

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

A public hearing will be conducted at 10:00 a.m., February 16, 2021, by the Kansas Department of Agriculture to consider the adoption of proposed regulations. The public hearing will be conducted only via video conferencing system due to concerns posed by the COVID-19 pandemic. Members of the public will not be permitted to attend the public hearing in person. Anyone desiring to participate in the public hearing via video conference must pre-register at: [https://kansasag.zoom.us/meeting/register/tJ0sfu-oqjsuGNQdMDAmKyym\\_oUwhjZryJZ9](https://kansasag.zoom.us/meeting/register/tJ0sfu-oqjsuGNQdMDAmKyym_oUwhjZryJZ9).

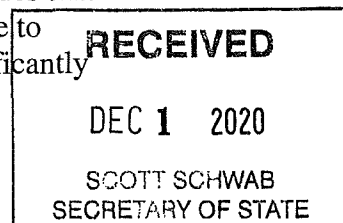
This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. Prior to the hearing, all interested parties may submit written comments by mail to the Secretary of Agriculture, 1320 Research Park Dr., Manhattan, Kansas 66502, or by e-mail to [ronda.hutton@ks.gov](mailto:ronda.hutton@ks.gov). All interested parties will also be given a reasonable opportunity to orally present their views 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:

The Kansas Department of Agriculture (“KDA”) is proposing these rules and regulations to list the species of weeds designated as noxious weeds in Kansas and to set out the control methods that are to be applied to those weed species as required by the Noxious Weed Act, K.S.A. 2-1313a *et seq.* The provisions of the Kansas Noxious Weed Law that set out the species of weeds currently designated noxious weeds in the state will expire on December 31, 2020. Consequently, revisions to some existing regulations, as well as several new regulations and the revocation of some existing regulations, are necessary to ensure continued appropriate management of noxious weeds throughout Kansas. The proposed new regulations, proposed revisions to existing regulations, and proposed revocation of existing regulations are set out in detail below.

These proposed rules and regulations will not significantly change the landscape of the Kansas Noxious Weed Law or the economic implications of that law because the weed species designated noxious weeds by these proposed rules and regulations are the same species currently designated noxious in the Kansas Noxious Weed Law. Likewise, the control methods set out in these proposed rules and regulations do not differ substantively from the control methods currently prescribed.

K.A.R. 4-8-13 – This regulation provides for the ways that landowners may be served with the legal notices and statements required by the Kansas Noxious Weed Law. The amendment to this regulation provides that, if a landowner is unable to be served with such a statement or notice by personal service or certified mail, valid service may be made by posting the notice or statement at the property referenced in the notice or statement.

K.A.R. 4-8-14a – This regulation adopts by reference a document that provides that certain herbicides approved for the control of noxious weeds in Kansas are available to landowners for cost-share. The document to be adopted by reference does not significantly change KDA’s current policy regarding herbicides available for cost-share.



K.A.R. 4-8-27 – This regulation adopts by reference a document that establishes control methods for musk thistle in Kansas. It also provides that, in any given year, a local weed supervisor may give legal notice requiring that fall treatment be used in a given year to control musk thistle within that weed supervisor’s jurisdiction if the local weed supervisor determines that the usual control methods will not be effective to control musk thistle within that jurisdiction. The document this regulation proposes to adopt by reference does not significantly change the control methods KDA has currently adopted for musk thistle.

K.A.R. 4-8-28 – This regulation adopts by reference a document that establishes control methods for Johnsongrass in Kansas. It does not significantly change KDA’s currently adopted control methods for Johnsongrass.

K.A.R. 4-8-29 – This regulation adopts by reference a document that establishes control methods for field bindweed in Kansas. It does not significantly change KDA’s currently adopted control methods for field bindweed.

K.A.R. 4-8-30 – This regulation adopts by reference a document that establishes control methods for hoary cress in Kansas. It does not significantly change KDA’s currently adopted control methods for hoary cress.

K.A.R. 4-8-31 – This regulation adopts by reference a document that establishes control methods for Russian knapweed in Kansas. It does not significantly change KDA’s currently adopted control methods for Russian knapweed.

K.A.R. 4-8-32 – This regulation adopts by reference a document that establishes control methods for bur ragweed in Kansas. It does not significantly change KDA’s currently adopted control methods for bur ragweed.

K.A.R. 4-8-33 – This regulation adopts by reference a document that establishes control methods for Canada thistle in Kansas. It does not significantly change KDA’s currently adopted control methods for Canada thistle.

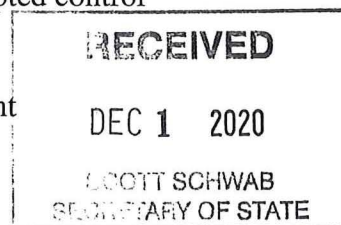
K.A.R. 4-8-34 – This regulation adopts by reference a document that establishes control methods for leafy spurge in Kansas. It does not significantly change KDA’s currently adopted control methods for leafy spurge.

K.A.R. 4-8-35 – This regulation adopts by reference a document that establishes control methods for quackgrass in Kansas. It does not significantly change KDA’s currently adopted control methods for quackgrass.

K.A.R. 4-8-36 – This regulation adopts by reference a document that establishes control methods for pignut in Kansas. It does not significantly change KDA’s currently adopted control methods for pignut.

K.A.R. 4-8-37 – This regulation adopts by reference a document that establishes control methods for kudzu in Kansas. It does not significantly change KDA’s currently adopted control methods for kudzu.

K.A.R. 4-8-38 – This regulation governs the employment of weed department



supervisors. The amendment to this regulation requires that individuals newly hired as weed supervisors be hired as employees and not as independent contractors and that a weed supervisor currently serving as an independent contractor can only continue as such until the expiration of the current term of their existing contract. This regulation further provides that the Secretary may conditionally approve the employment of a weed supervisor who has education, training, or experience sufficient to allow them to carry out their job duties. It also provides that final approval of the employment of a weed supervisor shall be issued when the individual has obtained the required pesticide applicator certification and successfully completed the noxious weed basic short course offered by KDA's plant protection and weed control program and provides that the individual's employment shall be renewed as long as they retain their employment and the required certification, and timely file all required reports. The regulation also provides that the approval of a weed supervisor's employment may be withdrawn if they fail to remain in compliance with the requirements of the regulation without just cause.

K.A.R. 4-8-39 – This regulation adopts by reference a document that establishes control methods for multiflora rose in Kansas. KDA is proposing the revocation of this regulation because the statutory provision that gives individual counties the option to declare multiflora rose a noxious weed will expire on December 31, 2020, and multiflora rose populations are not present in Kansas to an extent sufficient to deem multiflora rose a statewide noxious weed.

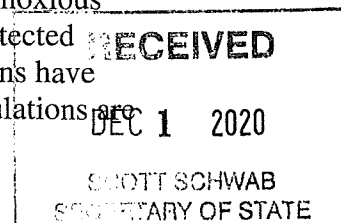
K.A.R. 4-8-40 – This regulation adopts by reference a document that establishes control methods for sericea lespedeza in Kansas. The document to be adopted by reference does not significantly change KDA's currently adopted control methods for sericea lespedeza.

