

K.A.R. 4-15-5. Live plant dealer license fee. ~~The fee~~ Each person who applies for a live plant dealer license shall be pay a fee to the department of \$80 \$100 per application.

Applicants for a live plant dealer license who meet the requirements specified in K.S.A. 2-2120(c) and amendments thereto may request to pay a reduced fee of \$30 per application.

(Authorized by K.S.A. 2010 Supp. 2-2126, as amended by L. 2011, ch. 72, sec. 11; implementing K.S.A. 2010 Supp. 2-2120, as amended by L. 2011, ch. 72, sec. 6; effective Oct. 18, 2002; amended June 5, 2009; amended, T-4-11-21-11, Nov. 21, 2011; amended March 23, 2012; amended P-_____.)

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K.A.R. 4-15-7. Special event live plant dealer licensing exemptions registration. (a)

~~Any live plant dealer who does not import live plants from outside the state of Kansas, does not export live plants from the state of Kansas, and has annual gross receipts from the distribution of live plants that are less than \$10,000 shall be exempt from the licensing requirements.~~

~~(b) Each live plant dealer seeking to claim the licensing exemption shall submit annually on a form furnished by the department an application specifying the applicant's basis for claiming exemption from licensing requirements. If the secretary finds that an applicant meets the criteria specified in subsection (a), the applicant shall be exempt from licensing requirements.~~

~~(c) Each special event live plant dealer exempt from licensing requirements shall be subject to all quarantines and the regulated nonquarantine pest freedom standards established in K.A.R. 4-15-10, register annually with the secretary. Each registration form shall be submitted to the secretary at least 10 days prior to the first date that the special event live plant dealer intends to initiate special event live plant dealer activities in a calendar year. (Authorized by K.S.A. 2010 Supp. 2-2126, as amended by L. 2011, ch. 72, sec. 11; implementing K.S.A. 2010 Supp. 2-2120, as amended by L. 2011, ch. 72, sec. 6; effective Oct. 18, 2002; amended May 6, 2005; amended May 18, 2012; amended P-_____.)~~

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K.A.R. 4-15-8. Fees for the inspection of live plants, plant products, bees, beekeeping equipment, and regulated articles. (a) ~~Inspection, certification, diagnostic, or identification services may be provided upon request by the secretary to any person who owns or possesses live plants, plant products, bees, beekeeping equipment, or regulated articles upon request. The person who requested inspection, diagnostic, or identification services shall pay to the secretary inspection fees of \$30 \$45 per hour plus mileage expenses. Inspection fees shall include hourly fees for travel time and time spent on-site.~~

~~(b) On-site hourly fees shall be calculated from the time of the inspector's time of arrival at the inspection site until completion of the inspection, excluding breaks, meals, and any time not directly associated with conducting the inspection. A quarter-hour minimum on-site fee shall be assessed for each inspection, and the total on-site inspection time shall be rounded to the nearest quarter-hour.~~

~~(c) Hourly fees for travel time shall consist of actual driving time, excluding breaks, meals, and any time not directly associated with traveling to and from the inspection site. The total travel time shall be rounded to the nearest quarter-hour. If multiple inspections are completed at different locations, travel time shall be apportioned between inspections using the method for calculating and apportioning mileage fees specified in this regulation. If mileage fees are reduced to reflect a distance less than the distance actually travelled, travel time shall be reduced by a percentage equal to the percentage of reduction in the number of miles actually travelled.~~

~~(d) (b) Mileage to the inspection site shall be calculated from one of the following locations as applicable on the date the inspection is conducted, whichever is less:~~

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- (1) The inspector's official station;
- (2) the last location at which a requested inspection was conducted; or
- (3) the last location at which the inspector incurred lodging expenses.

(e) ~~(c)~~ The Each person for ~~which~~ whom the last requested inspection is conducted on any day shall pay mileage fees for the return trip to the inspector's official station or the location at which the inspector incurs lodging expenses, whichever is less.

~~(f)~~ (d) Mileage fees shall be calculated using the actual miles driven by the inspector, or the adjusted miles driven by the inspector if the miles driven are reduced pursuant to this regulation. The rate per mile shall be the private vehicle mileage reimbursement rate fixed by the secretary of the Kansas department of administration.

~~(g)~~ (e) Any inspection, certification, diagnostic, or identification fee may be waived if the fee would be assessed against a state or local government agency. (Authorized by K.S.A. 2010 ~~Supp. 2-2126, as amended by L. 2011, ch. 72, sec. 11;~~ implementing K.S.A. 2010 ~~Supp. 2-2118, as amended by L. 2011, ch. 72, sec. 5;~~ effective Oct. 18, 2002; amended May 6, 2005; amended May 18, 2012; amended P-_____.)

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K.A.R. 4-15-9. Fees for the certification of live plants, plant products, bees, beekeeping equipment, and regulated articles. (a) If a state certificate is required for the entry of an inspected article into another state or a foreign country, the person needing certification shall pay one or more of the following fees, as applicable:

- (1) ~~\$20~~ \$30 for a certificate for a commodity or article certified for domestic shipment;
- (2) \$50 for a certificate for a commodity or article certified for international shipment; or
- (3) ~~20~~ 25 cents for each bale tag provided to satisfy a weed-free forage requirement.

