 90, perennial sowthistle (*Sonchus arvensis*) 90, silverleaf (pur-
0081 ple) nightshade (*Solanum elaeagnifolium*) 90, giant foxtail (*Se-*
0082 *taria faberi*) 90, horsenettle (*bullnettle*) (*Solanum carolinense*)

(replace)

"Prohibited weed seed" means the seeds of any plants designated as noxious weed in the Noxious Weed Law (K.S.A. 2-1314), Sorghum alnum and any plant the seed of which cannot be distinguished from Johnsongrass.

(replace)

Silverleaf nightshade (*Solanum elaeagnifolium*) 45, horsenettle, bullnettle (*Solanum carolinense*) 45, dock (*Rumex spp.*) 45, ox-eye daisy (*Chrysanthemum leucanthemum*) 45, perennial sowthistle (*Sonchum arvensis*) 45, giant foxtail (*Setaria faberi*) 45, cheat (*Bromus secalinum*) 45, hairy chess (*Brums commutatus*) 45, buckhorn plantain (*Plantago lanceolata*) 45, charlock (*Sinapsis arvensis*) 18, wild mustards (*Brassica spp.*) 18, treacle (*Erysimum spp.*) 18, wild carrot (*Daucus carota*) 18, morning glory and purple moonflower (*Ipomoea spp.*) 18, hedge bindweed (*Calystegia spp.*, syn. *Convolvulus sepium*) 18, pennycress, fanweed (*Thlaspi arvense*) 18, wild oats (*Avenua fatua*) 9, climbing milkweed, sandvine (*Cynanchum laeve*, syn. *Gonolobus laevis*) 9, jointed goatgrass (*Aegilops cylindrica*) 9, wild buckwheat, black bindweed (*Polygonum convolvulus*) 9, velvetleaf, butterprint (*Abutilon theophrasti*) 9, Cocklebur (*Xanthium spp.*) 9.

0083 180, chess or cheat (*Bromus-secalinus*) 90: ~~Provided, That.~~ The
0084 total of restricted ~~noxious~~ weed seeds shall not exceed 300 per
0085 pound: ~~And provided further, That.~~ In native grass, smooth
0086 brome grass, fescues and orchard grass seeds, chess or cheat shall
0087 not exceed 5,000 per pound.

(replace)

That the total of the restricted weed seed shall not exceed 90 per pound except native grass, smooth brome grass, tall fescue, wheatgrasses and lespedeza shall not exceed 150 per pound.

0088 ~~(11)~~ (l) ~~The term~~ "Advertisement" means all representa-
0089 tions, other than those on the label, disseminated in any manner,
0090 or by any means, relating to agricultural seed.

0091 ~~(12)~~ (m) ~~The term~~ "Record" means ~~and includes~~ all infor-
0092 mation relating to any shipment of agricultural seed; and in-
0093 cludes a file sample of each lot of such seed.

0094 ~~(13)~~ (n) ~~The term~~ "Stop sale order" means an administrative
0095 order, authorized by law, restraining the sale, use, disposition,
0096 and movement of a definite amount of agricultural seed.

0097 ~~(14)~~ (o) ~~The term~~ "Seizure" means a legal process, issued by
0098 court order, against a definite amount of *agricultural* seed.

0099 ~~(15)~~ (p) ~~The term~~ "Lot" means a definite quantity of agri-
0100 cultural seed, identified by a lot number or other mark, every
0101 portion or bag of which is uniform, within recognized tolerances
0102 for the factors which appear ~~in the labeling, which is the pro-~~
0103 cessor's identification.

(replace)

on the label.

0104 ~~(16)~~ (q) ~~The term~~ "Germination" means the percentage of
0105 seeds capable of producing normal seedlings under ordinarily
0106 favorable conditions, in accordance with the methods estab-
0107 lished by *rule and* regulation under this act.

0108 ~~(17)~~ (r) ~~The term~~ "Pure seed" means the kind of seed de-
0109 clared on the label, exclusive of inert matter, other agricultural or
0110 other crop seeds; and weed seeds.

