

Kansas Administrative Regulations Economic Impact Statement (EIS)

Kansas Department of Agriculture
Agency

Ronda Hutton
Agency Contact

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Contact Phone Number

K.A.R. 4-2-1; 4-2-8a, 4-2-8b, 4-2-9a, 4-2-9b, and 4-2-14.
K.A.R. Number(s)

Permanent Temporary

Is/Are the proposed rule(s) and regulation(s) mandated by the federal government as a requirement for participating in or implementing a federally subsidized or assisted program?

- Yes If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.
- No If no, do the total annual implementation and compliance costs for the proposed rule(s) and regulation(s), calculated from the effective date of the rule(s) and regulation(s), exceed \$1.0 million over any two-year period through June 30, 2024, or exceed \$3.0 million over any two-year period on or after July 1, 2024 (as calculated in Section III, F)?
- Yes If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration, the Attorney General, AND the Division of the Budget. The regulation(s) and the EIS will require Budget approval.
- No If no, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.

Section I

Brief description of the proposed rule(s) and regulation(s).

The Kansas Department of Agriculture (Department) is proposing four new regulations and amendments to two existing regulations for the administration of the Kansas Seed Law, K.S.A. 2-1415 et seq., and amendments thereto. The proposed new regulations would implement revisions that were made to the Kansas Seed Law during the 2022 Legislative Session, while the proposed amendments simply implement minor clarifications. A summary of the proposed regulations is as follows:

The proposed amendment to K.A.R. 4-2-1 revises an outdated reference to the Kansas State Board of Agriculture to refer to the Kansas Department of Agriculture;

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K.A.R. 4-2-8a is a proposed new regulation that provides that the term “noxious weed seed” as that term is used in K.A.R. 4-2-8 refers to prohibited weed seed, noxious weed seed, and restricted weed seed as those terms are defined in K.S.A. 2-1415, and amendments thereto;

K.A.R. 4-2-8b is a proposed new regulation that provides that an analysis conducted by a person other than an authorized representative of the Department may be considered as evidence that a violation of the Kansas Seed Law has been remedied following the issuance of a stop sale order pursuant to K.S.A. 2-1423(c), and amendments thereto, but that the analysis conducted by an authorized representative of the Department is to be the official analysis upon which a determination of whether a violation of the Kansas Seed Law has occurred;

K.A.R. 4-2-9a is a proposed new regulation that establishes the species of weeds whose seeds are considered restricted weed seeds and establishes the permissible rate per pound at which such weed seeds may be present in agricultural seed. The list of restricted weed seeds contained in this regulation is largely the same as the list of restricted weed seeds that was previously contained in K.S.A. 2-1415, and amendments thereto, with the addition of Caucasian bluestem and yellow bluestem to the restricted weed seed list;

K.A.R. 4-2-9b is a proposed new regulation that establishes the species of weeds whose seeds are considered prohibited weed seeds and provides that such weed seeds are not to be present in agricultural seed in any amount. Prohibited weed seeds include Texas blueweed, Columbus grass, and any weed species whose seeds cannot be distinguished from Johnsongrass seed. This regulation presents no practical changes to the Kansas Seed Law, as agricultural seed containing the seeds of these species in any amount was previously prohibited from being offered for sale by K.S.A. 2-1421, and amendments thereto; and

K.A.R. 4-2-14 is an existing regulation that provides that agricultural seed that is exposed in a salesroom, storeroom, warehouse, or other place where seed is sold for sowing purposes is to be considered to be offered or exposed for sale unless the seed is clearly labeled otherwise. The proposed amendment to this regulation clarifies that such label must also be permanent.

Section II

Statement by the agency if the rule(s) and regulation(s) exceed the requirements of applicable federal law, and a statement if the approach chosen to address the policy issue(s) is different from that utilized by agencies of contiguous states or the federal government. *(If the approach is different or exceeds federal law, then include a statement of why the proposed Kansas rule and regulation is different.)*

The proposed rules and regulations do not exceed any requirements of federal law. Federal law does not impose any significant requirements substantially similar to those contained in these regulations, as federal law in the area of agricultural seed deals primarily with the importation of seed into the United States and with seed moved in interstate commerce. The overall approach taken by contiguous states in regulating agricultural seed is similar to the approach taken by these regulations, with the major difference being that contiguous states do not restrict the number of Caucasian or yellow bluestem seeds that are permitted in agricultural seed.

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Section III

Agency analysis specifically addressing the following:

- A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;

These regulations will not significantly restrict business activities or growth. The only change imposed by these regulations that has the potential to have a practical effect on the agricultural seed industry is the addition of Caucasian bluestem and yellow bluestem seeds to the list of restricted weed seeds in K.A.R. 4-2-9a. With that regulation in place, agricultural seed producers will have to ensure that Caucasian bluestem and yellow bluestem seeds are not present in quantities greater than the allowed tolerance in seed they intend to offer for sale. However, producers are already required to remove the seeds that were previously designated prohibited weed seeds from seed offered for sale and to ensure that restricted weed seeds present in seed offered for sale do not exceed existing tolerances. As such, agricultural seed producers should already have the necessary equipment and personnel to perform this task. Accordingly, any additional costs imposed on affected business by these regulations will be minimal. Making Caucasian bluestem and yellow bluestem restricted weed seeds has the potential to benefit certain sectors of the agricultural and tourism economies of the state long-term by helping to reduce the presence within the state of these highly invasive weed species, which harm native grasses species and negatively impact the biodiversity of Kansas prairies.