K.A.R. 4-8-41 – This regulation sets out the requirements for a biological control plan for musk thistle. KDA is proposing the revocation of this regulation because the agency believes the control of musk thistle can be appropriately accomplished by K.A.R. 4-8-27 and the control document for musk thistle that regulation adopts by reference.

K.A.R. 4-8-42 – This regulation adopts by reference a document that establishes control methods for bull thistle in Kansas. KDA is proposing the revocation of this regulation because the statutory provision that gives individual counties the option to declare bull thistle a noxious weed will expire on December 31, 2020, and bull thistle populations are not present in Kansas to an extent sufficient to deem bull thistle a statewide noxious weed.

K.A.R. 4-8-43 – This regulation provides for the declaration of a sericea lespedeza disaster area. KDA is proposing the revocation of this regulation because the agency believes the control of sericea lespedeza can be appropriately accomplished by K.A.R. 4-8-40 and the control document for sericea lespedeza that regulation adopts by reference.

K.A.R. 4-8-44 – This new regulation establishes the species of plants designated noxious weeds in Kansas. This regulation divides the weeds designated noxious in Kansas into three categories: category A noxious weeds, which are weed species that are generally not found in the state or that have limited distribution throughout the state; category B noxious weeds, which are weed species with discrete distributions throughout the state; and category C noxious weeds, which are weed species that are well-established within the state and known to exist in larger or more extensive populations in the state. This regulation establishes that category A noxious weeds shall be subject to exclusion from the state or active eradication wherever detected statewide, category B noxious weeds shall be subject to control wherever populations have become established within the state and subject to active eradication wherever populations are



not established, and category C noxious weeds shall be subject to control efforts directed at reducing or eliminating those populations, and known and established populations of category C noxious weeds shall be managed by any approved control method. This regulation establishes that category A noxious weeds shall include hoary cress, leafy spurge, quackgrass, Russian knapweed, kudzu, and pignut; category B noxious weeds shall include Canada thistle; and category C noxious weeds shall include field bindweed, musk thistle, sericea lespedeza, Johnsongrass, and bur ragweed. This regulation also establishes that the control methods contained in the documents KDA has adopted by reference shall be used to control noxious weeds in Kansas and provides that a local weed supervisor may require the use of more stringent control measures if they determine it is necessary to do so.

K.A.R. 4-8-45 – This new regulation sets out the requirements for official control plans. It establishes that, with the exception of chemical control methods, each control method adopted as part of an official control plan for perennial species that includes more than one control method shall not be used alone and any local weed supervisor may, at their discretion, allow the use of any integrated weed management technique alone.

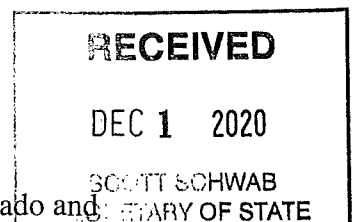
K.A.R. 4-8-46 – This new regulation sets out the requirements for annual reports. It provides that the annual weed eradication progress report required by the Kansas Noxious Weed Law be submitted to the Secretary not later than March 15 each year and include the approximate acreage and location of each noxious weed infestation in the county; the dollar amount of all expenditures made during the year to purchase materials, chemicals, and other equipment for control of noxious weeds; the dollar amount of all sales made during the year, of materials, chemicals, and other equipment for control of noxious weeds; the dollar amount of all charges and receipts made during the year for use of equipment owned by each county, city, township, or district on public or private land; the approximate acreage of land treated for each species of noxious weed during the year and the control methods used for treatment; and any other information the Secretary deems necessary.

K.A.R. 4-8-47 – This new regulation requires that each local weed supervisor submit a management plan to the Secretary no later than March 15 each year that details the presence of noxious weeds in each local jurisdiction and sets out goals and a plan for eradicating those noxious weeds, as well as the costs associated with such.

K.A.R. 4-8-48 – This new regulation sets out the requirements for the contents of legal notices and statements given to the owner of noxious weed infested land. It provides that such notices or statements must contain, in addition to the requirements set out in K.S.A. 2-1331, the legal description of the land; the name of the owner, operator, or supervising agent; the approximate acreage of the infestation; a timeframe within which control must be implemented, which shall not be fewer than five days after the mailing of the notice; a statement that if the owner, operator, or supervising agent fails to implement the required control methods within the specified time provided in the notice pursuant to K.S.A. 2-1331, the weed supervisor may enter the land to eradicate or control the infestation; and a statement that the owner, operator, or supervising agent may be prosecuted pursuant to K.S.A. 2-1323 and amendments thereto and, if convicted, fined as established by law.

Economic Impact Statement:

The proposed rules and regulations are not mandated by federal law. Colorado and



Nebraska approach the required control of noxious weeds similarly to Kansas. Oklahoma and Missouri have adopted less restrictive rules and regulations.

Because the proposed rules and regulations do not add any species of weeds to the existing list of noxious weeds and do not significantly change the existing framework for controlling noxious weeds, KDA does not anticipate the proposed rules and regulations will significantly enhance or restrict business activity or growth in Kansas.

Because the proposed rules and regulations do not add any species of weeds to the existing list of noxious weeds and do not significantly change the existing framework for controlling noxious weeds, KDA does not anticipate the proposed rules and regulations will present significant implementation and compliance costs to any of the state's businesses, sectors, public utility ratepayers, individuals, or local governments. These proposed rules and regulations will have no effect or a very minimal effect on the state economy as a whole.

Any direct impact on Kansas businesses as a result of these proposed rules and regulations would be minimal. The economic situation for producers or businesses directly linked to noxious weed control is not likely to change as a result of these proposed rules and regulations, for the same reasons set out in the preceding paragraph.

The benefits of these proposed rules and regulations significantly outweigh the costs. The control of noxious weeds will improve the quality, biodiversity and value of the state's agricultural lands, providing both environmental and economic benefits for agricultural producers.

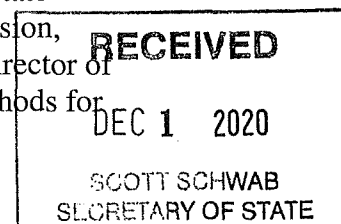
The proposed rules and regulations provide that certain herbicides approved for the control of noxious weeds are available from county weed departments at cost-share rates. This will lessen the burden of implementation and compliance costs on individual landowners responsible for monitoring and controlling noxious weeds on their land.

The estimated total annual implementation, total implementation and compliance costs that are expected to be incurred by or passed along to businesses, local governments, or members of the public is expected to be zero.

Because the proposed rules and regulations do not substantially change the framework for the control of noxious weeds in Kansas, the implementation of these regulations will not impose any significant new costs.

KDA does not anticipate the proposed rules and regulations will significantly increase or decrease revenues of cities, counties or school districts, or impose functions or responsibilities on cities, counties or school districts that will increase their expenditures or fiscal liability. Letters of request were sent to the League of Kansas Municipalities, the Kansas Association of School Boards and the Kansas Association of Counties. No responses were received from those entities.

