

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE.

The meeting was called to order by Chairperson Joann Flower at 9:00 a.m. on February 12, 1997, in Room 423-S of the Capitol.

All members were present except:

Committee staff present: Raney Gilliland, Legislative Research Department  
Gordon Self, Revisor of Statutes  
Kay Scarlett, Committee Secretary

Conferees appearing before the committee:

Chris Wilson, Director of Member Services, Kansas Seed Industry Association  
Steve Ahring, Immediate Past President, Kansas Seed Industry Association  
Bob Bunck, Vice President, Kansas Seed Industry Association  
Doug Wareham, Vice President of Government Affairs, Kansas Grain and Feed Association  
Bill Fuller, Associate Director, Kansas Farm Bureau  
Fred Gatlin, Seed Dealer

Others attending: See attached list

Chairperson Flower asked committee members to review the minutes of February 5 and 6. If there are corrections or additions, members are requested to contact the committee secretary by 5:00 p.m. today, otherwise the minutes will stand approved as presented.

**Hearing on HB 2245 - Registration of seed cleaners; concerning certified seed varieties.**

Chris Wilson, Director of Member Services, Kansas Seed Industry Association, testified in support of **HB 2245** that would amend the Kansas Seed Law in two ways. She explained that the bill would require those in the business of cleaning seed to register, at no fee, with the secretary of the State Department of Agriculture. Secondly, the bill would reflect that the federal Plant Variety Protection Act was amended by adding "as amended, and adopted by rules and regulations of the secretary." (Attachment 1)

Ms. Wilson offered a balloon amendment to **HB 2245** that would make two changes (Attachment 1a):

- 1) Since the word "conditioned" is already defined in the law, and cleaner and conditioner are used interchangeably, it is suggested to use "conditioner" to be consistent with the law.
- 2) On page 5, line 18, where the bill refers to PVPA, it is suggested to clarify the language by saying "protected by" instead of "included in." Also for clarification on line 20, it is suggested to add the word "protected" before "variety."

Steve Ahring, agronomist with DeLange Seed and immediate Past President of the Kansas Seed Industry Association, appeared in support of **HB 2245**. He stated that the seed industry is a highly regulated industry protecting both the consumer and the industry. He said that not only will seed cleaner registration provide the Kansas Department of Agriculture with a valuable database from which they can inform seed conditioners of potentially devastating problems such as Karnal bunt, but also may serve to bring more of those individuals and companies operating outside the rules into the legitimate seed trade in Kansas. (Attachment 2)

Robert Bunck, Bunck Seeds of Everest, Kansas, and Vice President, Kansas Seed Industry Association, spoke in support of **HB 2245**.

Doug Wareham, Vice President of Government Affairs for the Kansas Grain and Feed Association, appeared in support of **HB 2245**. He said the Kansas Grain and Feed Association supports registration of seed

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE, Room 423-S Statehouse, at 9:00 a.m. on February 12, 1997.

cleaners in Kansas to ensure that in any future case where the quality of seed is at question, those individuals or firms in the business of cleaning seed can receive timely information. They also support updating Kansas laws regarding the federal Plant Variety Protection Act as recently amended. (Attachment3)

Bill Fuller, Associate Director, Kansas Farm Bureau, testified in support of **HB 2245**. He reported that Kansas Farm Bureau policy clearly supports the seed cleaner registration proposal in this bill. He said that while Kansas Farm Bureau is not asking the State to adopt the 1994 amendments to the federal PVPA, they believe this bill is compatible with past and current policy. They support the general objective of the federal PVPA, respect intellectual property rights, and benefit from a strong plant breeding and seed industry. Kansas Farm Bureau's Seed Law Policy, revised and adopted at their 78th Annual Meeting, is attached to his testimony. (Attachment4)

Fred Gatlin, seed dealer and former member of the Kansas House of Representatives from Atwood, Kansas, appeared in support of **HB 2245** and the seed industry in Kansas.

Staff expressed concern with the proposed language in paragraph 8 on page 5 of the bill, but thought a technical amendment would clarify the intent of the bill.

