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Date

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE AND SMALL BUSINESS

The meeting was called to order by Representative Susan Roenbaugh at
Chairperson

9:00 a.m./~~p.m.~~ on February 7, 1990 in room 423-S of the Capitol.

All members were present ~~except~~

Committee staff present: Raney Gilliland, Legislative Research
Jill Wolters, Revisor of Statutes Office
Pat Brunton, Committee Secretary

Conferees appearing before the committee:

Chairman Roenbaugh announced the committee would work HB 2582, Kansas Seed Law and asked for a report from the subcommittee which consisted of Rep. Ensminger, Rep. Reinhardt and Representative Freeman. She stated the committee would discuss this bill thoroughly with explanation.

Rep. Ensminger, Chairman of the subcommittee explained suggested amendments to the bill. (Attachment I).

Much discussion was held in regard to the amendment involving advertising of sale of seed when the advertised seed has not been tested and labeled as required by law.

Lack of enforcement of the seed law is a problem. This bill has a registration that will address that enforcement problem.

Chairman Roenbaugh announced discussion of this bill will continue at some point next week.

The meeting adjourned at 9:57 a.m. The next meeting of the House Agriculture and Small Business Committee will be Thursday, February 8, 1990 at 9:00 a.m. in Room 423-S.

HOUSE BILL No. 2582

By Special Committee on Agriculture and Livestock

Re Proposal No. 4

12-21

Ag. SB
2-7-90
ATTACHMENT I

12 AN ACT concerning the Kansas seed law; amending K.S.A. 1989
13 Supp. and repealing the existing

2-1415 and 2-1421

sections

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

15 Section 1. K.S.A. 1989 Supp. 2-1415 is hereby amended to read
16 as follows: 2-1415. As used in this act:

17 (a) "Agricultural seed" means the seed of grass, legume, forage,
18 cereal and fiber crops, or mixtures thereof, but shall not include
19 horticultural seeds.

20 (b) "Person" means any individual, member of a partnership,
21 corporation, agents, brokers, company, association or society.

22 (c) "Conditioned" means cleaned, or cleaned and blended, to
23 meet the requirements of agricultural seed for the purpose of being
24 planted or seeded.

25 (d) "Kind" means one or more related species or subspecies
26 which singly or collectively is known by one common name, and
27 includes, among others, wheat, oat, vetch, sweet clover and alfalfa.

28 (e) "Variety" means a subdivision of a kind, which is characterized
29 by growth, yield, plant, fruit, seed or other characteristics by which
30 it can be differentiated from other plants of the same kind.

31 (f) "Hard seed" means the seeds which because of hardness or
32 impermeability do not absorb moisture or germinate under seed
33 testing procedure.

34 (g) "Label" means the statements written, printed, stenciled or
35 otherwise displayed upon, or attached to, the container of agricultural
36 seed, and includes other written, printed, stenciled or graphic rep-
37 resentations, in any form whatsoever, pertaining to any agricultural
38 seed, whether in bulk or in containers, and includes declarations
39 and affidavits.

40 (h) "Secretary" means the secretary of the state board of
41 agriculture.

42 (i) "Weed seed" means the seeds of plants considered weeds in
43

1 this state and includes noxious weed seed and restricted weed seed,
2 determined by methods established by rule and regulation under
3 this act.

4 (j) "Noxious weed seed" means the seed of Kudzu (*Pueraria*
5 *lobata*), field bindweed (*Convolvulus arvensis*), Russian knapweed
6 (*Centaurea repens*), hoary cress (~~*Lepidium*~~ (*Cardaria draba*), Can-
7 ada thistle (*Cirsium arvense*), leafy spurge (*Euphorbia esula*), quack-
8 grass (*Agropyron repens*), bur ragweed (~~*Franseria*~~ (*Ambrosia*
9 *tomentosa*), pignut (*Indian rushpea*) (*Hoffmannseggia densiflora*),
10 Texas blueweed (*Helianthus ciliaris*), Johnson grass (*Sorghum hal-*
11 *epense*), sorghum alnum, and any plant the seed of which cannot
12 be distinguished from Johnson grass, and musk (nodding) thistle
13 (*Carduus nutans L.*).

