

**Testimony in Support of House Bill 2563
to the House Committee on Agriculture
by Jeff Vogel, Program Manager, Plant Protection and Weed Control
Kansas Department of Agriculture
February 10, 2022**

Good afternoon, Chairman Rahjes and members of the committee. I am Jeff Vogel and I serve as the program manager of the Plant Protection and Weed Control Program at the Kansas Department of Agriculture (KDA). Thank you for this opportunity to provide testimony in support of House Bill 2563.

House Bill 2563 would update three important sets of laws that are administered by the KDA Plant Protection and Weed Control Program including the Plant Pest and Agriculture Commodity Certification Act, K.S.A. 2-2112, *et seq.* (Plant Pest Act), the Sale and Distribution of Seed, K.S.A. 2-1415, *et seq.* (Kansas Seed Law), and the Commercial Industrial Hemp Act, K.S.A. 2-3901, *et seq.* (Hemp Act). Generally, the goal of these revisions is to update existing law to conform with modern practice and terminology and to ensure that KDA can adequately carry out the statutory duties assigned to the agency. In developing these proposed amendments, KDA held extensive discussions with the following groups: Kansas Nursery and Landscape Association, Kansas Seed Industry Association, Kansas Crop Improvement Association, Kansas Co-Op Council, Kansas Wheat Association, Kansas Farm Bureau, Kansas Ag Retailers Association, Kansas Corn Growers, Kansas Soybean Association, Kansas Grain Sorghum Commission, Kansas Grazing Land Coalition, The Nature Conservancy, Kansas Livestock Association, Industrial Hemp Advisory Board and individual seed dealers.

First, the proposed amendments to the Kansas Seed Law would modernize the act by updating the handling of treated seed, updating the definitions (including recognition of industrial hemp seeds as agricultural seed), updating label and wholesaler and retailer requirements, adding civil penalty authority for violations, and updating language for lawn and turf seed to provide clearer, easier to understand language for consumers. Furthermore, the proposed amendment would update the law to match current industry practices and standards and would grant KDA additional enforcement authority to protect consumers from abuses of the law.

Second, the proposed amendments to the Plant Pest Act would serve to modernize the existing licensing structure. Currently, if a dealer does not import or export plants into or out of the state and has annual gross receipts less than \$10,000, they are exempt from licensing requirements, but are required to register without a fee with KDA and are otherwise subject to the Plant Pest Act. The proposed amendments would eliminate the exemption and replace it with a reduced license fee for dealers that do not export live plants outside the state, have a single location, and

have annual gross receipts of less than \$5,000. This change will primarily impact landscapers and similar contractors, and small dealers located in border counties who need to import plants. For special event sales, such as charity organizations that sell plants for five or fewer days, a no-fee registration will be required. In addition to changing the licensing structure, the proposed amendments would implement a late fee of \$25 for licensees that fail to renew their licenses by the end of the licensing year (January 31) and \$50 if a licensee waits until March 1. Many dealers continue operations in the winter months but delay renewal of their licenses until they begin spring sales. Also, in order to meet operating costs of the program, the license fee cap would be raised from \$80 to \$100 and the hourly inspection rate for certification of product shipments would be increased from \$30 to \$45.

Third, the proposed amendments to the Hemp Act will revoke most of the statutes that established the original Industrial Hemp Research Program now that the research program is inactive, and the state is operating under a USDA-approved commercial production program. However, the Industrial Hemp Advisory Board established via the research statutes will be made a permanent part of the commercial hemp program. In addition, KDA is proposing some clarification on lab testing for non-licensees so that a new fee fund to help cover the cost of equipment may be established and a fee schedule may be set to assist other entities that request industrial hemp testing services.

Thank you for the opportunity to testify in support of House Bill 2563. KDA believes that passage of this bill will provide certainty for our regulated community and stability for the KDA Plant Protection and Weed Control Program moving forward and we encourage passage of House Bill 2563.