This closed the hearing on **HB 2245**.

The meeting adjourned at 9:45 a.m. The next meeting is scheduled for February 13, 1997.

# HOUSE AGRICULTURE COMMITTEE GUEST LIST

DATE: 2-12-97

NAME	REPRESENTING
Doug Wareham	KGFA & KFCA
Tom Tunnell	" "
Chris Wilson	KSIA
Fred Goffin	KSIA
Maurice Miller	KSIA
Steve Ahring	KSIA
Robert W. Bunnick	KSIA
Jawad M. Miledes	Trio Research INC.
Doyle Strouts	KS COOP IMPROVEMENT ASSOC.
Bill Fuller	Kansas Farm Bureau
Kerri Elbert	Kansas Dairy Assoc.
Marty Vanier	KS Ag Alliance
Diane Gruner	KS Coop Council
Mary Jane Stattelman	KS Dept of Agriculture
JOHN H. FALK	KS DEPT OF AGRICULTURE
Mike Beam	KS LUSTK ASSN.

**STATEMENT OF THE  
KANSAS SEED INDUSTRY ASSOCIATION  
TO THE HOUSE AGRICULTURE COMMITTEE  
REPRESENTATIVE JOANN FLOWER, CHAIR  
REGARDING H.B. 2245, AMENDING THE KANSAS SEED LAW  
FEBRUARY 12, 1997**

Madam Chair and Members of the Committee, I am Chris Wilson, Director of Member Services of the Kansas Seed Industry Association (KSIA). KSIA is the professional association of seedsmen in our state. We thank you for introducing H.B. 2245, holding this hearing on it, and providing us with the opportunity to testify in support of it.

This bill amends the Kansas Seed Law in three ways. First, it requires those who are in the business of cleaning seed to register with the Kansas Department of Agriculture (KDA). Secondly, it reflects that the federal seed law, the Plant Variety Protection Act, was amended by adding the words "as amended" where that law is referenced in the Kansas law. Thirdly, it makes other technical changes replacing the "state board of agriculture" with "secretary."

In 1994, Congress amended the Plant Variety Protection Act (PVPA), and we realized that act of Congress would eventually require amending the Kansas Seed Law to show that the PVPA had been amended. KSIA decided if the Kansas law was to be amended, we should do so very carefully and contact all interested to determine if there were other changes which should be made. That is why we did not come to the Legislature with this request in 1995 or 1996. We have gone through an exhaustive review of the law, met extensively with KDA staff, communicated with a wide range of other organizations, and looked at numerous possible amendments.

We whittled those down to what everyone could agree upon and come to you today with two pretty simple changes. On page 5, lines 14-15 of the bill, the words "public law 91-577" are stricken and replaced with "as amended, and adopted by rules and regulations of the secretary." This replaces the reference to the 1970 version of PVPA with the amended version. PVPA was enacted in 1970 to encourage the development of new varieties of crops and to make them

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available to the public. It also provides protection to those who breed, develop, or discover new varieties. H.B. 2245 provides for accommodation of future versions of PVPA by allowing the secretary to adopt them by rule and regulation, as opposed to having to change the statute as we are now. The language on lines 18-21 establishes a date certain for "as amended" so that KDA won't be in limbo until rules and regulations are adopted.

The second key piece of the bill is to require registration of seed conditioners, as defined on page 4, lines 32-33 of the bill. The need for this was pointed out in 1996, when KDA was addressing the Karnal bunt situation. There is no source of a listing of seed conditioners in the state. We know which of our members condition seed, but our membership would not include the many seed conditioners who do not sell seed. The Kansas Crop Improvement Association (KCIA) has an approved seed conditioner program which probably includes 1/3 of seed cleaners in the state. And Kansas Grain and Feed Association (KGFA) could identify grain warehousemen which offer seed conditioning services. But there are numerous other seed conditioners which would not be KCIA or KGFA members, because they do not produce seed or store grain. We think there may be around 300 total statewide.

