

MINUTES OF THE Senate COMMITTEE ON Agriculture

The meeting was called to order by Senator Allen at
Chairperson

10:11 a.m./~~p.m.~~ on March 21, 1990 in room 423-S of the Capitol.

All members were present ~~except~~

Committee staff present: Raney Gilliland, Legislative Research Department
Jill Wolters, Revisor of Statutes Department

Conferees appearing before the committee: Larry Woodson, Director, Division of Inspections,
State Board of Agriculture
Tom Wilson, Director, Grain Inspection Department
Chris Wilson, Kansas Grain and Feed Association
Kansas Fertilizer and Chemical
Association

Senator Allen called the Committee to order and called attention to
HB 2639 and then called on Larry Woodson.

Mr. Woodson gave the Committee copies of his testimony (attachment 1)
and requested that the Committee recommend HB 2639 for passage.

The Chairman declared the hearing completed for HB 2639; he then
turned Committee attention to HB 2677 and called on Larry Woodson.

Mr. Woodson provided written copies of his testimony (attachment 2)
for the Committee and requested the Committee recommend HB 2677 for passage.

The Chairman called on Tom Wilson.

Mr. Wilson explained that his department had helped with the writing
of HB 2677 and that the Grain Inspection Department supports HB 2677.
Mr. Wilson encouraged the Committee to recommend passage.

The Chairman called on Chris Wilson.

Ms. Wilson stated that the Kansas Grain and Feed Association supported
HB 2677 and requested passage.

The Chairman declared the hearing closed for HB 2677 and called for
Committee action on HB 2639.

Senator Karr made a motion that the Committee recommend HB 2639
favorably for passage. Senator Montgomery seconded the motion. Motion
carried.

The Chairman called for Committee action on HB 2677.

Senator Daniels made a motion that the Committee recommend HB 2677
favorably for passage. Senator Francisco seconded the motion. Motion
carried.

The Chairman turned attention to SB 767 and called on Senator
Montgomery to comment on an amended version of SB 767.

Senator Montgomery gave the Committee copies of a balloon draft of
amendments for SB 767 (attachment 3). Senator Montgomery explained that
the amendments do not propose to change fertilizer fees; that the
largest proportion of the fees go to the State Water Plan and that of
the remaining .30¢ that .04¢ is proposed to be designated for a Fertilizer

CONTINUATION SHEET

MINUTES OF THE Senate COMMITTEE ON Agriculture

room 423-S, Statehouse, at 10:11 a.m./~~p.m.~~ on March 21, 1990.

Research Fund. This fund would be used by Kansas State for research which, hopefully, would determine if and/or how much fertilizers are to blame for pollution of water in our state. An amendment would require seed dealers pay a registration fee of \$50. and \$10. for each farmer dealer that sells for the seed dealer. These registration fees would then begin to pay for the seed program.

Committee comments included that all anhydrous ammonia tanks should be certified along with registration as a safety precaution. It was suggested that in the proposed New Section 5 that it read, "All money credited to the fund shall be expended to the agricultural experiment stations under the supervision of Kansas State University-----". It was suggested, also, that in New Section 5 that it read, "All expenditures shall be made in accordance with the appropriations 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 by a person or persons designated by the secretary and the Dean of Agriculture at Kansas State University".

The Chairman asked Chris Wilson for approval or disapproval of the balloon draft of amendments. Ms. Wilson expressed support for the draft.

The Chairman asked Bill Fuller for approval or disapproval of the balloon draft. Mr. Fuller gave the Committee a copy of a statement in support of the proposed amendments for SB 767 (attachment 4) and expressed support.

The Chairman called for Committee action on SB 767.

Senator Doyen made a motion that the Committee accept the balloon draft of amendments for SB 767 with the following changes. That the last line in Sec. 3 (c) (3) of the balloon draft, "For the purposes of the subsection, "grower" means an individual" be stricken. That in New Section 5 that it read, "All money credited to the fund shall be expended to the agricultural experiment stations under the supervision of Kansas State University -----". That in Sec. 2 (j) that the word "Lepidium" be changed to "Cardaria" and that "Franseria" be changed to "Ambrosia". That in New Section 5 that it read, "All expenditures shall be made in accordance with the appropriations acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the director of the agricultural experiment stations at Kansas State University or by a person or persons designated by the director. Senator Sallee seconded the motion. Motion carried.

