

SENATE BILL No. 425

By Committee on Agriculture and Natural Resources

1-29

AN ACT concerning agriculture; relating to ~~agricultural seeds~~ **registration fees**; increasing the maximum annual registration fee for seed retailers and wholesalers; authorizing a late fee for registrations renewed after the expiration date of such registrations; **providing a grace period for late registrations for agricultural seed and live plant dealers**; amending K.S.A. 2-1421a **and 2-2120** and repealing the existing ~~section~~ **sections**.

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

Section 1. K.S.A. 2-1421a is hereby amended to read as follows: 2-1421a. (a) (1) Each wholesaler shall register with the secretary and shall pay a registration fee not to exceed ~~\$300~~ **\$400**. A wholesaler shall not offer or expose the seed for sale to any person, business, wholesaler, retailer or facility when the wholesaler knows or has reason to know that the buyer or potential buyer is not actively registered with the secretary as provided by this section.

(2) Each retailer shall register with the secretary and shall pay a registration fee not to exceed ~~\$30~~ **\$50**.

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

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

(b) Application for registration as a wholesaler or retailer, or both, shall be made on a form provided by the secretary. Each registration for a wholesaler or retailer shall expire on August 31 following the date of issuance unless such registration is renewed annually. *Each wholesaler or retailer shall pay a late fee of \$25 if a previously obtained registration is renewed on or after September 15 but before October 15 immediately following the date of expiration. If a previously obtained registration is renewed on or after October 15, such late fee shall be \$50.*

(c) As used in this section, "agricultural seed" includes 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 secretary shall remit all moneys received under this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the agricultural seed 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 or a person or persons designated by the secretary.

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

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

(g) The secretary, after providing notice and an opportunity for a hearing in accordance with the provisions of the Kansas administrative procedure act, may deny any application or revoke, suspend, modify or refuse to renew any registration issued pursuant to this act if such applicant or the holder of such registration has:

(1) Failed to comply with any provision or requirement of this act or any rule or regulation adopted hereunder;

(2) failed to comply with any laws, rules or regulations of any other state, or the United States, related to the registration of agricultural seed dealers, the testing of seed, the labeling of seed or seed certification; or

(3) had any license, certificate, registration or permit issued by Kansas or any other state, or the United States, related to the registration of agricultural seed dealers, the testing of seed, the labeling of seed or seed certification revoked, suspended or modified.

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

Sec. 2. K.S.A. 2-2120 is hereby amended to read as follows: 2-2120.

(a) Every live plant dealer, before advertising for sale, selling, offering for sale or delivering any live plants in this state, shall procure from the secretary a live plant dealer's license for each location from which such live plant dealer engages in business as a live plant dealer, except for temporary locations that are registered with the secretary.

(b) Application for such license shall be made on a form furnished by the secretary. The fee for each application shall be fixed by rules and regulations adopted by the secretary, except that such fee shall not exceed \$100, excluding the plant pest emergency fee, authorized pursuant to K.S.A. 2-2129, and amendments thereto.

(c) A live plant dealer who does not export live plants from the state, has annual gross receipts under \$10,000 and has only one location, other than temporary locations, may apply for a reduced license fee. The

1 *reduced fee shall not exceed \$50, excluding the plant pest emergency*
2 *fee. Application for the reduced license fee shall be made on the license*
3 *application form provided by the secretary.*

4 *(d) All live plant dealer licenses shall expire on January 31,*
5 *following the date of issue. Renewal of a license on or after the February*
6 *15 immediately following such date of expiration shall result in a \$25*
7 *late fee, except that if a license is renewed after the March— 15*
8 *immediately following such date of expiration, such late fee shall be \$50.*
9 *A live plant dealer license shall not be issued until all fees are paid to the*
10 *secretary.*

11 *(e) Any person who conducts business as a special event live plant*
12 *dealer shall not be required to obtain a live plant dealer's license but*
13 *shall register with the secretary in such form and manner as prescribed*
14 *by the secretary.*

15 *(f) A live plant dealer may only engage in the live plant business*
16 *with live plants that are:*

17 *(1) In compliance with all quarantines and regulated*
18 *nonquarantine pest freedom standards established by the secretary; or*

19 *(2) accompanied by a valid certificate of inspection of a federal*
20 *inspector or inspector of another state stating that such live plants*
21 *comply with all applicable quarantines and regulated nonquarantine*
22 *pest freedom standards.*

23 ~~Sec. 2-3.~~ K.S.A. 2-1421a-is *and 2-2120* are hereby repealed.

24 ~~Sec. 3-4.~~ This act shall take effect and be in force from and after its
25 publication in the statute book.