Many seed conditioners have portable units and may have been in the Karnal bunt infected areas and subsequently cleaned seed in Kansas. The KDA needed a way to communicate with and inform seed conditioners about Karnal bunt. KDA also needs the capability to communicate with seed conditioners about other aspects of the seed law and other issues which may arise in the future.

The purpose for which this amendment on page 6 of the bill is offered is to develop a data base of seed cleaners/conditioners. It requires them to register with KDA on an every-other-year basis, at no fee. They must also notify KDA if they cease cleaning seed.

This should allow KDA to maintain a database with the least amount of time and effort. KSIA, KCIA, and KGFA are willing to provide lists of their members which condition seed to begin development of that database.

There is some concern about no fee, but we believe that it will encourage more compliance and therefore a more complete database. We also believe having the database will make KDA's job easier in dealing with Karnal bunt and other such situations, allowing the agency to most

efficiently inform seed conditioners, and to identify and contact them as needed in its regulatory activities. If there is a need to go to facilities in activities such as testing for Karnal bunt, they will have the information readily available, rather than spending precious time trying to identify these facilities.

We had thought that, since this bill has been two years in the preparation, we had it pretty well settled. However, a couple of suggestions have arisen since the bill was printed, and we do have a balloon for your consideration. The balloon would make two changes: 1. Since the word “conditioned” is already defined in the law, and cleaner and conditioner are used interchangeably, we suggest using “conditioner” to be consistent with the law. So we suggest changing seed “cleaner” to “conditioner” in the bill. 2. Where the bill refers to PVPA on page 5, line 18, we suggest clarifying the language by saying “protected by” instead of “included in.” “Included in” might be confusing since variety names are not stated in the law, but are issued certificates of plant variety protection by USDA. Adding the word “protected” before “variety” on line 20 will also clarify this language.

Madam Chair and Members of the Committee, thank you for your consideration of this legislation. KSIA respectfully requests that you report H.B. 2245 favorably with suggested amendments. I would be glad to respond to any questions.

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## HOUSE BILL No. 2245

By Committee on Agriculture

2-6

9 AN ACT concerning agricultural seeds; relating to the registration of seed  
10 cleaners; concerning seed varieties; amending K.S.A. 2-1415, 2-1421  
11 and 2-1421a and repealing the existing sections.  
12

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

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

16 (a) "Agricultural seed" means the seed of grass, legume, forage, ce-  
17 real and fiber crops, or mixtures thereof, but shall not include hortical-  
18 tural seeds.

19 (b) "Person" means any individual, member of a partnership, cor-  
20 poration, agents, brokers, company, association or society.

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

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

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

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

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

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

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

2 (j) "Noxious weed seed" means the seed of Kudzu (*Pueraria lobata*),  
43 field bindweed (*Convolvulus arvensis*), Russian knapweed (*Centaurea re-*

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1 pens), hoary cress (*Cardaria draba*), Canada thistle (*Cirsium arvense*),  
2 leafy spurge (*Euphorbia esula*), quackgrass (*Agropyron repens*), bur rag-  
3 weed (*Ambrosia grayii*), pignut (*Indian rushpea*) (*Hoffmannseggia den-*  
4 *siflora*), Texas blueweed (*Helianthus ciliaris*), Johnson grass (*Sorghum*  
5 *halepense*), sorghum alnum, and any plant the seed of which cannot be  
6 distinguished from Johnson grass, and musk (nodding) thistle (*Carduus*  
7 *nutans L.*).