Senator Montgomery made a motion that the Committee recommend SB 767 for passage as amended. Senator Daniels seconded the motion. Motion carried.

The Chairman called for Committee action on Committee minutes.

Senator Karr made a motion the Committee minutes of March 1, 12 and 13 be approved. Seconded by Senator Francisco. Motion carried.

Senator Montgomery announced that at the next Committee meeting he would be offering an amendment to HB 2787 that would remove the requirement that requires the state to inspect federally licensed kennels in the State of Kansas.

Senator Allen adjourned the Committee at 11:02 a.m.

SENATE AGRICULTURE COMMITTEE

March 21, 1990

Mr. Chairman, members of the Senate Agriculture Committee, I am Larry Woodson, Director of the Division of Inspections with the Kansas State Board of Agriculture. I am here in support of House Bill 2639 as amended which would amend the Kansas Meat and Poultry Inspection Act to provide for the establishment of reinstatement fees (late fees) for delinquent registrations required under the Act, and establish a prorated registration fee for new businesses that begin operations during the registration year.

For the most part, a majority of the state and federally inspected meat and poultry slaughter and processing plants operating in Kansas submit the yearly application and required fees in a timely manner. There are, however, a few that are continually delinquent. Only after second, third and occasionally fourth notices do these plants register and remit their fee.

Currently the meat and poultry inspection program sends out the first notice and application forms on or about December 1 of each year. Second notices are sent shortly after January 1 and plants are asked to respond within 14 days or we turn their names over to our legal counsel for follow-up who writes the third and fourth notices, if necessary.

This legislation will hopefully speed up the registration process for the program and impose a monetary penalty on those plants that are routinely late.

We do not anticipate this legislation to generate sizeable revenues. This is based on previous years records where in 1989 we would have assessed \$795 in reinstatement fees and in the current year 1990, \$650 would have been assessed so far. If this bill is enacted, we would anticipate a decrease in the number of registrations that are received late.

*Senate Agriculture Committee
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attachment 1*

With reference to prorated fees, there have been a few businesses that have started in October and November and have paid the \$250 annual registration fee that expired on December 31. In 1989 six plants would have qualified for the proposed prorated fee.

Six plants @ \$250 = \$1,500

Six plants prorated @ 1/12 = 480

- \$1,020

Due to the limited number of new businesses that start up during any given year, the fiscal impact would be minimal.

This concludes my prepared testimony. I stand for questions.

SENATE AGRICULTURE COMMITTEE

March 21, 1990

Mr. Chairman, Members of the Senate Agriculture Committee, my name is Larry D. Woodson, Director of the Division of Inspections for the Kansas State Board of Agriculture. I am here today to testify on behalf of House Bill No. 2677.

HEADHOUSE SCALE TESTING PROGRAM

Testing of commercial scales statewide with the exception of scales in the headhouses of elevators, is a responsibility of the Kansas State Board of Agriculture; Division of Inspections; Agricultural Commodity Assurance Program. The headhouse scale program monitors and removes from commercial service those headhouse scales that are not accurate. Millions of tons of products are weighed and shipped through these devices annually. The testing assures both buyer and seller accurate and correct weights of the products. Testing of headhouse scales at grain elevators is currently the responsibility of the Kansas Grain Inspection Department. This process involves testing the scales in the upper portion of grain elevators or "headhouses". These types of scales are referred to as "hopper" and/or electronic bulk weighing scales due to their design. These scales are tested each six (6) months by the one inspector assigned to this program. The Kansas Grain Inspection Department charges for this service. This inspector transports 10,000 lbs or 200 - 50 lb weights in a trailer pulled by a one-ton pickup. The elevator employees transport the weights by hand inside the elevator, puts them on a "manlift" (normally 100 lbs at a time) and the "manlift" carries them to the top of the elevator (headhouse). When sufficient weights have been transported up the "manlift" (often 10,000 lbs - 200 x 50 lbs), the scale is tested for accuracy. After the scale is tested, the weights are returned to the ground by way of the manlift and returned to the trailer. The inspector then transports them to another elevator to begin the testing process over again.

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attachment 2*

The scales tested by this inspector are normally used for shipping and receiving grain, over which much of the grain in Kansas is sold. These hopper scales discharge into rail cars, transport trucks and barges for shipment to milling operations and/or overseas shipment. Accuracy of these devices is critical to the profitability of elevators selling and handling, as well as receivers of these grains.

