

## 2023 Kansas Statutes

**2-1421a. Wholesaler and retailer business registration; fees; agricultural seed fee fund; disposition of moneys received; rules and regulations authority.** (a) (1) Each wholesaler shall register with the secretary and shall pay a registration fee not to exceed \$300. 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.

(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.

(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.

**History:** L. 1990, ch. 4, § 4; L. 1991, ch. 5, § 2; L. 1997, ch. 63, § 3; L. 2001, ch. 5, § 12; L. 2004, ch. 101, § 157; L. 2022, ch. 69, § 14; July 1.