

Approved April 9, 1985
Date

MINUTES OF THE Senate COMMITTEE ON Agriculture

The meeting was called to order by Senator Allen at
Chairperson

10:00 a.m. on March 29, 1985 in room 423-S of the Capitol.

All members were present except: Richard Gannon (excused)

Committee staff present: Raney Gilliland, Research Department
Arden Ensley, Revisor of Statutes Department

Conferees appearing before the committee: Art Armburst, Kansas Seed Dealers
Harland Priddle, Secretary of State Board of
Agriculture
Bill R. Fuller, Kansas Farm Bureau

Senator Allen called the Senate Agriculture Committee to order at 10:10 a.m. Senator Allen called on Art Armburst to testify on HB 2002.

Art Armburst presented an amended form for HB 2002 with explanation and expressed the need for and support for the bill in this amended form. (see attachment A).

The chairman called on Harland Priddle to testify next.

Harland Priddle expressed support for the bill up to line 281 and then presented a suggested amendment for lines 281 thru 288. (see attachment B).

The chairman called on Bill Fuller to testify. (Attach 2)

Bill Fuller expressed the support of the Kansas Farm Bureau up to line 281. Mr. Fuller stated opposition to words 'annual grain seed crop' but supported words 'agricultural seeds'.

Senator Gordon made a motion the committee accept the amendments presented up to line 281. Senator Norvell seconded the motion. Motion carried.

Senator Warren made a conceptional motion to accept the Board of Agriculture amendment for lines 282 through 288. Senator Norvell seconded the motion. Senator Warren withdrew his motion; Senator Norvell withdrew his second of the motion.

Senator Montgomery made a motion the committee recommend HB 2002 favorably for passage as amended. Senator Arasmith seconded the motion. Senator Karr made a conceptional substitute motion to accept the amendment offered by the Board of Agriculture with the changes of words 'agricultural seeds' instead of 'annual grain crop seed' and changing 'his or her land' to 'on owned or leased land'. Senator Norvell seconded the motion. Motion defeated. Senator Allen ask for committee vote on the original motion to recommend HB 2002 favorably for passage as amended. Motion carried.

Senator Allen declared the committee adjourned at 11:10 a.m.

GUEST LIST

10:00 A.M.

COMMITTEE: SENATE AGRICULTURE

DATE: March 29, 1985

NAME (PLEASE PRINT)	ADDRESS	COMPANY/ORGANIZATION
Rich McKee	Topeka	KLA
MARSHA HUTCHINSON	Hutchinson	KFCA
Rebecca Canshaw	Topeka	Assoc of Ks Farm Orgs
Nancy Kantola	Topeka	Kans. Co-op Council
Bill Groves	Topeka	Sec. of State
Joe Lieber	" "	Ks Co-op Council
John O. Miller	" "	Ks Agrist Dir & Ind. Council
Lowell R. Burchett	Manhattan	Ks Seed Dealers
John Bunck	Euclid	Ks Seed Dealers
Ed. Olmeyer Jr	Bison	Kansas Crop Improvement
Margaret Olmeyer	Bison	Kans Crop Improv
Joe Jagger	Minneapolis, Ks	Kans Crop Improvement Assoc
Margaret Jagger	Minneapolis	" " "
Kenneth Childs	Palmer	" " "
W. F. DeLang	Gerard Kansas	Kans Seed Dealers
Dale K. Cross	Bunker Hill, Ks	Kans Seed Dealers
Eugene C. Bendstrup	St. Paul, Ks.	Kans Seed Dealers
Tommy Davidson	Topeka Kansas	Kansas Seed Dealers
John Blythe	Manhattan	Ks Farm Bureau
Chuck Hickey	Topeka	KOMA
Jim Muly	"	KAA

[As Amended by House Committee of the Whole]

As Amended by House Committee

Session of 1985

HOUSE BILL No. 2002

By Special Committee on Agriculture and Livestock

Re Proposal No. 4

12-18

0022 AN ACT concerning agricultural seeds; relating to the sale or
0023 exchange thereof; amending K.S.A. 2-1-115, 2-1-116, 2-1-117 and
0024 2-1-121 and repealing the existing sections.