Continuation of this program at its current level of operation with transfer of authority and responsibility resting with Kansas State Board of Agriculture is a primary goal. No changes in the methodology of testing is proposed at this time. Accuracy of weighing and measuring devices becomes more and more important as prices of these products increase and profit margins decrease. Transfer of this program to Kansas State Board of Agriculture permits close supervision by, and expertise from, the State Sealer who is responsible for all other testing of commercial weighing and measuring devices in Kansas.

This service, as currently provided by the Kansas Grain Inspection Department, charges, through a fee schedule, for the testing of these devices. This fee schedule recoups the current cost of providing this service, but requires change by legislation to respond to any increases in costs of operation. The transfer to the Kansas State Board of Agriculture will eliminate the fee schedule and will permit charges of up to \$50 per hour for the testing of devices, as well as subsistence and transportation costs. It is not anticipated that the fees to users for the services rendered will increase. This new method of recouping the actual cost of providing the service allows sufficient flexibility to permit for increases in costs of operation, without frequent changes in legislation necessary to modify a fee schedule. This program is designed to be fee funded and self-supporting. Charges are for work performed through this inspection process as a service to industry to assure accuracy of devices and correct weights and measures.

SENATE BILL No. 767

By Committee on Ways and Means

3-5

AN ACT concerning fertilizer; relating to the inspection fee; amending K.S.A. 1989 Supp. 2-1205 and repealing the existing section.

agriculture; relating to agricultural seeds; registering agricultural seed dealers; creating the seed dealer registration fee fund and the fertilizer research fund; concerning

, 2-1415 and 2-1421

sections

\$1.70

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

Section 1. K.S.A. 1989 Supp. 2-1205 is hereby amended to read as follows: 2-1205. An inspection fee shall be collected upon all commercial fertilizers sold, offered or exposed for sale, or distributed in Kansas, which shall be at a rate per ton of 2,000 pounds fixed by rules and regulations adopted by the state board of agriculture, except that such rate shall not exceed \$1.70 ~~\$1.55~~ per ton of 2,000 pounds. The inspection fee rate per ton of 2,000 pounds in effect on the day preceding the effective date of this act shall continue in effect until the state board of agriculture adopts rules and regulations fixing a different inspection fee rate under this section. Each person registering any commercial fertilizer shall pay the inspection fee on such commercial fertilizer sold, offered or exposed for sale, or distributed in Kansas, and shall keep adequate records showing the tonnage of each commercial fertilizer shipped to or sold, offered or exposed for sale, or distributed in Kansas, and the secretary, and duly authorized representatives of the secretary, shall have authority to examine such records and other pertinent records necessary to verify the statement of tonnage.

Each person registering any commercial fertilizer shall file an affidavit semiannually, with the secretary, within 30 days after each January 1 and each July 1, showing the tonnage of commercial fertilizer sold or distributed in Kansas for the preceding six-month period, and shall pay to the secretary the inspection fee due thereon for such six-month period, except that the registrant shall not be required to pay the inspection fee or report the tonnage of commercial fertilizers or fertilizer materials sold and shipped directly to fertilizer manufacturers or mixers, but the fertilizer manufacturers or mixers shall keep adequate records of the commercial fertilizers sold or distributed in this state, and report to the secretary the tonnage thereof and pay the inspection fee due thereon. If the affidavit is not filed and the inspection fee is not paid within the

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Senate agriculture committee
2-21-90
attachment 3

1 thirty-day period, or if the report of tonnage is false, the secretary
 2 may revoke the registrations filed by such person; and if the affidavit
 3 is not filed and the inspection fee is not paid within the thirty-day
 4 period, or any extension thereof granted by the secretary, a penalty
 5 of \$5 per day shall be assessed against the registrant and the in-
 6 spection fee and penalty shall constitute a debt and become the basis
 7 for a judgment against such person. The secretary may grant a rea-
 8 sonable extension of time.