0111 ~~(18)~~ (s) ~~The term~~ "Inert matter" means all matter not seeds,
0112 and as otherwise determined by *rules and* regulations under this
0113 act.

0114 ~~(19)~~ (t) ~~The term~~ "Other agricultural seeds or other crop
0115 seeds" means seeds of agricultural seeds other than those in-
0116 cluded in the percentage or percentages of kind or variety; and
0117 ~~shall include~~ *includes* collectively all kinds and varieties not
0118 named on the label.

(add)

(u) "Hybrid" means the first generation seed of a cross produced by controlling the pollination and by combining (1) two or more inbred lines, (2) one inbred or a single cross with an open pollinated variety, or (3) two varieties or species, other than open pollinated varieties of corn (*zea mays*). Hybrid shall not include the second generation or subsequent generations from such crosses. Hybrid designations shall be treated as variety names. Controlling the pollination means to use a method of hybridization which will produce pure seed which is 75% or more hybrid.

0119 ~~(20)~~ (u) ~~The term~~ "Type" means a group of varieties so

0120 nearly similar that the individual varieties cannot be clearly
0121 differentiated except under special conditions.

0122 ~~(21)~~ (v) The term "Treated" means that the seed has re-
0123 ceived an application of a substance or process which ~~substance~~
0124 ~~or process~~ is designed to reduce, control or repel certain disease
0125 organisms, insects or other pests attacking such seeds or seed-
0126 lings growing therefrom. The term "treated" further implies and
0127 includes an application of a substance or process designed to
0128 increase seedling vigor.

0129 ~~(22)~~ (w) The term "Tested seed" means that a representative
0130 sample of the lot of agricultural seed in question has been
0131 subjected to examination and its character as to purity and
0132 germination has been determined.

0133 ~~(23)~~ (x) The term "Native grass seed" means the seeds of
0134 aboriginal or native prairie grasses.

0135 Sec. 2. K.S.A. 2-1416 is hereby amended to read as follows:
0136 2-1416. Except as provided in subsection (c) of K.S.A. 2-1421 and
0137 amendments thereto, it shall be unlawful for any person to offer
0138 or expose for sale, sell or exchange any agricultural seed for
0139 planting or seeding purposes that has not been tested and is not
0140 labeled. This provision shall apply to grain when sold as such or
0141 when sold according to grain standards and the seller knows, or
0142 has reason to know, it is to be used for seed.

0143 Sec. 3. K.S.A. 2-1417 is hereby amended to read as follows:
0144 2-1417. Each ~~and every~~ bulk quantity, package, or parcel of
0145 agricultural seed, offered for sale, ~~or~~ exposed for sale, or ex-
0146 changed for planting or seeding purposes, shall have a label,
0147 which shall be affixed thereto or printed or stenciled thereon or
0148 in bulk quantity which shall be furnished with the invoice, in
0149 the English language, giving the following information, which
0150 shall not be modified or denied in the labeling on the label, or on
0151 another label attached to the container, ~~and in bulk quantity shall~~
0152 ~~be furnished with the invoice.~~

0153 (a) The commonly accepted name of the kind or the name of
0154 the kind and the variety, of each agricultural seed component in
0155 excess of ~~five percent (5%)~~ 5% of the whole, and the percentage
0156 by weight of each in the order of its predominance. Where more

(replace) (w)

(y) "Chaffy range grass seed" includes but is not limited to bluestem, Gramas, Indian grass, wild rye grasses, buffalo grass and prairie cord grass.

(replace) (x)

(z) "Certified seed" means any class of pedigreed seed or plant parts for which a certificate of inspections has been issued by an official seed certifying agency.

(aa) "Certifying agency" means: (1) an agency which is authorized under the laws of a state, territory or possession to officially certify seed and which has standards and procedures approved by the secretary of agriculture of the United States Department of Agriculture to assure the genetic purity and identity of the seed certified; or (2) an agency of a foreign country which is determined by the secretary of agriculture of the United States Department of Agriculture to be an agency which adheres to procedures and standards for seed certification comparable to those adhered to generally by seed certifying agencies under clause (1) of this subsection.