8 (k) "Restricted weed seed" means weed seeds or bulblets which shall  
9 not be present in agricultural seed at a rate per pound in excess of the  
10 number shown following the name of each weed seed: Silverleaf night-  
11 shade (*Solanum elaeagnifolium*) 45, horsenettle, bullnettle (*Solanum car-*  
12 *olinense*) 45, dock (*Rumex spp.*) 45, oxeye daisy (*Chrysanthemum leucan-*  
13 *themum*) 45, perennial sowthistle (*Sonchum arvensis*) 45, giant foxtail  
14 (*Setaria faberi*) 45, cheat (*Bromus secalinus*) 45, hairy chess (*Bromus*  
15 *commutatus*) 45, buckthorn plantain (*Plantago lanceolata*) 45, wild onion  
16 or garlic (*Allium spp.*) 18, charlock (*Sinapsis arvensis*) 18, wild mustards  
17 (*Brassica spp.*) 18, treacle (*Erysimum spp.*) 18, wild carrot (*Daucus car-*  
18 *ota*) 18, morning glory and purple moonflower (*Ipomoea spp.*) 18, hedge  
19 bindweed (*Calystegia spp.*, syn. *Convolvulus sepium*) 18, dodder (*Cus-*  
20 *cuta spp.*) 18, except lespedeza seed which may contain 45 dodder per  
21 pound, pennycress, fanweed (*Thlaspi arvense*) 18, wild oats (*Avena fatua*)  
22 9, climbing milkweed, sandvine (*Cynanchum laeve*, syn. *Gonolobus lae-*  
23 *vis*) 9, jointed goatgrass (*Aegilops cylindrica*) 9, black nightshade complex  
24 (*Solanum ptycanthum*, *S. americanum*, *S. sarrachoides*, *S. nigrum*, and  
25 *S. interius*) 9, wild buckwheat, black bindweed (*Polygonum convolvulus*)  
26 9, velvetleaf, butterprint (*Abutilon theophrasti*) 9, and cocklebur (*Xan-*  
27 *thium spp.*) 9. The total number of the restricted weed seed shall not  
28 exceed 90 per pound except native grass, smooth brome grass, tall fescue,  
29 wheatgrasses and lespedeza shall not exceed 150 per pound. In smooth  
30 brome grass, fescues, orchard grass, wheatgrasses, and chaffy range  
31 grasses, hairy chess or cheat shall not exceed 2,500 per pound. For the  
32 purposes of this section the following weedy *Bromus spp.* shall be con-  
33 sidered as common weeds and collectively referred to as "chess": Japa-  
34 nese chess (*Bromus japonicus*), soft chess (*Bromus mollis*) and field chess  
35 (*Bromus arvensis*).

36 (l) "Advertisement" means all representations, other than those on  
37 the label, disseminated in any manner, or by any means, relating to ag-  
38 ricultural seed.

39 (m) "Record" means all information relating to any shipment of ag-  
40 ricultural seed and includes a file sample of each lot of such seed.

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

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100-3

- 1 (o) "Seizure" means a legal process, issued by court order, against a  
2 definite amount of agricultural seed.
- 3 (p) "Lot" means a definite quantity of agricultural seed, identified by  
4 a lot number or other mark, every portion or bag of which is uniform,  
5 within recognized tolerances for the factors which appear in the labeling.
- 6 (q) "Germination" means the percentage of seeds capable of pro-  
7 ducing normal seedlings under ordinarily favorable conditions, in accor-  
8 dance with the methods established by rule and regulation under this act.
- 9 (r) "Pure seed" means the kind of seed declared on the label, exclu-  
10 sive of inert matter, other agricultural or other crop seeds and weed seeds.
- 11 (s) "Inert matter" means all matter not seeds, and as otherwise de-  
12 termined by rules and regulations under this act.
- 13 (t) "Other agricultural seeds or other crop seeds" means seeds of  
14 agricultural seeds other than those included in the percentage or per-  
15 centages of kind or variety and includes collectively all kinds and varieties  
16 not named on the label.
- 17 (u) "Hybrid" means the first generation seed of a cross produced by  
18 controlling the pollination and by combining (1) two or more inbred lines,  
19 (2) one inbred or a single cross with an open pollinated variety, or (3) two  
20 varieties or species, other than open pollinated varieties of corn (*Zea*  
21 *mays*). Hybrid shall not include the second generation or subsequent  
22 generations from such crosses. Hybrid designations shall be treated as  
23 variety names. Controlling the pollination means to use a method of hy-  
24 bridization which will produce pure seed which is 75% or more hybrid.
- 25 (v) "Type" means a group of varieties so nearly similar that the in-  
26 dividual varieties cannot be clearly differentiated except under special  
27 conditions.
- 28 (w) "Treated" means that the seed has received an application of a  
29 substance or process which is designed to reduce, control or repel certain  
30 disease organisms, insects or other pests attacking such seeds or seedlings  
31 growing therefrom and includes an application of a substance or process  
32 designed to increase seedling vigor.
- 33 (x) "Tested seed" means that a representative sample of the lot of  
34 agricultural seed in question has been subjected to examination and its  
35 character as to purity and germination has been determined.
- 36 (y) "Native grass seed" means the seeds of aboriginal or native prairie  
37 grasses.
- 38 (z) "Chaffy range grasses" shall include Bluestems, Gramas, Yellow  
39 Indian grass, wild rye grasses, buffalo grass and prairie cord grass.
- 40 (aa) "Certified seed" means any class of pedigreed seed or plant parts  
41 for which a certificate of inspection has been issued by an official seed  
42 certifying agency.
- 43 (bb) "Certifying agency" means: (1) an agency which is authorized

