

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 7, 1985 in room 423-S of the Capitol.

All members were present except:

Committee staff present:

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

Conferees appearing before the committee:

Freeman Biery, Kansas State Board of Agriculture
Bill Graves, Assistant Secretary of State

Hearing on H.B. 2470 - License suspended under pest control act for failure to have surety bond or liability insurance and eliminating the exemption for general use pesticides.

Freeman Biery reviewed H.B. 2470.

A motion was made by Representative Rezac to pass out H.B. 2470 favorably. Representative Clifford Campbell seconded the motion.

Representative Apt made a motion to amend H.B. 2470 to change line 143 on page 4 by inserting the word certificate before liability and deleting the word policy and to pass out H.B. 2470, as amended. Representative Teagarden seconded the motion. The motion passed.

Representative Teagarden moved to reconsider H.B. 2240. Representative Solbach seconded and the motion passed.

A motion was made by Representative Eckert to amend H.B. 2240 by inserting on line 0027, entered into prior to the effective date of this act, after the word agreement; on line 0031, strike the word shall and insert the word may; and in line 0033 insert a new sentence, Any agreement or modification of an existing agreement entered into on or after the effective date of this act between the owners of adjoining land in relation to the division of partition fences between them shall also contain a pertinent description of such lands, and such agreement, acknowledged or proved as conveyances of land, shall be recorded in the office of the register of deeds of the proper county in the same manner as an assignment of fence viewers, and to pass out H.B. 2240, as further amended. Representative Sallee seconded the motion, and the motion passed.

Representative Goossen explained the amendments recommended by the subcommittee on H.B. 2488, (Attachment A).

A motion was made by Representative Goossen to adopt the amendments proposed by the subcommittee on H.B. 2488. The motion was seconded by Representative Buehler.

Bill Graves estimated a \$48,000 fiscal note on the implementation of this bill. They feel there could be an estimated 50,000 agricultural related filings in their office and that there could be an input lien on each of them, which would also necessitate the hiring of three additional employees.

After further committee discussion, a vote was taken on the motion to adopt the amendments proposed by the subcommittee on H.B. 2488, and the motion passed.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE AND SMALL BUSINESS,
room 423-S, Statehouse, at 9:00 a.m. ~~p.m.~~ on March 7, 1985

Representative Goossen moved to pass out favorably H.B. 2488, as amended. The motion was seconded by Representative Clifford Campbell. The motion passed.

H.B. 2002 was considered for action.

Raney Gilliland reviewed proposed amendments, (Attachment B).

Representative Hamm moved to adopt the proposed amendments on H.B. 2002. Representative Neufeld seconded and the motion passed.

A motion was made by Representative Hamm and seconded by Representative Roenbaugh to pass out favorably H.B. 2002, as amended. The motion passed.

Representative Roenbaugh moved the Committee introduce a resolution proclaiming March 20, 1985 as Agriculture Day. Representative Apt seconded the motion. The motion passed.

Upon the recommendation of Norman Furse, the Committee adopted, by consensus, elimination of the duties of the Secretary of Health and Environment with regard to milk survey ratings and transferring those duties to the Secretary of the State Board of Agriculture in Section 3, and also eliminating advising, assisting and making recommendations to the Secretary of Health and Environment in Section 4 of H.B. 2471.

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

HOUSE BILL No. 2488

By Committee on Agriculture and Small Business

2-22

Note: material within brackets would be deleted.

0017 AN ACT enacting the agricultural production input lien act;
0018 providing a lien for agricultural production inputs; establish-
0019 ing a procedure to determine priorities; providing for en-
0020 forcement of such liens.

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

0022 Section 1. This act shall be known and may be cited as the
0023 agricultural production input lien act.

0024 Sec. 2. As used in this act

[unless the context clearly requires otherwise

0025 (a) "Agricultural chemical" means fertilizers, lime or agri-
0026 cultural chemicals that are applied to crops or to land that is used
0027 for raising crops, including fertilizer material, plant amendment,
0028 plant food, soil amendment, pesticide and plant regulator.

0029 (b) "Agricultural production input" means crop production
0030 inputs and livestock production inputs.

0031 (c) "Crop production input" means agricultural chemicals,
0032 seeds, petroleum products, custom application of agricultural
0033 chemicals and seeds and labor furnished in planting, cultivating,
0034 growing, producing, harvesting, drying and storing crops or crop
0035 products.

0036 (d) "Feed" means commercial feeds, feed ingredients, min-
0037 eral feeds, drugs, animal health products, supplements, cus-
0038 tomer-formula feeds or other products, including grain, that are
0039 used for feeding livestock.

0040 (e) "Lender" means a person in the business of lending
0041 money identified in [a]lien notification statement.

[the

0042 (f) "Letter of commitment" means a binding, irrevocable and
0043 unconditional agreement by a lender to honor drafts or other
0044 demands for payment upon the supplier presenting invoices
0045 signed by the purchaser or other proof of delivery.

Attachment A

Att. to A
3/7/85

(g) "Lien" means agricultural production input lien.