0025 *Be it enacted by the Legislature of the State of Kansas:*

0026 Section 1. K.S.A. 2-1-115 is hereby amended to read as fol-
0027 lows: 2-1-115. As used in this act:

0028 (1) (a) The term "Agricultural seed" means the seed of grass,
0029 legume, forage, cereal and fiber crops, or mixtures thereof, but
0030 shall not include horticultural seeds.

0031 (2) (b) The term "Person" means and includes individuals;
0032 members *any individual, member* of a partnership, a corporation,
0033 the executive and managing officers of corporations and associa-
0034 tions; and agents and brokers agents, brokers, *company, associ-*
0035 *ation or society.*

0036 (3) (c) The term "Processed" means cleaned, or cleaned and (replace) "Conditioned"
0037 blended, to meet the requirements of agricultural seed for the
0038 purpose of being planted or seeded.

0039 (4) (d) The term "Kind" means one or more related species
0040 or subspecies which singly or collectively is known by one
0041 common name, and includes, among others, wheat, oat, vetch,
0042 sweet clover, and alfalfa.

0043 (5) (e) The term "Variety" means a subdivision of a kind,
0044 which is characterized by growth, yield, plant, fruit, seed or
0045 other characteristics by which it can be differentiated from other
0046 plants of the same kind.

0047 (6) (f) The term "Hard seed" means the seeds, which be-

attachment A

Atch. A
3/29/85

0018 cause of hardness or impermeability do not absorb moisture or
0019 germinate under seed testing procedure.

0050 (7) (g) The term "Label" means the statements written,
0051 printed, stenciled or otherwise displayed upon, or attached to,
0052 the container of agricultural seed, and includes other written,
0053 printed, stenciled or graphic representations, in any form what-
0054 soever, pertaining to any agricultural seed, whether in bulk or in
0055 containers, and includes declarations and affidavits.

0056 (8) (h) The term "Secretary" means the secretary of the
0057 Kansas state board of agriculture.

0058 (9) (i) The term "Weed seeds seed" means *the* seeds of plants
0059 considered weeds in this state and shall include *includes* nox-
0060 ious weed seeds *seed and restricted weed seed*, determined by
0061 methods established by *rule and* regulation under this act.

0062 (10) Noxious weed seeds are divided into two classes: (a)
0063 "prohibited noxious weed seed," (b) "restricted noxious weed
0064 seed" as defined in this subsection:

0065 (a) "Prohibited noxious (j) "Noxious weed seed" means the
0066 seed of Kudzu (*Pueraria lobata*), field bindweed (*Convolvulus*
0067 *arvensis*), Russian knapweed (*Centaurea repens*), hoary cress
0068 (*Lepidium draba*), Canada thistle (*Cirsium arvense*), leafy
0069 spurge (*Euphorbia esula*), quackgrass (*Agropyron repens*), bur
0070 ragweed (*Franseria tomentosa*), pignut (*Indian rushpea*) (*Hoff-*
0071 *mannseggia densiflora*), Texas blueweed (*Helianthus eiliaris*);
0072 Texas blueweed (*Helianthus ciliaris*), Johnson grass (*Sorghum*
0073 *halepense*); sorghum alnum; and any plant the seed of which
0074 cannot be distinguished from Johnson grass; sorghum alnum,
0075 and any plant the seed of which cannot be distinguished from
0076 Johnson grass, and musk (nodding) thistle (*Carduus nutans L.*).