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1 under the laws of a state, territory or possession to officially certify seed  
2 and which has standards and procedures approved by the secretary of  
3 agriculture of the United States department of agriculture to assure the  
4 genetic purity and identity of the seed certified; or (2) an agency of a  
5 foreign country which is determined by the secretary of agriculture of the  
6 United States department of agriculture to be an agency which adheres  
7 to procedures and standards for seed certification comparable to those  
8 adhered to generally by seed certifying agencies under clause (1) of this  
9 subsection.

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

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

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

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

19 (gg) "Horticultural seeds" means those seeds generally classified as  
20 vegetable, fruit, flowers, tree and shrub and grown in gardens or on truck  
21 farms.

22 (hh) "Grower of agricultural seed" means an individual whose pri-  
23 mary occupation is farming and offers, exposes or sells agricultural seed  
24 of such individual's own growing without the use of a common carrier or  
25 a third party as an agent or broker. Seed shall be in compliance with  
26 noxious and restricted weed seed requirements and may advertise if the  
27 advertisement specifically states variety, bin run and if tested.

28 (ii) "Wholesaler" means any person who is in the business selling  
29 agricultural seed at wholesale to any person other than the end user.

30 (jj) "Retailer" means any person who sells agricultural seed to the  
31 end user.

32 (kk) "~~Seed cleaner~~" means any person who is in the business of clean-  
33 ing seed for a fee or compensation.

Conditioner  
|

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

35 (a) It is unlawful for any person to sell, offer for sale, expose for sale or  
36 advertise by commercial means any agricultural seed for seeding pur-  
37 poses: (1) Unless a test has been made to determine the percentage of  
38 germination and it shall have been completed within a nine-month period  
39 (exclusive of the calendar month in which the test was completed) im-  
40 mediately prior to sale, exposure for sale or offering for sale;

- 41 (2) which is not labeled in accordance with the provisions of this act;
- 42 (3) which has a false, misleading or incomplete label;
- 43 (4) which contains noxious weed seeds;

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2 (5) which contains restricted weed seeds in excess of the quantity  
3 prescribed by subsection (k) of K.S.A. 2-1415, and amendments thereto;

4 (6) which contains more than 1% of weed seeds by weight, except  
5 smooth brome grass, fescues, orchard grass, wheatgrasses, and lespedeza  
6 which contain more than 2% weed seed by weight and chaffy range  
7 grasses which contain more than 4% by weight;

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

13 (8) by variety name not certified by an official seed certifying agency  
14 when it is a variety for which a certificate of plant variety protection has  
15 been issued under ~~public law 91-577~~, the plant variety protection act, as  
16 amended, and adopted by rules and regulations of the secretary, speci-  
17 fying sale only as a class of certified seed, except that seed from a certified  
18 lot may be labeled as to variety name when used in a mixture by, or with  
19 the approval of, the owner of the variety. *Any variety included in the*  
20 *plant variety protection act, as amended and in effect on July 1, 1997,*  
21 *shall ~~continue to be a~~ variety included in this paragraph until amended,*  
22 *modified or repealed by the secretary;*

protected by  
protected

23 (9) without having registered with the secretary as required by K.S.A.  
24 2-1421a, and amendments thereto.