In developing these proposed rules and regulations, KDA sought input from a Noxious Weed Advisory Board, whose establishment was mandated by the Kansas Noxious Weed Law. That advisory board was required to consist of: two weed specialists from Kansas State University's College of Agriculture or Kansas State University Research and Extension, appointed at the recommendation of the dean of the College of Agriculture or the director of Research and Extension, one of whom had knowledge of non-chemical control methods for



**Proposed**

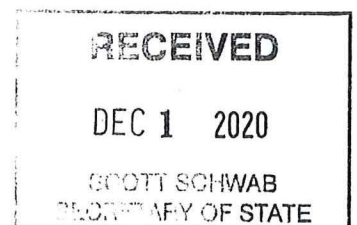
noxious weeds; one Kansas county commissioner, appointed at the recommendation of the Association of Kansas Counties; four Kansas landowners engaged in agricultural production, one a producer of traditional crops, one a producer of non-traditional crops, and one a certified organic producer; two county weed supervisors, appointed at the recommendation of the County Weed Director's Association of Kansas; one member appointed at the recommendation of the Kansas Agribusiness Retailer's Association; one member appointed at the recommendation of the Kansas Biological Survey; and one member appointed at the recommendation of the Board of Directors of the Kansas Cooperative Council. KDA also sought input regarding the proposed rules and regulations from the Kansas Rural Center and the Kansas chapter of the Sierra Club. Additionally, letters of request were sent to the League of Kansas Municipalities, the Kansas Association of Counties, and the Kansas Association of School Boards, inquiring whether the proposed regulations will have an economic effect on those organizations. These letters requested a statement of quantified costs associated with implementation and compliance, an estimate of the total annual implementation and compliance costs, a statement of whether implementation and compliance costs will exceed \$3,000,000 over any two-year period, a statement of whether the draft regulations will increase or decrease the organizations' revenue, and a statement of whether the draft regulations will impose functions or responsibilities on the organizations that will increase their fiscal expenditures or fiscal liability.

If the regulations are not adopted, Kansas may see an increase in noxious weed infestations throughout the state, which would lead to poorer quality of agricultural land and reduced returns for agricultural producers.

Any individual with a disability may request accommodations 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.

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 web site at the following link <https://www.agriculture.ks.gov/document-services/public-comment>.

Mike Beam  
Secretary  
Kansas Department of Agriculture



**K.A.R. 4-8-13. Service of notices and statements.** (a) Service of notices and statements required by K.S.A. 2-1320, and amendments thereto, shall be deemed sufficient when given by serving: made upon the owner of the land to which the notice or statement pertains or the landowner; landowner's or his agent or trustee; upon the executor or administrator of an the estate of a deceased landowner; upon the guardian or conservator of the estate of a minor or other person under legal disability; legally disabled person, or upon one of several joint owners; or, one of several tenants in common; by either of the following means:

~~(A)~~ (1) Personal delivery; or

~~(B)~~ (2) certified mail.

(b) Such The notices and statements required by K.S.A. 2-1320, and amendments thereto, may be served by either any of the following:

~~(A)~~ (1) The county, city, township, or district, or city weed supervisor for the county, city, township, or district where the land specified in the notice or statement is located;

~~(B)~~ (2) a county commissioner of the county where the land specified in the notice or statement is located;

~~(C)~~ (3) the sheriff of the county where the land specified in the notice or statement is located; or

~~(D)~~ (4) a member of the governing body of a city; or the marshal; or a policeman law enforcement officer of any city; having jurisdiction over land described in the notice or statement.

(c) If personal service or service by certified mail cannot be achieved within 45 days of the date on which any weed control activities are performed pursuant to K.S.A. 2-1320 and

APPROVED

OCT 13 2020

DIVISION OF THE BUDGET

APPROVED

OCT 16 2020

DEPT. OF ADMINISTRATION

APPROVED

OCT 29 2020

ATTORNEY GENERAL

RECEIVED

DEC 1 2020

SCOTT SCHWAB  
SECRETARY OF STATE

Proposed

amendments thereto, then the notice or statement may be posted at the property where the weed control activity was performed, and the posting shall be considered valid notice. (Authorized by and implementing K.S.A. 1965 2019 Supp. 2-1315 and 2-1320; effective Jan. 1, 1966; amended P-\_\_\_\_\_.)

APPROVED  
OCT 13 2020

DIVISION OF THE BUDGET

APPROVED  
OCT 16 2020

DEPT. OF ADMINISTRATION

APPROVED  
OCT 29 2020

ATTORNEY GENERAL

RECEIVED  
DEC 1 2020  
SCOTT SCHWAB  
SECRETARY OF STATE



PROPOSED

**K.A.R. 4-8-14a. Definitions of Herbicides approved for cost-share cost-share.** The Kansas department of agriculture's document titled "approved herbicides for ~~cost-share~~ cost-share," dated ~~December 20, 2006~~ May 20, 2020, is hereby adopted by reference. (Authorized by and implementing K.S.A. ~~2006~~ 2019 Supp. 2-1315; effective Oct. 21, 1991; amended Jan. 25, 1993; amended Sept. 27, 1993; amended Oct. 27, 2000; amended, T-4-5-27-04, May 27, 2004; amended Aug. 6, 2004; amended, T-4-5-20-05, May 20, 2005; amended, T-4-3-29-06, March 29, 2006; amended April 27, 2007; amended P-\_\_\_\_\_.)

APPROVED

OCT 13 2020

DIVISION OF THE BUDGET

APPROVED

OCT 16 2020

DEPT. OF ADMINISTRATION

APPROVED

OCT 29 2020

ATTORNEY GENERAL

RECEIVED

DEC 1 2020

SCOTT SCHWAB  
SECRETARY OF STATE

proposed

**K.A.R. 4-8-27. Adoption of control methods for musk thistle control program. (a)**

The Kansas department of agriculture's control practices contained in the document titled "official control methods for musk thistle control program," published by the Kansas department of agriculture on November 1, 2006 dated May 20, 2020, are is hereby adopted by reference and shall apply to the control and eradication of musk thistle in the state of Kansas. In addition, the biological control plans specified in K.A.R. 4-8-41 may also be used for the control and eradication of musk thistle in the state of Kansas.

(b) Copies of this publication shall be available from the Kansas department of agriculture, in the Topeka, Kansas office. If a county, city, township, or district weed supervisor determines that musk thistles in the weed supervisor's county, city, township, or district have reached a stage of maturity that will render the weed control methods currently being used in that county, city, township, or district ineffective, the weed supervisor may give notice requiring the effective control methods to be implemented within 10 business days of the date the notice was issued. (Authorized by and implementing K.S.A. 2006 2019 Supp. 2-1315; effective May 1, 1988; amended Jan. 22, 1990; amended June 1, 1992; amended Oct. 27, 2000; amended Aug. 6, 2004; amended, T-4-5-20-05, May 20, 2005; amended, T-4-3-29-06, March 29, 2006; amended April 27, 2007; amended P-\_\_\_\_\_.)

APPROVED  
OCT 13 2020

DIVISION OF THE BUDGET

APPROVED  
OCT 16 2020

DEPT. OF ADMINISTRATION

APPROVED  
OCT 29 2020

ATTORNEY GENERAL

RECEIVED  
DEC 1 2020  
SCOTT SCHWAB  
SECRETARY OF STATE

**K.A.R. 4-8-28. Adoption of control methods for Johnsongrass control program. (a)**

The ~~control practices contained in the~~ Kansas department of agriculture's document titled  
"official control methods for Johnsongrass control program," published by the Kansas  
department of agriculture on ~~November 1, 2006~~ dated May 20, 2020, are is hereby adopted by  
reference and shall apply to the control and eradication of Johnsongrass in the ~~state of~~ Kansas.