(add)

(aa) "Blend" means two or more varieties of the same kind each in excess of 5% of the whole.

(bb) "Mixture" means a combination of seed consisting of more than one kind each in excess of 5% of the whole.

(leave in)

and in bulk quantity shall be furnished with the invoice.

(replace)

(a) The commonly accepted name of the kind and variety or the kind and the words "variety not stated" of each agricultural seed component in excess of 5% of the whole and the percentage by weight of each in its order or predominance. Except for the following annual grain crops wheat, oats, barley, and soybeans, for which the label shall include kind and variety. For blends of wheat, oats, barley and soybeans, the label shall include the kind followed by the word "blend". Components of the blend shall be registered with the secretary unless all varieties and the percentage thereof are listed on the label. Blends so registered may be labeled by kind and the words "variety not stated". The composition of registered blends shall remain consistent from year to year. Hybrids shall be labeled as hybrids.

(omit - see next page)

0157 than one component is required to be named, the word "mix-
0158 ture" or the word "mixed" shall be shown conspicuously on the
0159 label;

(replace)

For mixtures

0160 (b) the percentage by weight of pure seed;

0161 (c) the percentage by weight of all weed seeds;

0162 (d) the percentage by weight of inert matter;

0163 (e) for each named agricultural seed: (1) The percentage of
0164 germination, exclusive of hard seed; (2) the percentage of hard
0165 seeds, if present; (3) total germination percentage including
0166 hard seed may be shown; (4) the calendar month and year the
0167 test was completed to determine such percentages;

0168 (f) the percentage by weight of agricultural seeds (which may
0169 be designated as "crop seeds") other than those required to be
0170 named on the label;

0171 (g) the lot number or other lot identification;

0172 (h) the origin: *i.e.*, the state or foreign country where grown,
0173 except grass seeds in quantities of less than ~~ten (10)~~ 10 pounds
0174 for lawn seeding purposes, or a declaration that origin of seed is
0175 unknown to seller;

0176 (i) the name and rate of occurrence per pound of each kind of
0177 "~~restricted noxious weed seeds~~" seed present, which shall not be
0178 more than the number per pound of restricted ~~noxious~~ weed
0179 seed in agricultural seed, as provided in *subsection (k) of K.S.A.*
0180 *2-1415(10)(b)*;

0181 (j) the name and address of person responsible for such
0182 statement;

(replace)

the label;

0183 (k) agricultural seed which has been treated with chemicals
0184 for insect or disease control, shall be labeled to show the fol-
0185 lowing:

0186 (1) A word or statement indicating that the seed has been
0187 treated;

0188 (2) the commonly accepted, coined, chemical or abbreviated
0189 chemical (generic) name of the applied substance;

0190 (3) if the substance in the amount applied is harmful to
0191 human or other vertebrate animals, a caution statement, such as:
0192 "Do not use for food, feed or oil purposes." The caution for
0193 mercurials and similarly toxic substances must include in a

0194 contrasting color the word "poison" and skull and crossbones;
0195 and

0196 (4) a separate label may be used to show this information, or
0197 it may be a component part of the main label.

0198 Sec. 4. K.S.A. 2-1421 is hereby amended to read as follows:

0199 2-1421. ~~(A)(a)~~ It shall be unlawful for any person to sell, offer
0200 for sale, or expose for sale, any agricultural seed for seeding
0201 purposes: (1) Unless a test has been made to determine the
0202 percentage of germination and it shall have been completed
0203 within a nine-month period (exclusive of the calendar month in
0204 which the test was completed) immediately prior to sale, expo-
0205 sure for sale, or offering for sale;

0206 (2) which is not labeled in accordance with the provisions of
0207 this act;

0208 (3) which has a false, misleading, or incomplete label;

0209 (4) which contains ~~prohibited~~ noxious weed seeds;