25 (b) It is unlawful for any person:

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

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

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

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

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

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

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

42 (c) Except as provided in subsection (a)(8), it shall not be a violation  
43 of this act for the grower of agricultural seed to: (1) Sell, offer or expose  
44 for sale for planting or seeding purposes agricultural seed which has not

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1 been tested and labeled when the agricultural seed:

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

3 (B) is free from noxious weed seed; and

4 (C) does not contain any restricted weed seed in excess of the quan-  
5 tity prescribed by subsection (k) of K.S.A. 2-1415, and amendments  
6 thereto. Agricultural seed sold pursuant to this exemption shall not be  
7 advertised by commercial means unless such advertisement specifically  
8 states such agricultural seed is bin run or whether such seed has been  
9 tested.

10 Sec. 3. K.S.A. 2-1421a is hereby amended to read as follows: 2-  
11 1421a. (a) (1) Each wholesaler shall register with the secretary and shall  
12 pay a registration fee not to exceed \$300. The current wholesale regis-  
13 tration fee is hereby set at \$175 and shall remain at that amount until  
14 changed by rules and regulations of the ~~state board of agriculture~~ *secre-*  
15 *tary.*

16 (2) Each retailer shall register with the secretary and shall pay a reg-  
17 istration fee not to exceed \$30. The current retailer registration fee is  
18 hereby set at \$10 and shall remain at that amount until changed by rules  
19 and regulations of the ~~state board of agriculture~~ *secretary.*

20 (3) Registration shall be required for each place of business at which  
21 agricultural seed is sold, offered or exposed for sale by the wholesaler or  
22 retailer.

23 (4) An individual who conducts a wholesaler and retailer business at  
24 the same location shall be required to register as both a wholesaler and  
25 retailer.

26 (b) Application for registration shall be made on a form provided by  
27 the secretary. Each registration *for a wholesaler or retailer* shall expire  
28 on August 31 following the date of issuance unless such registration is  
29 renewed annually.

30 (c) ~~Each seed cleaner shall register with the secretary. Such seed~~  
31 ~~cleaner registration shall require no registration fee and shall be a biennial~~  
32 ~~registration. Any seed cleaner who is ceasing to do business as a seed~~  
33 ~~cleaner shall notify the department of agriculture within 30 days of ceas-~~  
34 ~~ing to do business.~~

conditioner  
conditioner  
conditioner

35 (d) As used in this section, "agricultural seed" shall include grain  
36 when sold as such, or when sold according to grain standards and the  
37 seller knows, or has reason to know, that the grain is to be used for seeding  
38 or planting purposes.

39 (d) (e) The ~~state board of agriculture~~ *secretary* shall remit all moneys  
40 received under this section to the state treasurer at least monthly. Upon  
41 receipt of any such remittance, the state treasurer shall deposit the entire  
42 amount thereof in the agricultural seed fee fund which is hereby created.  
43 All expenditures from such fund shall be made in accordance with ap-

1 appropriation acts upon warrants of the director of accounts and reports  
2 issued pursuant to vouchers approved by the secretary of the state board  
3 of agriculture or a person or persons designated by the secretary.

4 ~~(e)~~ (f) All moneys credited to the agricultural seed fee fund shall be  
5 expended for any purpose consistent with the Kansas seed law.

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

8 ~~(g)~~ (h) This section shall be part of and supplemental to the Kansas  
9 seed law, K.S.A. 2-1415 *et seq.*, and amendments thereto.

10 Sec. 4. K.S.A. 2-1415, 2-1421 and 2-1421a are hereby repealed.

11 Sec. 5. This act shall take effect and be in force from and after its  
12 publication in the statute book.

1/a-7

## **Kansas Seed Law House Bill #2245**

Good morning, I'm Steve Ahring, agronomist with DeLange Seed and immediate Past President of the Kansas Seed Industry Association.

As Chris has done an excellent job of explaining the changes proposed in this amendment, I will focus my comments upon the philosophy or logic inherent in these changes.