(b) ~~Copies of this publication shall be available from the Kansas department of~~  
~~agriculture, in the Topeka, Kansas office.~~ (Authorized by and implementing K.S.A. 2006 2019  
Supp. 2-1315; effective May 1, 1988; amended Jan. 25, 1993; amended Sept. 27, 1993; amended  
Oct. 27, 2000; amended Aug. 6, 2004; amended April 27, 2007; amended P-\_\_\_\_\_.)

APPROVED  
OCT 13 2020

DIVISION OF THE BUDGET

APPROVED  
OCT 16 2020

DEPT. OF ADMINISTRATION

APPROVED  
OCT 29 2020

ATTORNEY GENERAL

**RECEIVED**  
DEC 1 2020  
SCOTT SCHWAB  
SECRETARY OF STATE

**K.A.R. 4-8-29. Adoption of control methods for field bindweed control program. (a)**

The ~~control practices contained in the~~ Kansas department of agriculture's document titled  
"official control methods for field bindweed control program," ~~published by the Kansas~~  
~~department of agriculture on November 1, 2006~~ dated May 20, 2020, are is hereby adopted by  
reference and shall apply to the control ~~and eradication~~ of field bindweed in the state of Kansas.

(b) ~~Copies of this publication shall be available from the Kansas department of~~  
~~agriculture, in the Topeka, Kansas office.~~ (Authorized by and implementing K.S.A. 2006 2019  
Supp. 2-1315; effective May 1, 1988; amended Oct. 27, 2000; amended Aug. 6, 2004; amended  
April 27, 2007; amended P-\_\_\_\_\_.)

APPROVED

OCT 13 2020

DIVISION OF THE BUDGET

APPROVED

OCT 16 2020

DEPT. OF ADMINISTRATION

APPROVED

OCT 29 2020

ATTORNEY GENERAL

RECEIVED

DEC 1 2020

SCOTT SCHWAB  
SECRETARY OF STATE

**K.A.R. 4-8-30. Adoption of control methods for hoary cress control program. (a)**

The ~~control practices contained in the~~ Kansas department of agriculture's document titled  
"official control methods for hoary cress control program," ~~published by the Kansas department~~  
~~of agriculture on November 1, 2006,~~ dated May 20, 2020, ~~are is~~ hereby adopted by reference and  
shall apply to the control ~~and eradication~~ of hoary cress in ~~the state of~~ Kansas.

(b) ~~Copies of this publication shall be available from the Kansas department of~~  
~~agriculture, in the Topeka, Kansas office.~~ (Authorized by and implementing K.S.A. 2006 2019  
Supp. 2-1315; effective May 1, 1988; amended Oct. 21, 1991; amended Aug. 6, 2004; amended  
April 27, 2007; amended P-\_\_\_\_\_.)

APPROVED

OCT 13 2020

DIVISION OF THE BUDGET

APPROVED

OCT 16 2020

DEPT. OF ADMINISTRATION

APPROVED

OCT 29 2020

ATTORNEY GENERAL

RECEIVED

DEC 1 2020

SCOTT SCHWAB  
SECRETARY OF STATE

**K.A.R. 4-8-31. Adoption of control methods for Russian knapweed control program.**

(a) The ~~control practices contained in the~~ Kansas department of agriculture's document titled "official control methods for Russian knapweed control program," published by the Kansas department of agriculture on November 1, 2006 dated May 20, 2020, are is hereby adopted by reference and shall apply to the control and eradication of Russian knapweed in ~~the state of~~ Kansas.

(b) ~~Copies of this publication shall be available from the Kansas department of agriculture, in the Topeka, Kansas office.~~ (Authorized by and implementing K.S.A. 2006 2019 Supp. 2-1315; effective May 1, 1988; amended Aug. 6, 2004; amended April 27, 2007; amended P-\_\_\_\_\_.)

APPROVED

OCT 13 2020

DIVISION OF THE BUDGET

APPROVED

OCT 16 2020

DEPT. OF ADMINISTRATION

APPROVED

OCT 29 2020

ATTORNEY GENERAL

RECEIVED

DEC 1 2020

SCOTT SCHWAB  
SECRETARY OF STATE

**K.A.R. 4-8-32. Adoption of control methods for bur ragweed (bursage) control program.** (a) The control practices contained in the Kansas department of agriculture's document titled "official control methods for bur ragweed (bursage) control program," published by the Kansas department of agriculture on January 1, 2004 dated May 20, 2020, are is hereby adopted by reference and shall apply to the control and eradication of bur ragweed in the state of Kansas.

(b) Copies of this publication shall be available from the Kansas department of agriculture, in the Topeka, Kansas office. (Authorized by and implementing K.S.A. 2003 2019 Supp. 2-1315; effective May 1, 1988; amended Sept. 27, 1993; amended Oct. 27, 2000; amended Aug. 6, 2004; amended P-\_\_\_\_\_.)

APPROVED

OCT 13 2020

DIVISION OF THE BUDGET

APPROVED

OCT 16 2020

DEPT. OF ADMINISTRATION

APPROVED

OCT 29 2020

ATTORNEY GENERAL

RECEIVED

DEC 1 2020

SCOTT SCHWAB  
SECRETARY OF STATE

**K.A.R. 4-8-33. Adoption of control methods for Canada thistle control program. (a)**

The ~~control practices contained in the~~ Kansas department of agriculture's document titled  
"official control methods for Canada thistle control program," ~~published by the Kansas~~  
~~department of agriculture on November 1, 2006~~ dated May 20, 2020, ~~are~~ is hereby adopted by  
reference and shall apply to the control ~~and eradication~~ of Canada thistle in ~~the state of~~ Kansas.

(b) ~~Copies of this publication shall be available from the Kansas department of~~  
~~agriculture, in the Topeka, Kansas office.~~ (Authorized by and implementing K.S.A. ~~2006~~ 2019  
Supp. 2-1315; effective May 1, 1988; amended Jan. 25, 1993; amended Aug. 6, 2004; amended,  
T-4-3-29-06, March 29, 2006; amended April 27, 2007; amended P-\_\_\_\_\_.)

APPROVED

OCT 13 2020

DIVISION OF THE BUDGET

APPROVED

OCT 16 2020

DEPT. OF ADMINISTRATION

APPROVED

OCT 29 2020

ATTORNEY GENERAL

RECEIVED

DEC 1 2020

SCOTT SCHWAB  
SECRETARY OF STATE



**K.A.R. 4-8-34. Adoption of control methods for leafy spurge control program. (a)**

The control practices contained in the Kansas department of agriculture's document titled "official control methods for leafy spurge control program," published by the Kansas department of agriculture on November 1, 2006 dated May 20, 2020, are is hereby adopted by reference and shall apply to the control and eradication of leafy spurge in the state of Kansas.