0210 (5) which contains restricted ~~noxious~~ weed seeds in excess of
0211 the quantity prescribed by subsection (k) of K.S.A. 2-1415(10)(b);

0212 (6) ~~(a) Other than native grass seed,~~ which contains more
0213 than ~~two percent (2%)~~ 2% of weed seeds, *other than native grass*
0214 *seeds*, by weight;

0215 ~~(b)~~ (7) which is native grass seed which contains more than
0216 ~~four percent (4%)~~ 4% of weed seeds by weight;

0217 ~~(7)~~ (8) if any label, advertisement, or other media represents
0218 such agricultural seed to be certified or registered, unless: ~~(a)~~ (A)
0219 Such certification or registration has been determined by an
0220 official seed certifying agency; and ~~(b)~~ (B) such seed bears an
0221 official label issued for such seed, by such agency stating that the
0222 seed is certified or registered;

0223 ~~(8)~~ (9) by variety name ~~seed~~ not certified by an official seed
0224 certifying agency when it is a variety for which an application
0225 has been made for a certificate of plant variety protection, under
0226 public law 91-577, the plant variety protection act ~~(PL 91-577)~~,
0227 specifying sale only, as a class of certified seed, except that seed
0228 from a certified lot may be labeled as to variety name when used
0229 in a mixture by, or with the approval of, the owner of the variety.

0230 ~~(B)~~ (b) It is unlawful for any person:

(replace)

(6) which contains more than 1% of weed seeds by weight;
(7) except smooth bromegrass, tall fescue, wheatgrasses and lespedeza which
contains more than 2% by weight and chaffy range grass which contains more
than 4% by weight;

(delete)

(insert)

has been issued

(insert)

by variety name

0231 (1) To alter or deface any label so that the information is false
0232 or misleading; or to mutilate any label;

0233 (2) to disseminate any false or misleading advertisements
0234 concerning agricultural seed;

0235 (3) to issue any statement, invoice; or declaration as to the
0236 variety of any agricultural seed which is false or misleading;

0237 (4) to hinder or obstruct the secretary or an authorized rep-
0238 resentative of the secretary; in the performance of ~~his or her~~
0239 *official* duties;

0240 (5) to fail to comply with a "stop sale order," or to move or
0241 otherwise handle or dispose of any quantity of seed held under a
0242 "stop sale order," or a "stop sale" tag attached thereto, except
0243 with express permission of the enforcing officer in writing; and
0244 except for the purpose specified therein;

0245 (6) to use the word "trace" as a substitute for any statement
0246 which is required;

0247 (7) to use the word "type" in any labeling in connection with
0248 the name of any agricultural seed variety.

0249 (c) Except as provided in subsection ~~(A)(8)~~ (a)(9) of this
0250 section, it shall not be a violation of this act for the grower of
0251 agricultural seed to sell on ~~his or her~~ the grower's premises for
0252 planting or seeding purposes, ~~corn, sorghum, wheat, rye, barley,~~
0253 ~~soybeans, alfalfa or oats~~ agricultural seed which is not tested and
0254 labeled when the seed is ~~grown on his or her land~~ produced by
0255 the seller and is free from noxious weed seed.

0256 Sec. 5. K.S.A. 2-2415, 2-1416, 2-1417 and 2-1421 are hereby
0257 repealed.

0258 Sec. 6. This act shall take effect and be in force from and
0259 after its publication in the statute book.

(replace)

(c) Except as provided in subsection (a) (9) of this section it shall not be a violation of this act for agricultural seed to be grown, sold, and delivered by the producer on his own premises directly to the purchaser provided that the seed contains no (prohibited) (noxious) weed seeds and within allowances provided in K.S.A. 2-1415 (k). If, however, said seed be advertised for sale in any manner or by exposing a sample of the seed or a printed or written statement pertaining to the seed in a public place or in any place of business, or if the seed is delivered by a common carrier, except when transported for the purpose of being recleaned, said producer shall be considered a vendor and said seed must meet all requirements of this act including complete labeling of the seed. For cereal and soybean seed where the purpose for which the seed is intended may be in question, all seeds advertised for sale by a variety name or as processed or tested, or treated or offered at a price substantially higher than current market prices, shall be presumed to be offered for seeding purposes and subject to the labeling provisions of this act.