The seed trade is a highly regulated industry. There is the Federal Seed Act, the Plant Variety Protection Act, the Kansas Seed Law, seed laws in other states, OSHA and EPA rules and regulations, all of which have jurisdiction over our businesses. And this is as it should be, after all, what is a seed law if not a form of consumer protection? These laws and regulations are in place to insure that seed sold conforms to lawful labeling requirements. These laws and regulations insure that seed is conditioned in a professional manner, in a workplace that is as safe and hazard free as possible for workers within our industry. These laws and regulations insure that chemicals and waste materials utilized and generated by our industry are handled properly in an environmentally sound manner. These laws and regulations also provide a measure of incentive for the continued development of new, improved cultivars.

The Plant Variety Protection Act protects the owner of a new cultivar in much the same way that copyright laws protect the author of a novel, or the author of computer software from piracy. This protection does not guarantee a profit, it only provides the opportunity to profit. This incentive, the opportunity to profit, insures that farmers will continue to receive higher yielding crop cultivars and remain competitive in what has become a global market place. It also provides the mechanism whereby the American consumer will continue to enjoy the most plentiful, economical, and safest food supply in the world.

*House Agriculture Committee  
February 12, 1997  
Attachment 2*

It has been estimated that it takes one million dollars to bring a single wheat variety from the initial cross to the point of general release to Kansas farmers utilizing traditional breeding methods. When talking about genetically modified crop seeds the research investment may be twenty to thirty times as great as traditional breeding. "BioTech" products that offer resistance to insects and disease or herbicide tolerance will have to be registered as pesticides, further increasing the cost of research and development. Is it too much to ask that the companies risking this type of investment be allowed the opportunity to profit?

There are, and always have been, individuals and companies who operate on the fringe of our industry, who ignore the law, acknowledge no regulation, and follow no rule. It wasn't that long ago that representatives of the Kansas seed industry stood before this committee and offered strong testimony in support of fee registration of all Kansas seed dealers. Not only does registration generate revenue to fund control activities of the Department of Agriculture, it also helps identify and locate those people on the fringe. It allows us to inform them of these laws and regulations and to educate them as to the intent and purpose. Likewise, seed cleaner registration will not only provide the Department with a valuable database from which they can inform seed conditioners of potentially devastating problems such as Karnel bunt, but also may serve to bring more of those individuals and companies operating outside the rules into the legitimate seed trade here in Kansas.

The Kansas seed industry is not a closed society. Anyone who wishes to sell seed in Kansas is welcome. We only ask that they employ ethical business practices and obey the rules and laws of the land.

Thank you for your attention and courtesy.

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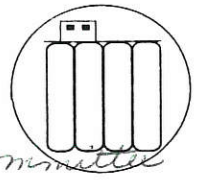
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STATEMENT OF THE  
KANSAS GRAIN & FEED ASSOCIATION  
TO THE  
HOUSE AGRICULTURE COMMITTEE  
REPRESENTATIVE JOANN FLOWER,  
CHAIR  
REGARDING H.B. 2245  
FEBRUARY 12, 1997

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KGFA, promoting a viable business climate through  
sound public policy for a century.



*House Agriculture Committee  
February 12, 1997  
Attachment 3*



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The Kansas Grain and Feed Association .....  
..... a voluntary state organization founded in 1896 providing  
governmental representation, educational opportunities and a wide  
variety of professional services to the vast and indispensable grain  
and feed industry. The 1150 member firms of the KGFA include  
country elevators, terminal elevators, flour mills, feed manufacturers,  
grain merchandisers and allied industries.

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Madam Chair and members of the Committee, I am Doug Wareham, Vice President of Government Affairs for the Kansas Grain and Feed Association (KGFA). We appreciate the opportunity to appear today in support of H.B. 2245.

KGFA is a voluntary state organization founded in 1896 to provide government representation, educational opportunities and a wide variety of other services to the state's vast and indispensable grain and feed marketing system. The 1150 member firms of KGFA include both independent and cooperative country elevators, terminal elevators, flour mills, feed manufacturers, grain merchandisers and allied industries.