9 The Kansas state board of agriculture is hereby authorized and
 10 empowered to reduce the inspection fee by adopting rules and reg-
 11 ulations under this section whenever it shall determine that the
 12 inspection fee is yielding more than is necessary for the purpose of
 13 administering the provisions of this act, and the board is hereby
 14 authorized and empowered to increase the inspection fee by adopting
 15 rules and regulations under this section when it finds that such is
 16 necessary to produce sufficient revenues for the purposes of admin-
 17 istering the provisions of this act, but not in excess of the maximum
 18 fee prescribed by this section. The secretary shall remit all moneys
 19 received by or for the secretary under article 12 of chapter 2 of
 20 Kansas Statutes Annotated and amendments thereto to the state
 21 treasurer at least monthly. Upon receipt of any such remittance the
 22 state treasurer shall credit the remittance as follows: (1) An amount
 23 equal to \$1.40 per ton shall be credited to the state water plan fund
 24 created by K.S.A. 82a-951, and amendments thereto; and (2) the
 25 remainder shall be credited to the fertilizer fee fund. All expenditures
 26 from such funds shall be made in accordance with appropriation acts
 27 upon warrants of the director of accounts and reports issued pursuant
 28 to vouchers approved by the secretary of the state board of agri-
 29 culture or by a person or persons designated by the secretary.

30 Sec. 2. K.S.A. 1989 Supp. 2-1205 is hereby repealed.

31 Sec. 3. This act shall take effect and be in force from and after
 32 its publication in the statute book.

an amount equal to \$.04 per ton shall be credited to the fertilizer
 research fund; and (3)

the fertilizer fee fund

SEE ATTACHED

, 2-1415 and 2-1421 are

3-2

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

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

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

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

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

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

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

(g) "Label" means the statements written, printed, stenciled or otherwise displayed upon, or attached to, the container of agricultural seed, and includes other written, printed, stenciled or graphic representations, in any form whatsoever, pertaining to any agricultural seed, whether in bulk or in containers, and includes declarations and affidavits.

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

(i) "Weed seed" means the seeds of plants considered weeds in this state and includes noxious weed seed and restricted weed seed, determined by methods established by rule and regulation under this act.

(j) "Noxious weed seed" means the seed of Kudzu (Pueraria

lobata), field bindweed (Convolvulus arvensis), Russian knapweed (Centaurea repens), hoary cress (Lepidium draba), Canada thistle (Cirsium arvense), leafy spurge (Euphorbia esula), quackgrass (Agropyron repens), bur ragweed (Franseria tomentosa), pignut (Indian rushpea) (Hoffmannseggia densiflora), Texas blueweed (Helianthus ciliaris), Johnson grass (Sorghum halepense), sorghum alnum, and any plant the seed of which cannot be distinguished from Johnson grass, and musk (nodding) thistle (Carduus nutans L.).

(k) "Restricted weed seed" means weed seeds or bulblets which shall not be present in agricultural seed at a rate per pound in excess of the number shown following the name of each weed seed: Silverleaf nightshade (Solanum elaeagnifolium) 45, horsenettle, 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 secalinus) 45, hairy chess (Bromus commutatus) 45, buckthorn plantain (Plantago lanceolata) 45, wild onion or garlic (Allium spp.) 18, 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, dodder (Cuscuta spp.) 18, except lespedeza seed which may contain 45 dodder per pound, pennycress, fanweed (Thlaspi arvense) 18, wild oats (Avena fatua) 9, climbing milkweed, sandvine (Cynanchum laeve, syn. Gonolobus laevis) 9, jointed goatgrass (Aegilops cylindrica) 9, black nightshade complex (Solanum ptycanthum, S. americanum, S. sarrachoides, S. nigrum, and S. interius) 9, wild buckwheat, black bindweed (Polygonum convolvulus) 9, velvetleaf, butterprint (Abutilon theophrasti) 9, and cocklebur (Xanthium spp.) 9. The total number 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. In smooth brome grass, fescues, orchard grass, wheatgrasses, and chaffy range grasses, hairy chess or 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 (Bromus japonicus), soft chess (Bromus mollis) and field chess (Bromus arvensis).

(l) "Advertisement" means all representations, other than those on the label, disseminated in any manner, or by any means, relating to agricultural seed.

(m) "Record" means all information relating to any shipment of agricultural seed and includes a file sample of each lot of such seed.

(n) "Stop sale order" means an administrative order, authorized by law, restraining the sale, use, disposition and movement of a definite amount of agricultural seed.

(o) "Seizure" means a legal process, issued by court order, against a definite amount of agricultural seed.

(p) "Lot" means a definite quantity of agricultural seed, identified by a lot number or other mark, every portion or bag of which is uniform, within recognized tolerances for the factors which appear in the labeling.

