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February 10, 2022

To: House Committee on Agriculture
From: Randy Stookey, Senior Vice President Gov. Affairs, Kansas Agribusiness Retailers Association
Re: **Neutral, Proposed Amendment for HB 2563, concerning the Kansas seed law and the Commercial industrial hemp act; relating to labeling; seeds treated with certain substances; definitions; labeling; unlawful actions; certain registrations; inspections.**

Chairman Rahjes and members of the Committee on Agriculture, thank you for the opportunity to provide testimony on House Bill 2563. This testimony is submitted on behalf of Kansas Agribusiness Retailers Association (KARA).

KARA is a state trade association that appreciates membership of over 700 agribusiness firms that supply agricultural services and inputs to Kansas farmers, such as seed, fuel, fertilizer, pesticides, and herbicides, and provide agronomic expertise.

Our agribusiness members are broadly regulated by the Kansas Department of Agriculture (KDA) and are required to maintain various licenses and certifications to conduct business in this state, including licenses as agricultural seed wholesaler and retailer businesses.

As House Bill 2563 would broadly amend the Kansas seed law, our members have a direct interest in this legislation. KARA appreciates KDA working with our industry over the last few months in drafting this legislation.

The bill would make comprehensive changes throughout the act to include amendments to the following: definitions, labeling requirements, unlawful acts, treated seed labeling, the inspection and stop sale order process, and the administrative review process. In addition, the bill would increase registration fees for seed wholesalers and retailers.

Proposed changes to the definitions section would move lists of "noxious weed seed," "prohibited weed seed" and "restricted weed seed" from the statute to agency regulations. The statute would require the Secretary to consult with industry organizations when designating any such seed as noxious, prohibited, or restricted.

The bill would also amend K.S.A. 2-1422 to provide the Secretary with new civil penalty authority for violations of the act. Currently the bill would provide the Secretary authority to assess a civil penalty of up to \$1,000 per day for each day of a continuing violation but does not provide for a maximum cap on those civil penalties.

For that reason, KDA and KARA have reached an agreement to amend the bill to allow for a civil penalty authority of up to \$3,000 per violation, but then removes language allowing for a new civil penalty to be assessed for each day of a continuing violation. For a recalcitrant actor, the Secretary has authority to suspend or revoke a license or pursue criminal penalties. Should the committee decide to move the bill forward, we would respectfully request that this proposed amendment be adopted. Please find our proposed amendment attached to this testimony.

Thank you for the opportunity to testify on House Bill 2563. We will stand for questions at the appropriate time.



House Bill 2563

Proposed Amendment

Sect. 7.

KSA 2-1422. Penalties for violations.

(b) *The secretary, after providing notice and opportunity for a hearing, in accordance with the Kansas administrative procedure act (K.S.A. 77-501, et seq.), may suspend, revoke, or deny any registration and assess a civil penalty against any person who violates or fails to comply with the requirements of this act and amendments thereto, or any rules or regulations adopted hereunder, of not less than \$100 nor more ~~\$1,000~~ \$3,000 per violation. In the case of a continuing violation, each day such violation continues shall not ~~may~~ be deemed a separate violation for the purpose of assessing a new civil penalty. Such civil penalty may be assessed in addition to any other penalty provided by law.*