- B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that would be affected by the proposed rule(s) and regulation(s) and on the state economy as a whole;

The economic effect of these regulations on specific businesses, sectors, public utility ratepayers, individuals, local governments, and the state economy as a whole will be minimal, for the reasons set forth in subsection A.

- C. Businesses that would be directly affected by the proposed rule(s) and regulation(s);

Agricultural seed producers and dealers who sell seeds within Kansas will be the only businesses directly affected by the proposed rules and regulations.

- D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;

The potential for curbing populations of Caucasian and yellow bluestem within Kansas outweighs the minimal cost that seed producers will incur in complying with the restricted thresholds that the proposed regulations impose for those seeds.

- E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;

The Department did not add any weeds to the existing lists of prohibited and restricted weed seeds beyond what was necessary to address the problems posed by highly invasive Caucasian bluestem and yellow bluestem.

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- F. An estimate of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to businesses, local governments, or members of the public.
Note: Do not account for any actual or estimated cost savings that may be realized.

Costs to Affected Businesses – \$0

Costs to Local Governmental Units – \$0

Costs to Members of the Public – \$0

Total Annual Costs – \$0

(sum of above amounts)

Give a detailed statement of the data and methodology used in estimating the above cost estimate.

As the proposed regulations impose no substantive changes other than adding Caucasian bluestem and yellow bluestem to the list of restricted weed seeds and seed producers already have the necessary staff and equipment on hand to sort these seeds out of the seed that they intend to offer for sale, these regulations are not expected to impose any implementation and compliance costs upon businesses, local governments, or members of the public.

- Yes If the total implementation and compliance costs exceed \$1.0 million over any two-year period through June 30, 2024, or exceed \$3.0 million over any two-year period on or after July 1, 2024, and prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.
- No
- Not Applicable

If applicable, click here to enter public hearing information.

Provide an estimate to any changes in aggregate state revenues and expenditures for the implementation of the proposed rule(s) and regulation(s), for both the current fiscal year and next fiscal year.

The implementation of the proposed regulations will not cause any changes in aggregate state revenues and expenditures for either the current fiscal year or the next fiscal year. The regulations do not impose any new fees, and they can be implemented without the need for creating any additional positions within the Department.

Provide an estimate of any immediate or long-range economic impact of the proposed rule(s) and regulation(s) on any individual(s), small employers, and the general public. If no dollar estimate can be given for any individual(s), small employers, and the general public, give specific reasons why no estimate is possible.

No immediate or long-range costs are expected as a result of the proposed regulations. The increased regulation of Caucasian and yellow bluestem may benefit the agricultural and tourism economies of the state long-term, but those benefits will be indirect, and an estimate of that potential impact is difficult to quantify.

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- G. If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties or school districts, or imposes functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability, describe how the state agency consulted with the League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.

The proposed rules and regulations will not increase or decrease revenues of cities, counties or school districts, or impose functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability. The Department sent letters to the League of Kansas Municipalities, Kansas Association of Counties, and the Kansas Association of School Boards requesting input as to the effect of the proposed rules and regulations on those entities. To date, neither the Kansas Association of Counties or the Kansas League of Municipalities has responded to that inquiry. The Kansas Association of School Boards did respond and reported that it expects no impact to that organization as a result of the proposed regulations.

- H. Describe how the agency consulted and solicited information from businesses, associations, local governments, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s).

In developing the proposed regulations, the Department sought input from the Kansas Seed Improvement Association, the Kansas Corn Growers Association, the Kansas Soybean Association, Kansas Grain Sorghum, the Kansas Grain and Feed Association, the Kansas Wheat Alliance, and Kansas Farm Bureau.

Section IV

Does the Economic Impact Statement involve any environmental rule(s) and regulation(s)?

- Yes If yes, complete the remainder of Section IV.
 No If no, skip the remainder of Section IV.

- A. Describe the capital and annual costs of compliance with the proposed rule(s) and regulation(s), and the persons who would bear the costs.

[Click here to enter agency response.](#)

- B. Describe the initial and annual costs of implementing and enforcing the proposed rule(s) and regulation(s), including the estimated amount of paperwork, and the state agencies, other governmental agencies, or other persons who would bear the costs.

[Click here to enter agency response.](#)

- C. Describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, as well as the persons who would bear the costs and would be affected by the failure to adopt the rule(s) and regulation(s).

[Click here to enter agency response.](#)

- D. Provide a detailed statement of the data and methodology used in estimating the costs used.

[Click here to enter agency response.](#)

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Economic Impact Statement
Public Hearing Certification
(To be completed after the public hearing)

Agency: [Click here to start typing](#)

Agency Contact: [Click here to start typing](#)

Phone Number or Email: [Click here to start typing](#)

K.A.R. Number(s): [Click here to start typing](#)

Public Hearing Date: [Select date](#)

Public Hearing Time: [Click here to start typing](#)

Public Hearing Location: [Click here to start typing](#)

Public Hearing Attendance: [Click here to start typing](#)

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