(b) If a federal certificate is also required for the entry of an inspected article into another state or a foreign country, the associated fee shall be added to the amount or amounts specified in subsection (a). (Authorized by K.S.A. ~~2010 Supp. 2-2126, as amended by L. 2011, ch. 72, sec. 11;~~ implementing K.S.A. ~~2010 Supp. 2-2118, as amended by L. 2011, ch. 72, sec. 5;~~ effective Oct. 18, 2002; amended Feb. 2, 2007; amended May 18, 2012; amended P-_____.)

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K.A.R. 4-15-10. Pest freedom standards. (a) ~~The pest freedom standards specified in this regulation shall apply to all live plants grown, sold, distributed, planted, transported, moved, or given away by a live plant dealer or the live plant dealer's designated agent. As used in this regulation, "possessed" shall include being grown, sold, or offered for sale, distributed, planted, transported, moved, or given away.~~

(b) ~~Live plants on which quarantine pests are present shall be prohibited from entering the state or being possessed within the state by live plant dealers or any live plant dealer's designated agent. The pest freedom standards specified in this regulation shall apply to all live plants grown, sold or offered for sale, distributed, planted, transported, moved, or given away by a live plant dealer or special event live plant dealer or the live plant dealer's or special event live plant dealer's designated agent.~~

(c) ~~Live plants on which regulated nonquarantine pests are present shall be prohibited from entering the state or being possessed within the state by live plant dealers or any live plant dealer's designated agent unless the live plants are within the limits as specified in this regulation. A live plant dealer, special event live plant dealer, or a designated agent of a live plant dealer or special event live plant dealer shall not possess within this state or cause or allow to enter into this state live plants on which quarantine pests are present.~~

(d) ~~Live plants on which plant pests that are neither quarantine pests nor regulated nonquarantine pests are present may enter the state and be possessed by live plant dealers. These live plants shall remain subject to regulatory action if the secretary finds that action is necessary to prevent or retard the spread of a plant pest that could cause economic or environmental harm. A live plant dealer, special event live plant dealer, or a designated agent of a live plant dealer or~~

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special event live plant dealer shall not possess within this state or cause or allow to enter into this state live plants on which regulated nonquarantine pests are present in excess of the applicable limits specified in this regulation.

~~(e) Only live plants free of quarantine pests and within the limits for the presence of regulated nonquarantine pests may be certified as meeting pest freedom standards. When necessary for export, standards more stringent than those specified in this regulation may be utilized by the secretary to ensure compliance with all applicable quarantines and regulated nonquarantine pest freedom standards. Live plant dealers, special event live plant dealers, and designated agents of live plant dealers or special event live plant dealers may possess within this state and cause or allow to enter this state live plants on which plant pests that are neither quarantine pests nor regulated nonquarantine pests are present.~~

(f) Live plants shall be free of quarantine pests and within the limits specified in this regulation for the presence of regulated nonquarantine pests to be eligible to be certified as meeting pest freedom standards pursuant to this regulation. When necessary for export, standards more stringent than those specified in this regulation may be utilized by the secretary to ensure compliance with all applicable quarantines and regulated nonquarantine pest freedom standards or to prevent economic or environmental harm.

~~(g)~~ (g) The classes of regulated nonquarantine pests shall be the following, with the limits specified:

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(1) For insects ~~and arachnids~~ that bore into live plants, ~~scarab beetles, and Coccoidea~~ scale insects, ~~and weevils~~, the number of infested plants shall be zero percent of the total number of plants in the lot, cultivar, or group of a single species of plant; and

(2) for diseases known as viruses, viroids, phytoplasmas, spiroplasmas, and mycoplasmas; ~~the genera or species of diseases caused by Phytophthora spp. (a group of fungal diseases that infect various plants and plant parts), Bursaphelenchus xylophilus (pine wilt wood~~ nematode), *Meloidogyne* (root knot nematodes), *Erwinia amylovora* (fire blight), and *Agrobacterium tumefaciens* (crown gall); and bacterial species that can cause wilt disease diseases, the number of infected plants shall be zero percent of the total number of plants in the lot, cultivar, or group of a single species of plant.

~~(3) For diseases known to cause wilts, galls, cankers, root rot, and crown rot, the number of infected plants shall be less than five percent of the total number of plants in the lot, cultivar, or group of a single species of plant.~~

~~(4) For plant parasitic nematodes, the number of infected plants with foliage affected or root systems stunted or underdeveloped shall be less than five percent of the total number of plants in the lot, cultivar, or group of a single species of plant.~~

~~(5) For foliar diseases of plants other than evergreens, the number of infected plants with more than 10 percent of the foliage affected shall be less than 15 percent of the total number of plants in the lot, cultivar, or group of a single species of plant.~~

~~(6) For foliar diseases of evergreens, the number of infected plants with more than one percent of the foliage affected shall be less than five percent of the total number of plants in the lot, cultivar, or group of a single species of plant.~~

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(h) Lots, cultivars, and groups of single species of plants shall not be subject to the restrictions specified in subsection (g)(2) if all the following circumstances are met:

(1) The vector and virus at issue are species-specific;

(2) the disease at issue is generally accepted to cause little or no injury to any known host;

(3) a large percentage of the crop within the industry at issue is infected with the disease at issue and there has been no initiative to eradicate the disease; and

(4) the disease poses little risk for environmental or economic harm. (Authorized by K.S.A. 2010 Supp. 2-2126, as amended by L. 2011, ch. 72, sec. 11; implementing K.S.A. 2010 Supp. 2-2117, as amended by L. 2011, ch. 72, sec. 4; effective Oct. 18, 2002; amended May 18, 2012; amended P-_____.)

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