0231 (1) To alter or deface any label so that the information is false
0232 or misleading; or to mutilate any label;

0233 (2) to disseminate any false or misleading advertisements
0234 concerning agricultural seed;

0235 (3) to issue any statement, invoice, or declaration as to the
0236 variety of any agricultural seed which is false or misleading;

0237 (4) to hinder or obstruct the secretary or an authorized rep-
0238 resentative of the secretary; in the performance of ~~his or her~~
0239 *official duties*;

0240 (5) to fail to comply with a "stop sale order," or to move or
0241 otherwise handle or dispose of any quantity of seed held under a
0242 "stop sale order," or a "stop sale" tag attached thereto, except
0243 with express permission of the enforcing officer in writing; and
0244 except for the purpose specified therein;

0245 (6) to use the word "trace" as a substitute for any statement
0246 which is required;

0247 (7) to use the word "type" in any labeling in connection with
0248 the name of any agricultural seed variety.

0249 (c) Except as provided in subsection ~~(A)(8)~~ (a)(9) of this
0250 section, it shall not be a violation of this act for the grower of
0251 agricultural seed to sell on ~~his or her~~ the grower's premises for
0252 planting or seeding purposes, ~~corn, sorghum, wheat, rye, barley,~~
0253 ~~soybeans, alfalfa or oats~~ agricultural seed which is not tested and
0254 labeled when the seed is ~~grown on his or her land~~ produced by
0255 the seller and is free from noxious weed seed.

(replace)

(c) Except as provided in subsection (a) (9) of this section, it shall not be a violation of this act for the grower of annual agricultural crops to sell on the grower's premises for planting or seeding purposes annual agricultural crop seed which is not tested and labeled when the annual agricultural crop seed is produced on Kansas land owned or operated by the grower and is free from noxious weed seed, and is within allowances provided in K.S.A. 2-1415 (k) for restricted weed seed, provided the seed grower does not promote the sale of the seed in any manner other than by the erection of a sign upon the premises of the grower.

0256 Sec. 5. K.S.A. 2-2415, 2-1416, 2-1417 and 2-1421 are hereby
0257 repealed.

0258 Sec. 6. This act shall take effect and be in force from and
0259 after its publication in the statute book.



Kansas Farm Bureau, Inc.

2321 Anderson Avenue, Manhattan, Kansas 66502 / (913) 537-2261

STATEMENT
of
KANSAS FARM BUREAU
to

HOUSE AGRICULTURE & SMALL BUSINESS COMMITTEE
Rep. Lloyd Polson, Chairman

RE: H.B. 2002—Revising the Kansas Seed Law

by
Bill R. Fuller, Assistant Director
Public Affairs Division
Kansas Farm Bureau

March 5, 1985

Mr. Chairman and Members of the Committee:

We appreciate this opportunity to express our opinions and concerns as you consider H.B. 2002 which would amend the Kansas Seed Law. As you realize, the farmers and ranchers of the Kansas Farm Bureau have not provided the initiative in asking that the seed law be changed. However, on the basis of a resolution adopted by the voting delegates at the most recent annual meeting of the Kansas Farm Bureau, we support H.B. 2002:

Kansas Seed Law

The Kansas Legislature has been asked to amend the Kansas Seed Law during the 1985 session. No substantial revisions have been made since the law was first passed in 1935. New developments and technology, including hybrids and protected varieties, have created the need to update the law.

We will support amendments which will serve to update and improve the Kansas Seed Law. We believe provisions of the current state law that prohibit the sale of agricultural seed containing noxious weeds, and require compliance with the federal Plant Variety Protection Act (PL 91-577) are adequate restrictions. We will oppose any effort to prohibit a farmer from selling agricultural crop seed that is grown on land operated by that farmer.

