

**Department of Agriculture, Division of Plant Protection and Weed Control**  
**Notice of Hearing on Proposed**  
**Administrative Regulations, Statewide**

A public hearing will be conducted at 10:00 a.m., Thursday, August 31, 2017, in Room 124 of the Kansas Department of Agriculture, 1320 Research Park Dr., Manhattan, Kansas, to consider the adoption of proposed regulations.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing to the Secretary of Agriculture, 1320 Research Park Dr., Manhattan, Kansas, 66502, or by e-mail at [ronda.hutton@ks.gov](mailto:ronda.hutton@ks.gov). All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes. These regulations are proposed for adoption on a permanent basis. A summary of the proposed regulations and their economic impact follows:

K.A.R. 4-2-3 proposed amendments seek to remove outdated language and clarify the general procedure for sampling seed.

K.A.R. 4-2-8 proposed amendments revise language concerning the methods for analyzing seed samples.

K.A.R. 4-2-21 is proposed new regulation setting registration fees for seed retailers and wholesalers.

K.A.R. 4-2-17a is proposed revocation to eliminate the fees charged by the state seed laboratory.

**Economic Impact Statement:**

The fees charged for the registration of retail and wholesale seed dealers have not been revised since 1991. Increased fees are necessary due to increased costs and the need to create a self-sustaining program. There are currently no protections against inexpensive, low quality seed with low germination rates being dumped on the market exposing consumers to seed that does not germinate as expected and retailers and wholesalers to seed offered for sale at uncompetitive prices. Minimum germination standards will provide protection against these situations from occurring. The remaining changes remove outdated language and clarify existing language to include terms defined within the regulation. These regulations are not mandated by Federal Law.

The proposed changes do not create any additional costs to the Kansas Department of Agriculture. Changing the retail seed license fee from \$10 to \$30 and the wholesale seed license from \$175 to \$250 will result in an additional \$67,000 in revenue for the department. This additional revenue will be used to pay for the cost of seed inspections at the current inspection level without having to subsidize them from other funds.

The increase in fees, from \$10 to \$30 for retailers and from \$175 to \$250 for wholesalers, will create a financial impact upon those individuals or companies in the business of selling

agricultural seed. Stakeholders have indicated that the fee increase will not significantly impact their business. KDA will work directly with seed retailers and wholesalers to educate them on the proposed regulations and work with them to implement the changes in a way that will help mitigate any possible financial burden on their operations.

A rejected alternative is not raising licensing fees. Not raising fees will require a decrease in inspection time to match current revenues. That would result in approximately .25 FTE spent on seed inspections across Kansas. This would be an unacceptably low level and would result in negative impact to the consumer and economy.

There are no environmental impacts expected from the proposed changes.

Any individual with a disability may request accommodations in order to participate in the public hearing and may request the proposed regulations and impact statement in an accessible format. Requests for accommodations should be made at least five working days in advance of the hearing by contacting Ronda Hutton at (785) 564-6715 or fax (785) 564-6777. Handicapped parking is located on the west side of the building at 1320 Research Park Drive, Manhattan. The entrance to the building is also on the west side and is accessible to individuals with disabilities.

Copies of the regulations and their economic impact statement may be obtained by contacting the Department of Agriculture, Ronda M. Hutton, 1320 Research Park Drive, Manhattan, KS 66502 or (785) 564-6715 or by accessing the department's Web site at [agriculture.ks.gov](http://agriculture.ks.gov). Comments may also be made through our website under the proposed regulation.

Jackie McClaskey  
Secretary  
Kansas Department of Agriculture