14 (k) "Restricted weed seed" means weed seeds or bulblets which
15 shall not be present in agricultural seed at a rate per pound in excess
16 of the number shown following the name of each weed seed: Sil-
17 verleaf nightshade (*Solanum elaeagnifolium*) 45, horsenettle, bull-
18 nettle (*Solanum carolinense*) 45, dock (*Rumex spp.*) 45, oxeye daisy
19 (*Chrysanthemum leucanthemum*) 45, perennial sowthistle (*Sonchum*
20 *arvensis*) 45, giant foxtail (*Setaria faberi*) 45, cheat (*Bromus secal-*
21 *inus*) 45, hairy chess (*Bromus commutatus*) 45, buckthorn plantain
22 (*Plantago lanceolata*) 45, wild onion or garlic (*Allium spp.*) 18, char-
23 lock (*Sinapsis arvensis*) 18, wild mustards (*Brassica spp.*) 18, treacle
24 (*Erysimum spp.*) 18, wild carrot (*Daucus carota*) 18, morning glory
25 and purple moonflower (*Ipomoea spp.*) 18, hedge bindweed (*Cal-*
26 *ystegia spp.*, syn. *Convolvulus sepium*) 18, dodder (*Cuscuta spp.*)
27 18, except lespedeza seed which may contain 45 dodder per pound,
28 pennycress, fanweed (*Thlaspi arvense*) 18, wild oats (*Avena sativa*)
29 9, climbing milkweed, sandvine (*Cynanchum laeve*, syn. *Gonolobus*
30 *laevis*) 9, jointed goatgrass (*Aegilops cylindrica*) 9, black nightshade
31 complex (*Solanum ptycanthum*, *S. americanum*, *S. sarrachoides*, *S.*
32 *nigrum*, and *S. interius*) 9, wild buckwheat, black bindweed (*Po-*
33 *lygonum convolvulus*) 9, velvetleaf, butterprint (*Abutilon theo-*
34 *phrasti*) 9, and cocklebur (*Xanthium spp.*) 9. The total number of
35 the restricted weed seed shall not exceed 90 per pound except native
36 grass, smooth brome grass, tall fescue, wheatgrasses and lespedeza
37 shall not exceed 150 per pound. In smooth brome grass, fescues,
38 orchard grass, wheatgrasses, and chaffy range grasses, hairy chess or
39 cheat shall not exceed 2,500 per pound. For the purposes of this
section the following weedy *Bromus spp.* shall be considered as
common weeds and collectively referred to as "chess": Japanese chess
12 (*Bromus japonicus*), soft chess (*Bromus mollis*) and field chess (*Bro-*
13 *mus arvensis*).

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a substance or process designed to increase seedling vigor.

1 (x) "Tested seed" means that a representative sample of the lot
2 of agricultural seed in question has been subjected to examination
3 and its character as to purity and germination has been determined.

4 (y) "Native grass seed" means the seeds of aboriginal or native
5 prairie grasses.

6 (z) "Chaffy range grasses" shall include Bluestems, Gramas, Yel-
7 low Indian grass, wild rye grasses, buffalo grass and prairie cord
8 grass.

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

12 (bb) "Certifying agency" means: (1) an agency which is authorized
13 under the laws of a state, territory or possession to officially certify
14 seed and which has standards and procedures approved by the sec-
15 retary of agriculture of the United States department of agriculture
16 to assure the genetic purity and identity of the seed certified, or (2)
17 an agency of a foreign country which is determined by the secretary
18 of agriculture of the United States department of agriculture to be
19 an agency which adheres to procedures and standards for seed cert-
20 ification comparable to those adhered to generally by seed certifying
21 agencies under clause (1) of this subsection.