(b) Copies of this publication shall be available from the Kansas department of agriculture, in the Topeka, Kansas office. (Authorized by and implementing K.S.A. 2006 2019 Supp. 2-1315; effective May 1, 1988; amended Oct. 29, 1990; amended Oct. 27, 2000; amended Aug. 6, 2004; amended, T-4-5-20-05, May 20, 2005; amended, T-4-3-29-06, March 29, 2006; amended April 27, 2007; amended P-\_\_\_\_\_.)

APPROVED

OCT 13 2020

DIVISION OF THE BUDGET

APPROVED

OCT 16 2020

DEPT. OF ADMINISTRATION

APPROVED

OCT 29 2020

ATTORNEY GENERAL

RECEIVED

DEC 1 2020

SCOTT SCHWAB  
SECRETARY OF STATE

**K.A.R. 4-8-35. Adoption of control methods for quackgrass control program.** (a) The control practices contained in the Kansas department of agriculture's document titled "official control methods for quackgrass control program," published by the Kansas department of agriculture on November 1, 2006 dated May 20, 2020, are is hereby adopted by reference and shall apply to the control and eradication of quackgrass in the state of Kansas.

(b) Copies of this publication shall be available from the Kansas department of agriculture, in the Topeka, Kansas office. (Authorized by and implementing K.S.A. 2006 2019 Supp. 2-1315; effective May 1, 1988; amended Aug. 6, 2004; amended April 27, 2007; amended P-\_\_\_\_\_.)

APPROVED  
OCT 13 2020  
DIVISION OF THE BUDGET

APPROVED  
OCT 16 2020  
DEPT. OF ADMINISTRATION

APPROVED  
OCT 29 2020  
ATTORNEY GENERAL

RECEIVED  
DEC 1 2020  
SCOTT SCHWAB  
SECRETARY OF STATE

**K.A.R. 4-8-36. Adoption of control methods for pignut control program.** (a) The ~~control practices contained in the Kansas department of agriculture's document titled "official control methods for pignut control program," published by the Kansas department of agriculture on January 1, 2004~~ dated May 20, 2020, are is hereby adopted by reference and shall apply to the control and eradication of pignut in the state of Kansas.

(b) ~~Copies of this publication shall be available from the Kansas department of agriculture, in the Topeka, Kansas office.~~ (Authorized by and implementing K.S.A. 2003 2019 Supp. 2-1315; effective May 1, 1988; amended Aug. 6, 2004; amended P-\_\_\_\_\_.)

APPROVED

OCT 13 2020

DIVISION OF THE BUDGET

APPROVED

OCT 16 2020

DEPT. OF ADMINISTRATION

APPROVED

OCT 29 2020

ATTORNEY GENERAL

RECEIVED

DEC 1 2020

SCOTT SCHWAB  
SECRETARY OF STATE

**K.A.R. 4-8-37. Adoption of control methods for kudzu control program.** (a) The ~~control practices contained in the Kansas department of agriculture's document titled "official control methods for kudzu control program," published by the Kansas department of agriculture on January 1, 2004~~ dated May 20, 2020, are ~~is~~ hereby adopted by reference and shall apply to the control and eradication of kudzu in the state of Kansas.

(b) ~~Copies of this publication shall be available from the Kansas department of agriculture, in the Topeka, Kansas office.~~ (Authorized by and implementing K.S.A. 2003 2019 Supp. 2-1315; effective May 1, 1988; amended Aug. 6, 2004; amended P-\_\_\_\_\_.)

APPROVED

OCT 13 2020

DIVISION OF THE BUDGET

APPROVED

OCT 16 2020

DEPT. OF ADMINISTRATION

APPROVED

OCT 29 2020

ATTORNEY GENERAL

RECEIVED

DEC 1 2020

SCOTT SCHWAB  
SECRETARY OF STATE

~~K.A.R. 4-8-38. Secretary's approval of county, city or district Weed supervisor employment.~~ (a) ~~The secretary of the state board of agriculture shall conditionally approve the~~ Each individual hired to serve as a county, city, township, or district weed supervisor shall be hired as an employee of the county, city, township, or district and not as an independent contractor. Any county, city, township, or district weed supervisor serving as an independent contractor when this regulation becomes effective may continue to serve as an independent contractor until the expiration of the current term under that individual's existing contract, which shall not be renewed or extended.

~~(b) Any individual seeking employment of each as a county, city, township, or district weed supervisor who:~~

~~(1) has been employed as a weed supervisor by a county or city commission; may be conditionally approved for employment by the secretary if the individual has education, training, or experience sufficient to allow the individual to carry out the employment duties of a county, city, township, or district weed supervisor.~~

~~(2) has earned a high school diploma or equivalent; and~~

~~(3) has two years experience in governmental or commercial weed control work or in agricultural production. Two years experience in college or trade school training related to weed control work may be substituted for work experience in weed control.~~

~~(b) (c) Final approval of the employment of each individual who has been conditionally approved to be employed as a shall be issued by the secretary when the county, city, township, or district weed supervisor may be issued by the secretary when the individual has met the following requirements:~~

APPROVED  
NOV 02 2020

APPROVED  
NOV 03 2020

APPROVED  
NOV 16 2020

DIVISION OF THE BUDGET DEPT. OF ADMINISTRATION ATTORNEY GENERAL.

RECEIVED  
DEC 1 2020  
SCOTT SCHWAB  
SECRETARY OF STATE

(1) Obtained certification as a pesticide applicator in category 9a, regulatory pest control, noxious weed control, ~~under the provision of~~ pursuant to K.S.A. 2-2438a et seq.; and amendments thereto; and

(2) successfully completed the noxious weed basic short course offered by the Kansas ~~state board~~ department of agriculture, plant health division protection and weed control program.

~~(e)~~ (d) ~~The secretary shall renew~~ Approval of the employment of each individual a previously approved for employment as a county, city, township, or district weed supervisor ~~who:~~ may be renewed by the secretary on or before January 1 of each year if the individual meets the following requirements:

(1) Is still employed ~~by the same~~ as a county, city, township, or district weed supervisor ~~by the same county, city, township, or district when renewal is sought; and~~

(2) is currently certified as a pesticide applicator as ~~outlined~~ specified in subparagraph paragraph (b)(1) of this regulation; and

(3) has timely filed the annual weed eradication progress report and any other records or reports requested by the ~~agency~~ secretary.

~~(e)~~ (e) ~~The secretary's~~ Approval of the employment of any county, city, township, or district weed supervisor shall be withdrawn by the secretary if the county, city, township, or district when the weed supervisor has failed, without just cause, to comply with any of the conditions requirements specified in paragraph subsection (c) of this regulation without just cause. (Authorized by K.S.A. 2019 Supp. 2-1315; implementing K.S.A. 2019 Supp. 2-1316; effective May 1, 1988; amended P-\_\_\_\_\_.)

APPROVED  
NOV 02 2020

APPROVED  
NOV 03 2020

APPROVED  
NOV 16 2020

DIVISION OF THE BUDGET DEPT. OF ADMINISTRATION ATTORNEY GENERAL.

RECEIVED  
DEC 1 2020  
SCOTT SCHWAB  
SECRETARY OF STATE

**K.A.R. 4-8-39.** (Authorized by and implementing K.S.A. 2006 Supp. 2-1315; effective May 1, 1988; amended Jan. 1, 1989; amended Oct. 21, 1991; amended Aug. 6, 2004; amended April 27, 2007; revoked P-\_\_\_\_\_.)