0077 (b) (k) "Restricted noxious weed seed" means and includes
0078 weed seeds or bulblets which shall not be present in agricultural
0079 seed at a rate per pound in excess of the number shown following
0080 the name of each weed seed; to wit: Wild mustards (*Brassica*
0081 *spp.*) 45; buckhorn plantain (*Plantago lanceolata*) 45; wild onion
0082 or garlic (*Allium spp.*) 45; dodder (*Cuscuta spp.*) 45; wild carrot
0083 (*Daucus carota*) 45; morning glory (*Ipomoea spp.*) 45; hedge
0084 bindweed (*Convolvulus sepium*) 45; pennywress (*Thlaspi ar-*

0055 chess) 45; swamp smartweed (*Polygonum egecinum*) 45; dock
 0056 (*Rumex spp.*) 00; oxeye daisy (*Chrysanthemum leucanthemum*)
 0057 00; perennial sowthistle (*Sonchus arvensis*) 00; silverleaf (pur-
 0058 ple) nightshade (*Solanum elaeagnifolium*) 00; giant foxtail (*Se-*
 0059 *taria faberi*) 00; horsenettle (bullnettle) (*Solanum carolinense*)
 0000 450; chess or cheat (*Bromus secalinus*) 00; Provided; That: The
 0001 total of restricted noxious weed seeds shall not exceed 300 per
 0002 pound: And provided further; That: In native grass; smooth
 0003 brome grass; fescues and orchard grass seeds; chess or cheat shall
 0004 not exceed 5,000 per pound: Silverleaf nightshade (*Solanum*
 0005 *elaeanonifolium*) 45, horsenettle, bullnettle (*Solanum carolin-*
 0006 *ense*) 45, dock (*Rumex spp.*) 45, oxeye daisy (*Chrysanthemum*
 0007 *leucanthemum*) 45; perennial sowthistle (*Sonchum arvensis*) 45,
 0008 giant foxtail (*Setaria faberi*) 45, cheat (*Bromus secalinum*) 45,
 0009 hairy chess (*Bromus commutatus*) 45, buckhorn plantain (*Plan-*
 0100 *tago lanceolata*) 45, charlock (*Sinapsis arvensis*) 18, wild mus-
 0101 tards (*Brassica spp.*) 18, treacle (*Erysimum spp.*) 18, wild carrot
 0102 (*Daucus carota*) 18, morning glory and purple moonflower (*Ip-*
 0103 *moea spp.*) 18, hedge bindweed (*Calystegia spp.*, syn. *Convol-*
 0104 *vulus sepium*) 18, [dodder (*Cuscuta spp.*) 18,] penpycress, fan-
 0105 weed (*Thlaspi arvense*) 18, wild oats (*Avena fatua*) 9, climbing
 0106 milkweed, sandvine (*Cynanchum laeve*, syn. *Gololobus laevis*)
 0107 9, jointed goatgrass (*Aegilops cylindrica*) 9, [black nightshade
 0108 complex (*Solanum ptycanthum*, *S. americanum*, *S. sarrachoides*,
 0109 *S. nigrum*, and *S. interius*) 9,]wild buckwheat, black bindweed
 0110 (*Polygonum convolvulus*) 9, velvetleaf, butterprint (*Abutilon*
 0111 *theophrasti*) 9, and cocklebur (*Xanthium spp.*) 9. The total
 0112 number of the restricted weed seed shall not exceed 90 per
 0113 pound except native grass, smooth bromegrass, tall fescue,
 0114 wheatgrasses and lespedeza shall not exceed 150 per pound. For
 0115 the purposes of this section the following weedy *Bromus spp.*
 0116 shall be considered as common weeds and collectively referred
 0117 to as "chess": Japanese chess (*Bromus japonicus*), soft chess
 0118 (*Bromus mollis*) and field chess (*Bromus arvensis*).

(add) wild onion or garlic (*Allium spp.*) 18

(add) , except lespedeza seed which may contain 45 dodder per pound,

(add) , in smooth brome grass, fescues, orchard grass, wheatgrasses, and chaffy range grasses, chess or cheat shall not exceed 2,500 per pound,

0119 (11) (l) The term "Advertisement" means all representa-
 0120 tions, other than those on the label, disseminated in any manner,
 0121 or by any means, relating to agricultural seed.