0046 (g) "Livestock production input" means feed and labor fur-
0047 nished in raising livestock, but shall not include feed or labor for
0048 which the statutory lien created by K.S.A. 58-207 (and amend-
0049 ments thereto relating to confinement feeding of livestock may
0050 apply, which shall remain subject to that statute.

(h)

and 58-220

0051 (h) "Person" means an individual or an organization as de-
0052 fined in paragraph (30) of K.S.A. 84-1-201 and amendments
0053 thereto.

(i)

0054 (i) "Petroleum product" means motor fuels and special fuels
0055 that are used in the production and drying of crops and produc-
0056 tion of livestock, including motor-vehicle fuels, special fuels and
0057 liquefied petroleum gas, as defined in subsection (e) of K.S.A.
0058 79-3401, subsection (a) of K.S.A. 79-3474 and subsection (b) of
0059 K.S.A. 79-3490, respectively, and amendments to these statutes
0060 and other petroleum products such as alcohol fuels, propane,
0061 lubes and oils.

(j)

0062 (j) "Proceeds" means proceeds as defined in K.S.A. 84-9-306
0063 and amendments thereto except that if rights or duties are con-
0064 tingent upon express language in a financing statement, the
0065 requisite language may exist in a lien-notification statement
0066 under section 3, and includes farm products, inventory, ware-
0067 house receipts and documents of title as defined in the uniform
0068 commercial code.

(k)

0069 (k) "Seed" means agricultural seeds that are used to produce
0070 crops.

(l)

0071 (l) "Supplier" means a person who furnishes agricultural
0072 production inputs.

(m)

0073 Sec. 3. (a) A supplier may notify a lender of an agricultural
0074 production input lien by providing a lien-notification statement
0075 to the lender in an envelope marked "IMPORTANT-LEGAL
0076 NOTICE". Delivery of the notice shall be made by certified mail
0077 or another verifiable method.

a

0078 (b) The lien-notification statement must be in a form ap-
0079 proved by the secretary of state and disclose the following:

- 0080 (1) The name and business address of any lender;
- 0081 (2) the name and address of the supplier claiming the lien;
- 0082 (3) a description and the date or anticipated date or dates of

0083 the transaction and the retail cost, management costs or antici-
0084 pated costs of the agricultural production input;

0085 (4) the name, residential address and signature of the person
0086 to whom the agricultural production input was or is to be fur-
0087 nished;

0088 (5) the name and residential address of the owner and a
0089 description of the real estate where the crops to which the lien
0090 attaches are growing or are to be grown or for a lien attaching to
0091 livestock, a description of the livestock and the location where
0092 the livestock will be or are being raised or fed; and

0093 (6) a statement whether the products and proceeds of the
0094 crops or livestock are covered by the [agricultural input] lien.

0095 (c) Within five business days after receiving a lien-notifica-
0096 tion statement, the lender must respond to the supplier with
0097 either:

0098 (1) A letter of commitment for part or all of the amount in the
0099 lien-notification statement; or

0100 (2) a written refusal to issue a letter of commitment.

0101 (d) (1) If a lender responds with a letter of commitment for
0102 part or all of the amount in the lien-notification statement, the
0103 supplier may not obtain a lien [for the amount stated in the letter
0104 of credit].

0105 (2) If a lender responds with a refusal to provide a letter of
0106 [credit], the rights of the lender and the supplier are not affected.

[commitment

0107 (e) If a lender does not respond to the supplier within five
0108 business days after receiving the lien-notification statement, [an]

0109 [agricultural production input] lien for the input stated in the
0110 lien-notification statement shall have priority over any security
0111 interest of the lender in the same crops or livestock and proceeds
0112 thereof, for the lesser of:

[a

0113 (1) The amount stated in the lien-notification statement;

0114 (2) the unpaid retail cost of the agricultural production input
0115 identified in the lien-notification statement; or

0116 (3) for livestock any limitation in subsection (b) of section 4.

0117 (f) Subject to the limitation of [subsection (d)(1), a perfected
e [agricultural production input lien] has priority over any and all

[subsections (d) (1) and (d) (2), a lien perfected under
this act

0118 other liens on the crops or livestock for which input is furnished.

[, except those created under K.S.A. 58-208 and 58-220,

0120 Sec. 4. (a) A supplier who furnishes crop production inputs
 0121 has an agricultural input lien for the unpaid retail cost of the crop
 0122 production inputs. The lien attaches to: (1) The existing
 0123 crops upon the land where a furnished agricultural chemical was
 0124 applied or if crops are not planted, to the next production crop
 0125 within 16 months following the last date on which agricultural
 0126 chemical was applied;

a

The lien shall have priority over a security interest of the lender only in accordance with the provisions of subsection (e) of section 3.

0127 (2) the crops produced from furnished seed; or
 0128 (3) the crops produced, harvested or processed using a fur-
 0129 nished petroleum product. If the crops are grown on leased land
 0130 and the lease provides for payment in crops, the lien does not
 0131 attached to the lessor's share of the crops. The lien continues in
 0132 crop products and proceeds, except that the lien does not con-
 0133 tinue in grain after a cash sale.