APPROVED

OCT 13 2020

DIVISION OF THE BUDGET

APPROVED

OCT 16 2020

DEPT. OF ADMINISTRATION

APPROVED

OCT 29 2020

ATTORNEY GENERAL

RECEIVED

DEC 1 2020

SCOTT SCHWAB  
SECRETARY OF STATE

**K.A.R. 4-8-40. Adoption of control methods for sericea lespedeza control program.**

(a) ~~The control practices contained in the Kansas department of agriculture's document titled "official control methods for sericea lespedeza control program," published by the Kansas department of agriculture on January 1, 2004 dated May 20, 2020, are is hereby adopted by reference and shall apply to the control and eradication of sericea lespedeza in the state of Kansas.~~

(b) ~~Copies of this publication shall be available from the Kansas department of agriculture, in the Topeka, Kansas office. (Authorized by and implementing K.S.A. 2003 2019 Supp. 2-1315; effective May 1, 1988; amended Jan. 1, 1989; amended Oct. 29, 1990; amended Oct. 21, 1991; amended Jan. 25, 1993; amended, T-4-5-27-04, May 27, 2004; amended Aug. 6, 2004; amended P-\_\_\_\_\_.)~~

APPROVED

OCT 13 2020

DIVISION OF THE BUDGET

APPROVED

OCT 16 2020

DEPT. OF ADMINISTRATION

APPROVED

OCT 29 2020

ATTORNEY GENERAL

<b>RECEIVED</b>
DEC 1 2020
SCOTT SCHWAB SECRETARY OF STATE



**K.A.R. 4-8-41.** (Authorized by and implementing K.S.A. 2-1315; effective June 1, 1992;  
amended Oct. 27, 2000; revoked P-\_\_\_\_\_.)

**APPROVED**

**OCT 13 2020**

DIVISION OF THE BUDGET

**APPROVED**

**OCT 16 2020**

DEPT. OF ADMINISTRATION

**APPROVED**

**OCT 29 2020**

ATTORNEY GENERAL

**RECEIVED**

**DEC 1 2020**

SCOTT SCHWAB  
SECRETARY OF STATE

**K.A.R. 4-8-42.** (Authorized by and implementing K.S.A. 2006 Supp. 2-1315; effective Oct. 27, 2000; amended Aug. 6, 2004; amended, T-4-3-29-06, March 29, 2006; amended April 27, 2007; revoked P-\_\_\_\_\_.)

APPROVED

OCT 13 2020

DIVISION OF THE BUDGET

APPROVED

OCT 16 2020

DEPT. OF ADMINISTRATION

APPROVED

OCT 29 2020

ATTORNEY GENERAL

RECEIVED

DEC 1 2020

SCOTT SCHWAB  
SECRETARY OF STATE

Proposed

**K.A.R. 4-8-43.** (Authorized by and implementing K.S.A. 2-1315, as amended by L. 2002, Ch.

37, Sec. 1; effective, T-4-1-2-03, Jan. 2, 2003; effective April 18, 2003; revoked P-\_\_\_\_\_.)

APPROVED

OCT 13 2020

DIVISION OF THE BUDGET

APPROVED

OCT 16 2020

DEPT. OF ADMINISTRATION

APPROVED

OCT 29 2020

ATTORNEY GENERAL

RECEIVED

DEC 1 2020

SCOTT SCHWAB  
SECRETARY OF STATE

**K.A.R. 4-8-44. Designation of noxious weeds.** (a) Pursuant to K.S.A. 2-1314 and amendments thereto, the weeds designated noxious by the secretary shall be placed in the following categories:

(1) Category A noxious weeds, which are weed species that are generally not found in the state or that are found limited in distribution throughout the state;

(2) category B noxious weeds, which are weed species with discrete distributions throughout the state; and

(3) category C noxious weeds, which are weed species that are well established within the state and known to exist in larger or more extensive populations in the state.

(b) Category A noxious weeds shall be subject to control efforts directed at excluding the noxious weeds from the state or eradicating the population of noxious weeds wherever detected statewide, in order to protect neighboring lands and the state as a whole. Category A noxious weeds shall include the following:

- (1) Hoary cress, *Lepidium draba*;
- (2) leafy spurge, *Euphorbia virgata*;
- (3) quackgrass, *Elymus repens*;
- (4) Russian knapweed, *Rhaponticum repens*;
- (5) kudzu, *Pueraria montana* variety *lobata*; and
- (6) pignut, *Hoffmannseggia glauca*.

(c) Category B noxious weeds shall be subject to control wherever populations have become established within the state and subject to control efforts directed at eradication wherever

APPROVED

OCT 13 2020

DIVISION OF THE BUDGET

APPROVED

OCT 16 2020

DEPT. OF ADMINISTRATION

APPROVED

OCT 29 2020

ATTORNEY GENERAL

RECEIVED

DEC 1 2020

SCOTT SCHWAB  
SECRETARY OF STATE

populations are not established. Category B noxious weeds shall include Canada thistle, *Cirsium arvense*.

(d) New populations of category C noxious weeds shall be subject to control efforts directed at reducing or eradicating those populations. Known and established populations of category C noxious weeds shall be managed by any approved control method. Category C noxious weeds shall include the following:

- (1) Field bindweed, *Convolvulus arvensis*;
- (2) musk thistle, *Carduus nutans*;
- (3) sericea lespedeza, *Lespedeza cuneata*;
- (4) Johnsongrass, *Sorghum halepense*; and
- (5) bur ragweed, *Ambrosia grayii*.

(e) Any county, city, township, or district weed supervisor or any official of another government agency may require the most stringent control measures specified in this regulation for any noxious weed, regardless of the category in which this regulation places that noxious weed, if the county, city, township, or district weed supervisor or government agency official determines that it is necessary to do so based on the results of the survey provided pursuant to K.S.A. 2-1316, and amendments thereto. (Authorized by and implementing K.S.A. 2019 Supp. 2-1314 and 2-1315; effective P-\_\_\_\_\_.)

APPROVED

OCT 13 2020

DIVISION OF THE BUDGET

APPROVED

OCT 16 2020

DEPT. OF ADMINISTRATION

APPROVED

OCT 29 2020

ATTORNEY GENERAL

RECEIVED

DEC 1 2020

SCOTT SCHWAB  
SECRETARY OF STATE

**K.A.R. 4-8-45. Official control plans.** (a) Each official control plan adopted by the secretary shall be based on the most current available science and shall include, if applicable, biological, chemical, cultural, and mechanical methods of control.

(b) A control method adopted by the secretary as part of an official control plan that includes more than one control method shall not be used alone for the control of noxious weeds, except that any chemical control method may be used alone and any county, city, township, or district weed supervisor may, at the county, city, township, or district weed supervisor's discretion, use any integrated weed management technique alone for the control of any perennial noxious weed.

(c) The control of each noxious weed species shall be undertaken in accordance with the official control plan adopted by the secretary for that noxious weed species. (Authorized by and implementing K.S.A. 2019 Supp. 2-1315; effective P-\_\_\_\_\_.)