0122 (12) (m) The term "Record" means and includes all infor-
 0123 mation relating to any shipment of agricultural seed; and in-
 0124 cludes a file sample of each lot of such seed.

0125 (13) (n) The term "Stop sale order" means an administrative
 0126 order, authorized by law, restraining the sale, use, disposition;
 0127 and movement of a definite amount of agricultural seed.

0128 (14) (o) The term "Seizure" means a legal process, issued by
 0129 court order, against a definite amount of *agricultural* seed.

0130 (15) (p) The term "Lot" means a definite quantity of agri-
 0131 cultural seed, identified by a lot number or other mark, every
 0132 portion or bag of which is uniform, within recognized tolerances
 0133 for the factors which appear in the labeling, which is the pro-
 0134 cessor's identification.]

(delete)

0135 (16) (q) The term "Germination" means the percentage of
 0136 seeds capable of producing normal seedlings under ordinarily
 0137 favorable conditions, in accordance with the methods estab-
 0138 lished by *rule and* regulation under this act.

0139 (17) (r) The term "Pure seed" means the kind of seed de-
 0140 clared on the label, exclusive of inert matter, other agricultural or
 0141 other crop seeds; and weed seeds.

0142 (18) (s) The term "Inert matter" means all matter not seeds,
 0143 and as otherwise determined by *rules and* regulations under this
 0144 act.

0145 (19) (t) The term "Other agricultural seeds or other crop
 0146 seeds" means seeds of agricultural seeds other than those in-
 0147 cluded in the percentage or percentages of kind or variety; and
 0148 shall include *includes* collectively all kinds and varieties not
 0149 named on the label.

(add)

0150 (20) (u) The term "Type" means a group of varieties so
 0151 nearly similar that the individual varieties cannot be clearly
 0152 differentiated except under special conditions.

(replace) (v)

0153 (21) (v) The term "Treated" means that the seed has re-
 0154 ceived an application of a substance or process which substance
 0155 or process is designed to reduce, control or repel certain disease
 0156 organisms, insects or other pests attacking such seeds or seed-
 0157 lings growing therefrom. The term "treated" further implies *and*
 0158 *includes* an application of a substance or process designed to

(replace) (w)

(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.

59 increase seedling vigor.

0160 (22) (r) The term "Tested seed" means that a representative (replace) (x)

0161 sample of the lot of agricultural seed in question has been
0162 subjected to examination and its character as to purity and
0163 germination has been determined.

0164 (23) (y) The term "Native grass seed" means the seeds of (replace) (y)

0165 aboriginal or native prairie grasses. (add)

0166 Sec. 2. K.S.A. 2-1416 is hereby amended to read as follows:
0167 2-1416. Except as provided in subsection (c) of K.S.A. 2-1421 and
0168 amendments thereto, it shall be unlawful for any person to offer
0169 or expose for sale, sell or exchange any agricultural seed for
0170 planting or seeding purposes that has not been tested and is not
0171 labeled. This provision shall apply to grain when sold as such or
0172 when sold according to grain standards and the seller knows, or
0173 has reason to know, it is to be used for seed.

0174 Sec. 3. K.S.A. 2-1417 is hereby amended to read as follows:
0175 2-1417. Each and every bulk quantity, package, or parcel of
0176 agricultural seed; offered for sale, or exposed for sale; or ex-
0177 changed for planting or seeding purposes; shall have a label;
0178 which shall be affixed thereto or printed or stenciled thereon or
0179 in bulk quantity which shall be furnished with the invoice, in
0180 the English language; giving the following information, which
0181 shall not be modified or denied in the labeling on the label, or on
0182 another label attached to the container; and in bulk quantity shall
0183 be furnished with the invoice, and in bulk quantity shall be
0184 furnished with the invoice:

0185 (a) The commonly accepted name of the kind or the name of (replace)

0186 the kind and the variety; of each agricultural seed component in (see next page)

0187 excess of five percent (5%) 5% of the whole; and the percentage

0188 by weight of each in the order of its predominance. Where more

0189 than one component is required to be named, the word "mix-

0190 ture" or the word "mixed" shall be shown conspicuously on the

0191 label;

0192 (b) the percentage by weight of pure seed;

0193 (c) the percentage by weight of all weed seeds;

0194 (d) the percentage by weight of inert matter;

0195 (e) for each named agricultural seed: (1) The percentage of

(z) "Chaffy range grasses" shall include Bluestems, Gramas, Yellow Indian grass, wild rye grasses, buffalo grass and prairie cord grass.

(aa) "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.

(bb) "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.

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

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

(ee) Brand means a term or mark that is proprietary in nature whether or not it is a registered or copyrighted term or mark.

0196 germination, exclusive of hard seed; (2) the percentage of hard
0197 seeds, if present; (3) total germination percentage including
0198 hard seed may be shown; (4) the calendar month and year the
0199 test was completed to determine such percentages;

0200 (f) the percentage by weight of agricultural seeds (which may
0201 be designated as "crop seeds") other than those required to be
0202 named on the label;

0203 (g) the lot number or other lot identification;

0204 (h) the origin: i.e., the state or foreign country where grown,
0205 except grass seeds in quantities of less than ten (10) 10 pounds
0206 for lawn seeding purposes, or a declaration that origin of seed is
0207 unknown to seller;

0208 (i) the name and rate of occurrence per pound of each kind of
0209 "restricted noxious weed seeds" seed present, which shall not be
0210 more than the number per pound of restricted noxious weed
0211 seed in agricultural seed, as provided in subsection (k) of K.S.A.
0212 2-1115(10)(b);

0213 (j) the name and address of person responsible for such
0214 statement;

0215 (k) agricultural seed which has been treated with chemicals
0216 for insect or disease control, shall be labeled to show the fol-
0217 lowing:

0218 (1) A word or statement indicating that the seed has been
0219 treated;

0220 (2) the commonly accepted, coined, chemical or abbreviated
0221 chemical (generic) name of the applied substance;

0222 (3) if the substance in the amount applied is harmful to
0223 human or other vertebrate animals, a caution statement, such as:
0224 "Do not use for food, feed or oil purposes." The caution for
0225 mercurials and similarly toxic substances must include in a
0226 contrasting color the word "poison" and skull and crossbones;
0227 and

0228 (4) a separate label may be used to show this information, or
0229 it may be a component part of the main label.

0230 Sec. 4. K.S.A. 2-1121 is hereby amended to read as follows:
0231 2-1121. (A)(a) It shall be unlawful for any person to sell, offer
0232 for sale, or expose for sale, any agricultural seed for seeding

(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 order of its predominance, except for the annual grain crops wheat, oats, barley, and soybeans for which the label shall include kind and variety. For blends of wheat, oats, barley or soybeans, the label shall include the kind followed by the word "blend". For brands of wheat, oats, barley, and soybeans, the brand mark or term must precede the word "brand". Components of blends and brands of wheat, oats, barley and soybeans shall be registered with the secretary unless all varieties and the percentage thereof are listed on the label. Blends and brands so registered may be labeled by kind and the words "variety (varieties) not stated". The composition of registered blends and brands shall remain consistent from year to year.