The Kansas Grain and Feed Association believes H.B. 2245 addresses two very important issues. First, by requiring the registration of seed cleaners in Kansas, H.B. 2245 ensures that in any future case where the quality of Kansas seed is at question, those individuals or firms in the business of cleaning seed can receive timely information of any possible malady. This will help ensure seed provided to Kansas producers is free of any limiting factor.

KGFA also supports H.B. 2245 language updating Kansas regulations regarding the Plant Variety Protection Act as recently amended. KGFA firmly believes businesses which invest large amounts of moneys in research and development of new plant varieties should be afforded the opportunity to protect their product and recover their costs through the free market system.

Thank you for this opportunity to appear in support of H.B. 2245. I would be happy to answer any questions you may have.



# PUBLIC POLICY STATEMENT

## HOUSE COMMITTEE ON AGRICULTURE

**RE: HB 2245 - Amendments to the Kansas Seed Law**

**February 12, 1997  
Topeka, Kansas**

**Presented by:  
Bill R. Fuller, Associate Director  
Public Affairs Division  
Kansas Farm Bureau**

Representative Flower and members of the House Committee on Agriculture, I am Bill Fuller, Associate Director of the Public Affairs Division for Kansas Farm Bureau.

We certainly appreciate this opportunity to present the views of the farmers and ranchers who are members of the 105 county Farm Bureaus in Kansas. Seed Law Policy revised and adopted by the more than 435 Voting Delegates at the 78<sup>th</sup> Annual Meeting of Kansas Farm Bureau is attached to this statement.

HB 2245 proposes two changes to the Kansas Seed Law. The first concerns seed cleaners and the other is an update to include recent amendments to the federal Plant Variety Protection Act.

*House Agriculture Committee  
February 12, 1997  
Attachment 4*

HB 2245 on page 4, line 32 defines "Seed cleaner" as any person who is in the business of cleaning seed for a fee or compensation. Lines 30 to 34 on page 6 requires biennial registration of seed cleaners with the Secretary of Agriculture. No fee is proposed.

The intent is to be able to identify and provide information to seed cleaners whenever grain fungus or disease outbreaks occur. The most serious recent problem was with Karnal Bunt. It is extremely important to know whenever seed cleaners come into Kansas from any state where this dreaded condition exists.

Kansas Farm Bureau policy clearly supports the seed cleaner registration proposal in HB 2245.

The current Kansas Seed Law references and requires compliance with the provisions of the federal Plant Variety Protection Act. HB 2245 authorizes the Secretary of the Kansas Department of Agriculture to adopt by rules and regulations the 1994 amendments to the federal PVPA.

The federal PVPA protects the intellectual property rights and gives the plant breeder the opportunity for financial gain when developing a new variety. The federal law does permit farmers to save and plant seed they raise for use on their own farm. The adoption of the 1994 amendments to the PVPA proposed in HB 2245 does not change this.

We continue to believe farmers should have the opportunity for occasional, private treaty sales of small quantities of seed. While we recognize the federal act limits activity to only non-protected varieties, we believe the activity by seed companies and state regulators has been adequate and prudent and should not be significantly different in the future.

While Kansas Farm Bureau is not calling for the State to adopt the 1994 amendments to the federal PVPA, we believe HB 2245 is compatible with past and current policy. We have supported the general objective of the federal PVPA, respect intellectual property rights and benefit from a strong plant breeding and seed industry.

Thank you for considering the views of the Farm Bureau farm and ranch members on this important public policy issue.

## **Seed Law**

**AG-18**

The Kansas Seed Law protects both the buyer and seller of seed. We believe the Kansas Seed Law should continue to allow occasional, private treaty sales between farmers of varieties not covered by the federal Plant Variety Protection Act. We support the existing provisions in state law that exempt farmer-to-farmer sales from testing and labeling.

The prohibition on the sale of seed containing any noxious weed seed or restricted weed seed exceeding statutory tolerances should be strictly enforced.

Because of our concern about the possible spread of Karnal bunt, TCK or any other grain fungus or disease, we support creation of a program within the Kansas Department of Agriculture relating to seed cleaners, custom harvesting and grain transportation equipment.