**APPROVED**

**OCT 13 2020**

DIVISION OF THE BUDGET

**APPROVED**

**OCT 16 2020**

DEPT. OF ADMINISTRATION

**APPROVED**

**OCT 29 2020**

ATTORNEY GENERAL

**RECEIVED**

**DEC 1 2020**

SCOTT SCHWAB  
SECRETARY OF STATE

**K.A.R. 4-8-46. Annual report.** Each annual weed eradication progress report that a weed supervisor submits to the secretary pursuant to K.S.A. 2-1316, and amendments thereto, shall include, at a minimum, the following:

(a) The approximate acreage of land, including roadside areas, currently infested with each species of noxious weed and the location of each infestation in the county;

(b) the dollar amount of all expenditures made during the year to purchase materials, chemicals, and other equipment for the control of noxious weeds;

(c) the dollar amount of all sales made during the year, for cash or charge, of materials, chemicals, and other equipment for the control of noxious weeds;

(d) the dollar amount of all charges and receipts made during the year for use of equipment owned by each county, city, township, or district on public or private land;

(e) the approximate acreage of land, including roadside areas, treated for each species of noxious weed during the year and the control methods used for treatment; and

(f) any other relevant information that the secretary deems necessary. (Authorized by K.S.A. 2019 Supp. 2-1315; implementing K.S.A. 2019 Supp. 2-1315 and 2-1316; effective P-  
\_\_\_\_\_.)

APPROVED

OCT 13 2020

DIVISION OF THE BUDGET

APPROVED

OCT 16 2020

DEPT. OF ADMINISTRATION

APPROVED

NOV 16 2020

ATTORNEY GENERAL

RECEIVED

DEC 1 2020

SCOTT SCHWAB  
SECRETARY OF STATE

**K.A.R. 4-8-47. Management plan.** Each county, city, township, or district weed supervisor, with the aid of that county, city, township, or district weed supervisor's board of county commissioners or city or township board, shall submit a management plan to the secretary no later than March 15 of each year pursuant to K.S.A. 2-1316, and amendments thereto. Each management plan shall be submitted on a form provided by the department and shall include, at a minimum, the following:

- (a) The goals and priorities of the county, city, township, or district's noxious weed control program;
- (b) the distribution and abundance of each noxious weed species known to exist within the county, city, township, or district; specific locations of new infestations; and areas particularly susceptible to new infestations;
- (c) integrated weed management goals and procedures, including goals and procedures regarding biological control agent selection and distribution, pesticide selection and application, and cultural and mechanical controls;
- (d) the estimated personnel, operations, and equipment costs of the proposed program;
- (e) a compliance plan or strategy;
- (f) a strategy for working with state agencies to control noxious weeds on state lands; and
- (g) any other relevant information that the secretary deems necessary. (Authorized by K.S.A. 2019 Supp. 2-1315; implementing K.S.A. 2019 Supp. 2-1315 and 2-1316; effective P-  
\_\_\_\_\_.)

APPROVED  
OCT 13 2020

DIVISION OF THE BUDGET

APPROVED  
OCT 16 2020

DEPT. OF ADMINISTRATION

APPROVED  
OCT 29 2020

ATTORNEY GENERAL

**RECEIVED**  
DEC 1 2020  
SCOTT SCHWAB  
SECRETARY OF STATE



**K.A.R. 4-8-48. Contents of notices and statements.** Each notice or statement given to the owner, operator, or supervising agent of any noxious weed-infested land pursuant to K.S.A. 2-1331, and amendments thereto, shall include, at a minimum, the following:

- (a) The legal description of the noxious weed-infested land;
- (b) the name of the owner, operator, or supervising agent of the noxious weed-infested land, as indicated by the records of the clerk of the county where the land is located;
- (c) the approximate acreage of the noxious weed infestation or infestations specified in the notice or statement;
- (d) the official methods adopted by the secretary for the control of the noxious weeds specified in the notice or statement;
- (e) a time frame, which shall not be fewer than five days after mailing the notice, in which the owner or operator or supervising agent of the noxious weed-infested land shall implement the required noxious weed control methods;
- (f) a statement that if the owner, operator, or supervising agent fails to implement the required noxious weed control methods within the time frame provided in the notice or statement, the county, city, township, or district weed supervisor may enter the noxious weed-infested land or cause the noxious weed-infested land to be entered upon as often as necessary to control the noxious weed infestation and may use approved noxious weed control methods that the county, city, township, or district weed supervisor deems best adapted for the control of noxious weeds on the particular area of land;
- (g) a statement that if the county, city, township, or district weed supervisor enters the noxious weed-infested land or causes the noxious weed-infested land to be entered upon to

APPROVED

NOV 02 2020

DIVISION OF THE BUDGET

APPROVED

NOV 03 2020

DEPT. OF ADMINISTRATION

APPROVED

NOV 16 2020

ATTORNEY GENERAL

**RECEIVED**

DEC 1 2020

SCOTT SCHWAB  
SECRETARY OF STATE

control the noxious weed infestation, the owner, operator, or supervising agent shall be served notice of the costs of treatment pursuant to K.S.A. 2-1332, and amendments thereto; and

(h) a statement that the owner, operator, or supervising agent may be prosecuted pursuant to K.S.A. 2-1323, and amendments thereto, and, if convicted, fined as established by law.

(Authorized by K.S.A. 2019 Supp. 2-1315, 2-1331, and 2-1332; implementing K.S.A. 2019

Supp. 2-1315 and 2-1331; effective P-\_\_\_\_\_.)

APPROVED

NOV 02 2020

DIVISION OF THE BUDGET

APPROVED

NOV 03 2020

DEPT. OF ADMINISTRATION

APPROVED

NOV 16 2020

ATTORNEY GENERAL

**RECEIVED**

DEC 1 2020

SCOTT SCHWAB  
SECRETARY OF STATE

RECEIVED

DEC 1 2020

SCOTT SCHWAB  
SECRETARY OF STATE

Proposed

**Kansas Administrative Regulations  
Economic Impact Statement  
For the Kansas Division of the Budget**

Kansas Department of Agriculture  
Agency

Ronda Hutton  
Agency Contact

785-564-6715  
Contact Phone Number

K.A.R. 4-8-13, K.A.R. 4-8-14a, K.A.R. 4-8-27 through K.A.R. 4-8-38, K.A.R. 4-8-39 (Revoked), K.A.R. 4-8-40, K.A.R. 4-8-41 through K.A.R. 4-8-43 (Revoked), K.A.R. 4-8-44 through K.A.R. 4-8-48 (New).  
K.A.R. Number(s)

Submit a hard copy of the proposed rule(s) and regulation(s) and any external documents that the proposed rule(s) and regulation(s) would adopt, along with the following to:

Division of the Budget  
900 SW Jackson, Room 504-N  
Topeka, KS 66612

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

The Kansas Department of Agriculture ("KDA") is proposing these rules and regulations to list the species of weeds designated as noxious weeds in Kansas and to set out the control methods that are to be applied to those weed species as required by the Noxious Weed Act, K.S.A. 2-1313a *et seq.* The provisions of the Kansas Noxious Weed Law that set out the species of weeds currently designated noxious weeds in the state will expire on December 31, 2020. Consequently, revisions to some existing regulations, as well as several new regulations and the revocation of some existing regulations, are necessary to ensure continued appropriate management of noxious weeds throughout Kansas. The proposed new regulations, proposed revisions to existing regulations, and proposed revocation of existing regulations are set out in detail below.