(replace)

the label;

0233 purposes: (1) Unless a test has been made to determine the
0234 percentage of germination and it shall have been completed
0235 within a nine-month period (exclusive of the calendar month in
0236 which the test was completed) immediately prior to sale, expo-
0237 sure for sale; or offering for sale;

0238 (2) which is not labeled in accordance with the provisions of
0239 this act;

0240 (3) which has a false, misleading; or incomplete label;

0241 (4) which contains prohibited noxious weed seeds;

0242 (5) which contains restricted noxious weed seeds in excess of
0243 the quantity prescribed by subsection (k) of K.S.A. 2-1415(10)(b);

0244 (6) (a) Other than native grass seed; which contains more
0245 than two percent (~~2%~~) ~~2%~~ 1% of weed seeds, other than native
0246 grass seeds by weight;

(delete)

(add)

0247 (b) (7) which is native grass seed which contains more than
0248 four percent (~~4%~~) ~~4%~~ 2% of weed seeds by weight;

(delete)

0249 (7) (8) if any label, advertisement; or other media represents
0250 such agricultural seed to be certified or registered, unless: (a) (A)
0251 Such certification or registration has been determined by an
0252 official seed certifying agency; and (b) (B) such seed bears an
0253 official label issued for such seed; by such agency stating that the
0254 seed is certified or registered;

0255 (8) (9) by variety name seed not certified by an official seed
0256 certifying agency when it is a variety for which an application
0257 has been made for a certificate of plant variety protection has
0258 been issued under public law 91-577, the plant variety protec-
0259 tion act (PL 91-577), specifying sale only as a class of certified
0260 seed, except that seed from a certified lot may be labeled as to
0261 variety name when used in a mixture by, or with the approval of,
0262 the owner of the variety.

0263 (B) (b) It is unlawful for any person:

0264 (1) To alter or deface any label so that the information is false
0265 or misleading; or to mutilate any label;

0266 (2) to disseminate any false or misleading advertisements
0267 concerning agricultural seed;

0268 (3) to issue any statement, invoice; or declaration as to the
0269 variety of any agricultural seed which is false or misleading;

except smooth brome grass, fescues,
orchard grass, wheatgrasses, and lespedeza
which contain more than 2% weed seed by
weight and chaffy range grasses which
contain more than 4% by weight.

0270 (4) to hinder or obstruct the secretary or an authorized rep-
0271 resentative of the secretary; in the performance of his or her
0272 *official* duties;

0273 (5) to fail to comply with a "stop sale order," or to move or
0274 otherwise handle or dispose of any quantity of seed held under a
0275 "stop sale order," or a "stop sale" tag attached thereto, except
0276 with express permission of the enforcing officer in writing; and
0277 except for the purpose specified therein;

0278 (6) to use the word "trace" as a substitute for any statement
0279 which is required;

0280 (7) to use the word "type" in any labeling in connection with
0281 the name of any agricultural seed variety.

0282 (c) Except as provided in subsection ~~(A)(8)~~ (a)(9) of this
0283 section, it shall not be a violation of this act for the grower of
0284 agricultural seed to sell on his or her *the grower's* premises for
0285 planting or seeding purposes, corn; sorghum; wheat; rye; barley;
0286 soybeans; alfalfa or oats *agricultural seed* which is not tested and
0287 labeled when the seed is grown on his or her land *produced by*
0288 *the seller* grower and is free from noxious weed seed.