0134 (b) A supplier who furnishes livestock production inputs has
 0135 an agricultural production input lien for the unpaid retail cost of
 0136 the livestock production input. The lien attaches to all livestock
 0137 consuming the feed and continues in livestock products and
 0138 proceeds. A perfected agricultural production input lien that
 0139 attaches to livestock may not exceed the amount, if any, that the
 0140 sales price of the livestock exceeds the greater of the fair market
 0141 value of the livestock at the time the lien attaches or the acqui-
 0142 sition price of the livestock.

a

The lien shall have priority over a security interest of the lender only in accordance with the provisions of subsection (e) of section 3.

0143 (c) An agricultural input lien attaches when the agricultural
 0144 production inputs are furnished by the supplier to the purchaser.

A

0145 Sec. 5. (a) To perfect an agricultural production input lien,
 0146 the lien must attach and the supplier entitled to the lien must file
 0147 a lien-notification statement with the appropriate filing office
 0148 under K.S.A. 84-9-401 and amendments thereto within six
 0149 months after the last date that the agricultural production input
 0150 was furnished.

a

20 days

The filing office shall charge the same filing fees for filing a lien under this act as would be charged for filing a financing statement under the uniform commercial code.

0151 (b) An agricultural production input lien that is not perfected
 0152 shall be entitled to the same priority as an unperfected security
 0153 interest as determined by K.S.A. 84-9-312 and amendments
 0154 thereto.

A

0155 (c) The filing officer shall enter on the lien-notification
 01 statement the time and date of filing and shall file and note the

0157 filing of a lien-notification statement under this section in the
0158 same manner provided by K.S.A. 84-9-402 and amendments
0159 thereto for financing statement under the uniform commercial
0160 code.

0161 Sec. 6. The holder of an agricultural production input lien
0162 may enforce the lien in the manner provided in K.S.A. 84-9-501
0163 to 84-9-504, inclusive, and amendments thereto. In enforcing the
0164 lien under such statutes, the lienholder shall be considered the
0165 secured party and the person for whom the agricultural produc-
0166 tion input was furnished shall be considered the debtor, and
0167 each shall have the respective rights and duties of a secured
0168 party and a debtor under such statutes. If a right or duty under
0169 the statutes is contingent upon the existence or waiver of such
0170 right or duty by express language in a security agreement, the
0171 right or duty shall be deemed not to exist.

0172 Sec. 7. After an agricultural input lien has been perfected, an
0173 action may be brought to enforce such lien in the district court of
0174 the county in which some part of the crop or livestock is located.
0175 A lien-notification statement may be amended, except the
0176 amount demanded, by leave of the court in the furtherance of
0177 justice. An agricultural production input lien is extinguished if
0178 an action to enforce the lien is not brought within 18 months after
0179 the lien-notification statement is filed.

0180 Sec. 8. An agricultural input lien shall not attach to crops
0181 planted before December 1, 1985.

0182 Sec. 9. This act shall take effect and be in force from and
0183 after its publication in the statute book.

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A

A

January 1, 1986, and

HOUSE BILL No. 2002

By Special Committee on Agriculture and Livestock

Re Proposal No. 4

12-18

Attachment B

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.

agents, brokers,

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,

Atch. B
3/7/85

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 ciliaris*),
 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*)

"e"

Texas blueweed (*Helianthus ciliaris*),

sorghum alnum, and any plant the seed of which cannot
be distinguished from Johnson grass,

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.

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 cessors' identification.

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.

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

Silverleaf nightshade (*Solanum elaeagnifolium*) 45, horse-
 nettle, bullnettle (*Solanum carolinense*) 45, dock (*Rumex*
spp.) 45, oxeye daisy (*Chrysanthemum leucanthemum*) 45,
 perennial sowthistle (*Sonchum arvensis*) 45, giant foxtail
 (*Setaria faberi*) 45, cheat (*Bromus secalinum*) 45, hairy
 chess (*Brums commutatus*) 45, buckthorn 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 (*Avena fatua*) 9, climb-
 ing milkweed, sandvine (*Cynanchum laeve, syn. Gololobus*
laevis) 9, jointed goatgrass (*Aegilops cylindrica*) 9,
 wild buckwheat, black bindweed (*Polygonum convolvulus*) 9,
 velvetleaf, butterprint (*Abutilon theophrasti*) 9, Cockle-
 bur (*Xanthium spp.*) 9. The total of the restricted weed
 seed shall not exceed 90 per pound except native grass,
 smooth brome grass, tall fescue, wheatgrasses and kspedeza
 shall not exceed 150 per pound. For the purposes of this
 section the following weedy *Bromus spp.* shall be consid-
 ered as common weeds and collectively referred to as
 "chess": Japanese chess (*Bromus jacopicus*), soft chess
 (*Bromus mollis*) and field chess (*Bromus arvensis*)

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

, and in bulk quantity shall be furnished with the invoice:

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;

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;

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

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 is 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; [1%

0215 ~~(b) (7) which is native grass seed which contains more than~~
0216 ~~four percent (4%)~~ 4% of weed seeds by weight; [2%

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 has been issued
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.

0300 ~~(B) (b)~~ It is unlawful for any person:

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~~ grower 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.