

## SENATE BILL No. 425

By Committee on Agriculture and Natural Resources

1-29

1 AN ACT concerning agriculture; relating to agricultural seeds; increasing  
2 the maximum annual registration fee for seed retailers and wholesalers;  
3 authorizing a late fee for registrations renewed after the expiration date  
4 of such registrations; amending K.S.A. 2-1421a and repealing the  
5 existing section.

6  
7 *Be it enacted by the Legislature of the State of Kansas:*

8 Section 1. K.S.A. 2-1421a is hereby amended to read as follows: 2-  
9 1421a. (a) (1) Each wholesaler shall register with the secretary and shall  
10 pay a registration fee not to exceed ~~\$300~~ \$400. A wholesaler shall not offer  
11 or expose the seed for sale to any person, business, wholesaler, retailer or  
12 facility when the wholesaler knows or has reason to know that the buyer or  
13 potential buyer is not actively registered with the secretary as provided by  
14 this section.

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

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

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

23 (b) Application for registration as a wholesaler or retailer, or both,  
24 shall be made on a form provided by the secretary. Each registration for a  
25 wholesaler or retailer shall expire on August 31 following the date of  
26 issuance unless such registration is renewed annually. *Each wholesaler or*  
27 *retailer shall pay a late fee of \$25 if a previously obtained registration is*  
28 *renewed on or after September 1 but before October 1 immediately*  
29 *following the date of expiration. If a previously obtained registration is*  
30 *renewed on or after October 1, such late fee shall be \$50.*

31 (c) As used in this section, "agricultural seed" includes grain when  
32 sold as such, or when sold according to grain standards and the seller  
33 knows, or has reason to know, that the grain is to be used for seeding or  
34 planting purposes.

35 (d) The secretary shall remit all moneys received under this section to  
36 the state treasurer in accordance with the provisions of K.S.A. 75-4215,

1 and amendments thereto. Upon receipt of each such remittance, the state  
2 treasurer shall deposit the entire amount in the state treasury to the credit  
3 of the agricultural seed fee fund which is hereby created. All expenditures  
4 from such fund shall be made in accordance with appropriation acts upon  
5 warrants of the director of accounts and reports issued pursuant to  
6 vouchers approved by the secretary or a person or persons designated by  
7 the secretary.

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

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

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

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

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

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

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

28 Sec. 2. K.S.A. 2-1421a is hereby repealed.

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