0289 Sec. 5. K.S.A. 2-2415, 2-1416, 2-1417 and 2-1421 are hereby
0290 repealed.

0291 Sec. 6. This act shall take effect and be in force from and
0292 after its publication in the statute book.

3-22-85
LD:GD
LBS
2024

**EXPLANATION OF CHANGES
PROPOSED FOR HB 2002**

- 0036** Tax codes, insurance codes, Occupational Health and Safety Act (OHSA) take "processed" to mean "manufactured". Conditioned means up-graded without changing the product. Benefits accrue to both agriculture and small business.
- 0104** Dodder usually can be removed with velvet roll cleaners. Unhulled lespedeza cannot be so conditioned. Ninety-eight (98) percent of Kansas lespedeza is sold unhulled and extra costs for hulling would be twenty cents (20¢) per pound.
- 0118** We have halved the amount allowed from the present seed law (Ref. Line 0092 through 0094). Many lots of Kansas seed of these species would be unmarketable by the farmer/producer, if this allowance were not permitted.
- 0133** The label has never been the conditioner's identification, but rather the seller's identification. For consumer protection, the law requires that the seller is responsible for the information on the label (Ref. Line 0213). Seedsmen are now, and would continue to be, required to list the state of origin (Ref. Line 0204).
- DEFINITION OF HYBRID (0149-0150)** Consumer protection -- examples of need:
(1) Sorghum hybrids have been a problem, especially sorghum sudans.
(2) Hybrid wheat is potentially a much greater problem.
- CHAFFY RANGE GRASSES ADDITION**
(1) "Chaffy range grasses" are a separate class of seed for listing purposes under the Association of Official Seed Analysts (AOSA) regulations.
(2) Definition purposes only.
(3) In no case could a grass seed mixture be labelled "chaffy range grass", but would have to include the kind and percentage of each species.
Reasons for aa, bb, cc, dd, and ee. These are all standard terms used in this law, Federal seed laws, and in most other state seed laws. Therefore, their definitions should be included in the Kansas Seed Laws.
- 0185** (A) Reasons for variety labeling:
(1) Consumer protection/information.
(2) For annual grain crops, variety is the single most important criteria.
(3) To allow the consumer to make an intelligent decision.
(B) Reasons for provision for brand labeling:
(1) Provide consistency in brand labeling practices.
(2) To enhance truth in labeling by eliminating confusion between brand and variety names.
- 0213** Consistent with other wording in the law.
- 0245** (1) Allowances less than these would restrict the opportunity for Kansas farmers to sell seed crops harvested from perennial stands which are an important source of income.
(2) Many weed problems associated with these crops cannot be adequately conditioned even with modern equipment and technology to meet lower allowances.

0270 (4) to hinder or obstruct the secretary or an authorized rep-
0271 resentative of the secretary, in the performance of his or her
0272 official duties;

0273 (5) to fail to comply with a "stop sale order," or to move or
0274 otherwise handle or dispose of any quantity of seed held under a
0275 "stop sale order," or a "stop sale" tag attached thereto, except
0276 with express permission of the enforcing officer in writing, and
0277 except for the purpose specified therein;

0278 (6) to use the word "trace" as a substitute for any statement
0279 which is required;

0280 (7) to use the word "type" in any labeling in connection with
0281 the name of any agricultural seed variety.

0282 (c) Except as provided in subsection (A)(8) (a)(9) of this
0283 section, it shall not be a violation of this act for the grower of
0284 agricultural seed to sell on his or her the grower's premises for
0285 planting or seeding purposes, corn, sorghum, wheat, rye, barley,
0286 soybeans, alfalfa or oats agricultural seed which is not tested and
0287 labeled when the seed is grown on his or her land produced by
0288 the seller grower 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 agricultural seed to sell on his or her premises for planting or seeding purposes, annual grain crop seed which is not tested and labeled when the seed is grown on his or her land and is free from noxious weed seed and within allowances provided in K.S.A. 2-1415 (k) for restricted weed seed.

0289 Sec. 5. K.S.A. 2-2415, 2-1416, 2-1417 and 2-1421 are hereby
0290 repealed.

0291 Sec. 6. This act shall take effect and be in force from and
0292 after its publication in the statute book.

Attachment B

Attch. B
3/29/85



Kansas Farm Bureau, Inc.

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

STATEMENT
of
KANSAS FARM BUREAU
to

SENATE AGRICULTURE COMMITTEE
Senator Jim Allen, Chairman

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

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

March 29, 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.

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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 classification 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."

We do not oppose other amendments which serve to update this 1935 seed law (hybrid, certified seed, blends, mixtures and brands). We did not oppose the numerous amendments requested by the seed industry during House consideration of this proposal. In addition, we do not oppose other amendments by the seed industry which we are aware of which serve to update the seed law. 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, 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."

In closing, we support H.B. 2002 and 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!