(q) "Germination" means the percentage of seeds capable of producing normal seedlings under ordinarily favorable conditions, in accordance with the methods established by rule and regulation under this act.

(r) "Pure seed" means the kind of seed declared on the label, exclusive of inert matter, other agricultural or other crop seeds and weed seeds.

(s) "Inert matter" means all matter not seeds, and as otherwise determined by rules and regulations under this act.

(t) "Other agricultural seeds or other crop seeds" means seeds of agricultural seeds other than those included in the percentage or percentages of kind or variety and includes collectively all kinds and varieties not named on the label.

(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.

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

(w) "Treated" means that the seed has received an application of a substance or process which is designed to reduce, control or repel certain disease organisms, insects or other pests attacking such seeds or seedlings growing therefrom and includes an application of a substance or process designed to increase seedling vigor.

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

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

(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.

(ff) "Commercial means" shall include all forms of advertising for which a person must pay another for the dissemination or distribution of the advertisement.

(gg) "Seed dealer" shall include any person who offers or exposes for sale or sells agricultural seed in Kansas for seeding or planting purposes but shall not include either a farmer dealer or any individual who qualifies for the exemption provided for in subsection (c) of K.S.A. 2-1421, and amendments thereto.

(hh) "Farmer dealer" means an individual: (1) Whose primary occupation is farming; (2) who, as an agent for a seed dealer, sells seed which has been tested and labeled as required by this act by a seed dealer; and (3) who sells seed only on such farmer dealer's farm.

Sec. 3. K.S.A. 1989 Supp. 2-1421 is hereby amended to read as follows: 2-1421. (a) It is unlawful for any person to sell, offer for sale ~~or~~, expose for sale or advertise by commercial means any agricultural seed for seeding purposes: (1) Unless a test has been made to determine the percentage of germination and it shall have been completed within a nine-month period (exclusive of the calendar month in which the test was completed) immediately prior to sale, exposure for sale or offering for sale;

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

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

(4) which contains noxious weed seeds;

(5) which contains restricted weed seeds in excess of the

quantity prescribed by subsection (k) of K.S.A. 2-1415, and amendments thereto;

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

(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 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;

(9) without having registered with the secretary as required by section 3.

(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,~~ offer or expose for sale for planting or seeding purposes agricultural seed which has not been tested and labeled when the agricultural seed:

(1) Has been grown on the grower's premises;

(2) is free from noxious weed seed; and

(3) does not contain any restricted weed seed in excess of the quantity prescribed by subsection (k) of K.S.A. 2-1415, and amendments thereto. Agricultural seed sold pursuant to this exemption shall not be advertised by commercial means. For the purposes of this subsection, "grower" means an individual.

New Sec. 4. (a) On and after September 1, 1990, each seed dealer who sells agricultural seed for seeding or planting purposes shall register with the secretary and shall file with the secretary a list of farmer dealers who sell seed for such seed dealer. Registration shall be required for each place of business at which agricultural seed is sold, offered or exposed for sale for planting or seeding purposes by a seed dealer.

(b) Application for registration shall be made on a form provided by the secretary. Each registration shall expire on August 31 following the date of issuance unless such registration is renewed annually. The registration fee for a seed dealer shall be \$50 for each place of business. Each seed dealer shall pay a fee of \$10 for each farmer dealer who sells agricultural seed for the seed dealer.

(c) As used in this section, "agricultural seed" shall include grain when sold as such, or when sold according to grain standards and the seller knows, or has reason to know, that the

grain is to be used for seeding or planting purposes.

(d) 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 seed dealers registration fee fund which is hereby created. All expenditures from such fund 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 or persons designated by the secretary.

(e) All moneys credited to the seed dealer registration fee fund shall be expended for any purpose consistent with the Kansas seed law.

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

(g) 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. 5. There is hereby created a fertilizer research fund. All money credited to the fund shall be expended to the agricultural experiment station at Kansas state university for the purpose of conducting research on fertilizers, anhydrous ammonia and related materials concerning efficient methods of application, storage and handling, their effect upon environmental quality, and efficiency and safety in the use of fertilizers, anhydrous ammonia and related materials in crop production. All expenditures shall be made in accordance with the appropriations 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 by a person or persons designated by the secretary.