3/5/85
Attachment C

We believe this proposed legislation strengthens the "farmer exemption," yet prohibits the sale of any seed containing noxious weeds and requires compliance with the federal Plant Variety Protection Act. In addition, H.B. 2002 simplifies the confusing current weed classifications by changing the "Prohibitive Noxious" and "Restrictive Noxious" to simply "Noxious" and "Restrictive." H.B. 2002 also brings the noxious weed list in the "Seed Law" to coincide with the noxious weed list in the "Weed Law."

In addition, we do not oppose other amendments which serve to update this 1935 seed law (hybrid, certified seed, blends, mixtures and so forth). However, we will strongly oppose any attempts to further restrict farmer-to-farmer sales. For example, current law restricts sale to "corn, sorghum, wheat, rye, barley, soybeans, alfalfa, and oats." During negotiations the past year with representatives of the seed industry, according to my notes, they suggested this "crop list" be eliminated since it had nothing to do with seed quality and is not enforceable. H.B. 2002 makes this change by substituting "agricultural seed" for this list of crops. Therefore, we will vigorously oppose changing "agricultural seed" to any other designation such as "annual grain crop." Such a change would prohibit farmer-to-farmer sale of legumes and grasses and would be more restrictive than current law which now permits sale of alfalfa.

Mr. Chairman we do not condone abuses of the Seed Law by farmers or seed dealers who hide behind the "farmer exemption." We do not oppose the State Board of Agriculture's policy of classifying those who advertise as seed dealers, thus bringing those individuals out from under the "farmer exemption." To cooperate in addressing these concerns and prevent seed from other states contaminated with weed seed from being dumped in Kansas, we would support a rewrite of the "farmer exemption:"

(c) except as provided in subsection (a) (9) of this section, and provided farmer-to-farmer sale of agricultural seed is not promoted, represented or advertised as labeled and tested seed, it shall not be a violation of this act for a Kansas farmer who is a grower of agricultural seed to sell on the growers premises for planting or seeding purposes. Agricultural seed which is not tested and labeled

when the agricultural seed is produced on Kansas land owned or operated by the seller and is free from noxious weed seed.

In closing, we support H.B. 2002 as drafted by the Interim Committee.

In addition, we will support amendments to update the current law. However, we will oppose any proposals to prohibit or further restrict farmer-to-farmer sales of agricultural seed grown on land operated by the farmer. Thank you!

Chapter 2.—AGRICULTURE

Article 13.—WEEDS

2-1314. Noxious weeds; control and eradication; listing. It shall be the duty of persons, associations of persons, the secretary of transportation, the boards of county commissioners, the township boards, school boards, drainage boards, the governing body of incorporated cities, railroad companies and other transportation companies or corporations or their authorized agents and those supervising state-owned lands to control the spread of and to eradicate all weeds declared by legislative action to be noxious on all lands owned or supervised by them and to use such methods for that purpose and at such times as are approved and adopted by the state board of agriculture. The term noxious weeds shall mean kudzu (*Pueraria lobata*), field bindweed (*Convolvulus arvensis*), Russian knapweed (*Centaurea picris*), hoary cress (*Lepidium draba*), Canada thistle (*Cirsium arvense*), quackgrass (*Agropyron repens*), leafy spurge (*Euphorbia esula*), burragweed (*Franseria tomentosa* and *discolor*), pignut (*Hoffmannseggia densiflora*), musk (nodding) thistle (*Carduus nutans* L.), and Johnson grass (*Sorghum halepense*).

History: L. 1937, ch. 1, § 1; L. 1945, ch. 3, § 1; L. 1961, ch. 4, § 1; L. 1963, ch. 6, § 1; L. 1972, ch. 4, § 1; L. 1975, ch. 427, § 1; L. 1981, ch. 8, § 1; July 1.

Research and Practice Aids:

Agriculture—8.

C.J.S. Agriculture §§ 24 et seq.

Am. Jur. 2d Agriculture § 45.

3/5/85

Attachment D