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

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

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

28 Sec. 2. K.S.A. 1989 Supp. 2-1421 is hereby amended to read as
29 follows: 2-1421. (a) It is unlawful for any person to sell, offer for
30 sale or expose for sale any agricultural seed for seeding purposes:
31 (1) Unless a test has been made to determine the percentage of
32 germination and it shall have been completed within a nine-month
33 period (exclusive of the calendar month in which the test was com-
34 pleted) immediately prior to sale, exposure for sale or offering for
35 sale;

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

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

39 (4) which contains noxious weed seeds;

40 (5) which contains restricted weed seeds in excess of the quantity
41 prescribed by subsection (k) of K.S.A. 2-1415;

42 (6) which contains more than 1% of weed seeds by weight, except

(ff) "Agricultural seed company" means any person who: (1) Grows or contracts for the production of agricultural seed; or (2) (A) requests inspection for certification purposes; (B) offers for sale, exposes or sells agricultural seed for wholesale or retail purposes; or (C) subsection (A) and subsection (B).
(gg) "Retail store" means any partnership, corporation, association or company selling agricultural seed and who is not an agricultural seed company.
(hh) "Farmer dealer" means any individual who sells agricultural seed for an agricultural seed company.

smooth bromegrass, 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;

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

(8) by variety name not certified by an official seed certifying agency when it is a variety for which a certificate of plant variety protection has been *applied for or issued* under public law 91-577, the plant variety protection act, specifying sale only as a class of certified seed, except that seed from a certified lot may be labeled as to variety name when used in a mixture by, or with the approval of, the owner of the variety;

(b) It is unlawful for any person:

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

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

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

(4) to hinder or obstruct the secretary or an authorized representative of the secretary in the performance of official duties;

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

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

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

(c) Except as provided in subsection (a)(8) of this section, it shall not be a violation of this act for the grower of agricultural seed to sell on the grower's premises for planting or seeding purposes, agricultural seed which is not tested and labeled when the seed is produced by the grower and is free from noxious weed seed;

Sec. 8. K.S.A. 1989 Supp. 2-1415 and 2-1421 are hereby repealed.

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

(9) by advertising or causing to be advertised by means of television, radio, newspaper, magazine or other publication when the advertised seed has not been tested and labeled as required by law. This section shall not prohibit a grower using the exemption under subsection (c) from posting a sign on such grower's premises;

(10) without having registered with the secretary as required by section 3 and amendments thereto.

and shall not contain restricted weed seeds in excess of the quantity prescribed by subsection (k) of K.S.A. 2-1415 and amendments thereto. Such grower shall not be allowed to use this exemption if such grower involves a third party or common carrier.

New Sec. 3. (a) On and after September 1, 1990, each agricultural seed company, farmer dealer or retail store who sells seed shall register with the state board of agriculture. Registration shall be required for each place of business at which seed is sold. Application for registration shall be made on a form provided by the secretary. Each registration shall expire on September 1 following the date of issuance unless such registration is renewed annually. The annual registration fee for an agricultural seed company shall be \$50. The annual registration fee for a retail store shall be \$10. The annual registration fee for a farmer dealer shall be \$10 and shall be paid by the agricultural seed company for whom the farmer dealer sells such company's seed.

(b) The state board of agriculture may promulgate rules and regulations necessary to administer the provisions of this act.

(c) The state board of agriculture shall remit all moneys received under this section to the state treasurer at least monthly. Upon receipt of any such remittance, the state treasurer shall deposit the entire amount thereof in the state treasury and the same shall be credited to the seed sellers registration fee fund, which is hereby created. All expenditures from such fund shall be made for any purpose consistent with this act and shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of the state board of agriculture or a person designated by the secretary.

This section shall be part of and supplemental to the Kansas seed law, K.S.A. 2-1415 et seq., and amendments thereto.

New Sec. 4. (a) On and after September 1, 1990, any agricultural seed company doing business in Kansas shall file annually with the state board of agriculture a list of current farm dealers who sell seed for such company.

(b) This section shall be part of and supplemental to the Kansas seed law, K.S.A. 2-1415 et seq., and amendments thereto.

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