RENUMBER SECTIONS ACCORDINGLY



PUBLIC POLICY STATEMENT

March 21, 1990

To: Senate Agriculture Committee

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

Subject: S.B. 767...proposal to amend the fertilizer inspection fee and seed law

The amendment proposed for S.B. 767 provides "buyer protection." Policy adopted by the 437 voting delegates representing the 105 County Farm Bureaus at the KFB Annual Meeting on December 5, 1989 states:

Seed Law

The Kansas Seed Law should protect both the buyer and seller of seed.

We will oppose any effort to prohibit any Kansas farmer from selling agricultural seed that is grown in Kansas on land operated by that farmer.

To provide more protection to the buyer of seed, we will support these changes in the law:

1. Require sellers of agricultural seed who advertise in the public media to sell only tested and labeled seed. Farmers who make occasional private treaty sales, or who advertise by erecting signs on their own property shall not be required to register or be licensed by the State Board of Agriculture.
2. Require registered sellers of agricultural seed who advertise in the public media to offer for sale only tested and labeled seed.
3. Establish a prohibition on the sale of agricultural seed containing "restricted" weed seed which is above the tolerance level allowed in current law, such prohibition to be similar to the current prohibition on the sale of agricultural seed containing any noxious weed seed.

We continue to support compliance with the Plant Variety Protection Act (PL 91-577).

We are simply asking that all who operate a business of selling seed be required to sell tested and labeled seed...seedsmen and farmers. We are suggesting the criteria for determining which sellers are commercial business be limited to those who advertise in the public media. This is not a new concept. Several other states have this provision in existing law (see attached). This does NOT keep a farmer from erecting signs on his property, posting notices on grain elevator bulletin boards, speaking to his neighbor, etc. This does NOT eliminate private treaty farmer-to-farmer sales of nontested and unlabeled seed. In fact, we will strongly object to any amendment

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attachment 4

that would further change or repeal the "farmer exemption."

The proposed amendment also creates the "Seed Dealers Registration Fee Fund" by establishing fees for seed dealers. 1990 KFB policy does not address that issue, however 1989 KFB policy called for such action. A major goal of the proposed amendments could be called "truth in taxing"...limiting the use of fertilizer fees to fertilizer regulation and requiring the seed industry to provide the revenues to administer the seed law. Therefore, we have no problem with the concept of this provision.

This plan is a serious effort by the Kansas State Board of Agriculture, Kansas Grain and Feed Association and Kansas Farm Bureau to accomplish a needed task. We appreciate the cooperation and encourage the approval of the proposed amendments. Thank you!

BF:jt

STATE	PERMIT OR REGISTRATION REQUIRED		TESTING AND LABEL REQUIRED		FARMERS REQUIREMENTS IF EXEMPT FROM LABELING OR REGISTERING/PERMIT
	FARMERS	DEALERS	FARMERS	DEALERS	
Nebraska	NO	NO	YES	YES	No exemption from labeling for farmers/growers.
Missouri	YES \$5	YES \$5	NO	YES	1. Can advertise however cannot state germination or other tests in advertisement. 2. Cannot use a common carrier to deliver seed. 3. Cannot sell seed by any public sales service. 4. Must be of their own production.
Oklahoma	YES	YES	YES	YES	No exemption from permit or labeling for farmers/growers.
Colorado	NO	YES	NO	YES	1. Must sell own premises. 2. Cannot use common carrier. 3. Cannot advertise.
Iowa	NO	YES	YES	YES	No exemption from labeling for farmers/growers.
Texas	NO	YES	NO	YES	1. Must be of their own production on own farm. 2. Cannot advertise in public media outside their own county. 3. Cannot be sold through someone other than the farmer. 4. Cannot ship by common carrier.
South Dakota	NO	YES	NO	YES	1. Must be grown, sold and delivered on the farmer's premises. 2. Cannot take to community sales for sale. 3. Cannot publicly advertise. 4. Cannot contain noxious weeds.
North Dakota	NO	YES	NO	YES	1. Must be of their own production. 2. Cannot advertise. 3. Cannot use a third party as an agent or broker.
Illinois	NO	YES	YES	YES	No labeling exemption. Exempt from permit for own seed sold on own premises.
Arkansas	NO	YES	YES	YES	No labeling exemption.
Kansas	NO	NO	NO	YES	1. Can advertise. 2. Can use common carrier. 3. Must grow and sell on premises. 4. Must be free from noxious weeds.