These proposed rules and regulations will not significantly change the landscape of the Kansas Noxious Weed Law or the economic implications of that law because the weed species designated noxious weeds by these proposed rules and regulations are the same species currently designated noxious in the Kansas Noxious Weed Law. Likewise, the control methods set out in these proposed rules and regulations do not differ substantively from the control methods currently prescribed.

K.A.R. 4-8-13 – This regulation provides for the ways that landowners may be served with the legal notices and statements required by the Kansas Noxious Weed Law. The amendment to this regulation provides that, if a landowner is unable to be served with such a statement or notice by personal service or certified mail, valid service may be made by posting the notice or statement at the property referenced in the notice or statement.

K.A.R. 4-8-14a – This regulation adopts by reference a document that provides that certain herbicides approved for the control of noxious weeds in Kansas are available to landowners for cost-share. The document to be adopted by reference does not significantly change KDA's current policy regarding herbicides available for cost-share.

K.A.R. 4-8-27 – This regulation adopts by reference a document that establishes control methods for musk thistle in Kansas. It also provides that, in any given year, a local weed supervisor may give legal notice requiring that fall treatment be used in a given year to control musk thistle within that weed supervisor's jurisdiction if the local weed supervisor determines that the usual control methods will not be effective

DOB APPROVAL STAMP

APPROVED

OCT 13 2020

DIVISION OF THE BUDGET

to control musk thistle within that jurisdiction. The document this regulation proposes to adopt by reference does not significantly change the control methods KDA has currently adopted for musk thistle.

K.A.R. 4-8-28 – This regulation adopts by reference a document that establishes control methods for Johnsongrass in Kansas. It does not significantly change KDA's currently adopted control methods for Johnsongrass.

K.A.R. 4-8-29 – This regulation adopts by reference a document that establishes control methods for field bindweed in Kansas. It does not significantly change KDA's currently adopted control methods for field bindweed.

K.A.R. 4-8-30 – This regulation adopts by reference a document that establishes control methods for hoary cress in Kansas. It does not significantly change KDA's currently adopted control methods for hoary cress.

K.A.R. 4-8-31 – This regulation adopts by reference a document that establishes control methods for Russian knapweed in Kansas. It does not significantly change KDA's currently adopted control methods for Russian knapweed.

K.A.R. 4-8-32 – This regulation adopts by reference a document that establishes control methods for Bur ragweed in Kansas. It does not significantly change KDA's currently adopted control methods for bur ragweed.

K.A.R. 4-8-33 – This regulation adopts by reference a document that establishes control methods for Canada thistle in Kansas. It does not significantly change KDA's currently adopted control methods for Canada thistle.

K.A.R. 4-8-34 – This regulation adopts by reference a document that establishes control methods for leafy spurge in Kansas. It does not significantly change KDA's currently adopted control methods for leafy spurge.

K.A.R. 4-8-35 – This regulation adopts by reference a document that establishes control methods for quackgrass in Kansas. It does not significantly change KDA's currently adopted control methods for quackgrass.

K.A.R. 4-8-36 – This regulation adopts by reference a document that establishes control methods for pignut in Kansas. It does not significantly change KDA's currently adopted control methods for pignut.

K.A.R. 4-8-37 – This regulation adopts by reference a document that establishes control methods for kudzu in Kansas. It does not significantly change KDA's currently adopted control methods for kudzu.

K.A.R. 4-8-38 – This regulation governs the employment of weed department supervisors. The amendment to this regulation requires that individuals newly hired as weed supervisors be hired as employees and not as independent contractors and that a weed supervisor currently serving as an independent contractor can only continue as such until the expiration of the current term of their existing contract. This regulation

RECEIVED

DEC 1 2020

SCOTT SCHWAB  
SECRETARY OF STATE

DOB APPROVAL STAMP

APPROVED

OCT 13 2020

DIVISION OF THE BUDGET

further provides that the Secretary may conditionally approve the employment of a weed supervisor who has education, training, or experience sufficient to allow them to carry out their job duties. It also provides that final approval of the employment of a weed supervisor shall be issued when the individual has obtained the required pesticide applicator certification and successfully completed the noxious weed basic short course offered by KDA's plant protection and weed control program and provides that the individual's employment shall be renewed as long as they retain their employment and the required certification, and timely file all required reports. The regulation also provides that the approval of a weed supervisor's employment may be withdrawn if they fail to remain in compliance with the requirements of the regulation without just cause.

K.A.R. 4-8-39 – This regulation adopts by reference a document that establishes control methods for multiflora rose in Kansas. KDA is proposing the revocation of this regulation because the statutory provision that gives individual counties the option to declare multiflora rose a noxious weed will expire on December 31, 2020, and multiflora rose populations are not present in Kansas to an extent sufficient to deem multiflora rose a statewide noxious weed.

K.A.R. 4-8-40 – This regulation adopts by reference a document that establishes control methods for sericea lespedeza in Kansas. The document to be adopted by reference does not significantly change KDA's currently adopted control methods for sericea lespedeza.

K.A.R. 4-8-41 – This regulation sets out the requirements for a biological control plan for musk thistle. KDA is proposing the revocation of this regulation because the agency believes the control of musk thistle can be appropriately accomplished by K.A.R. 4-8-27 and the control document for musk thistle that that regulation adopts by reference.

K.A.R. 4-8-42 – This regulation adopts by reference a document that establishes control methods for bull thistle in Kansas. KDA is proposing the revocation of this regulation because the statutory provision that gives individual counties the option to declare bull thistle a noxious weed will expire on December 31, 2020, and bull thistle populations are not present in Kansas to an extent sufficient to deem bull thistle a statewide noxious weed.

K.A.R. 4-8-43 – This regulation provides for the declaration of a sericea lespedeza disaster area. KDA is proposing the revocation of this regulation because the agency believes the control of sericea lespedeza can be appropriately accomplished by K.A.R. 4-8-40 and the control document for sericea lespedeza that that regulation adopts by reference.

K.A.R. 4-8-44 – This new regulation establishes the species of plants designated noxious weeds in Kansas. This regulation divides the weeds designated noxious in Kansas into three categories: category A noxious weeds, which are weed species that are generally not found in the state or that have limited distribution throughout the state; category B noxious weeds, which are weed species with discrete distributions throughout the state; and category C noxious weeds, which are weed species that are well-established within the state and known to exist in larger or more extensive populations in the state. This regulation establishes that category A noxious weeds shall be subject to exclusion from the state or active eradication wherever detected statewide, category B noxious weeds shall be subject to control wherever populations have become established within the state and subject to active eradication wherever populations are not established, and category C noxious weeds shall be subject to control efforts directed at reducing or eliminating those populations, and known and established populations of category c noxious weeds shall be managed by any approved control method. This

RECEIVED

DEC 1 2020

SCOTT SCHWAB  
SECRETARY OF STATE

DOB APPROVAL STAMP

APPROVED

OCT 13 2020

DIVISION OF THE BUDGET

regulation establishes that category A noxious weeds shall include hoary cress, leafy spurge, quackgrass, Russian knapweed, kudzu, and pignut; category B noxious weeds shall include Canada thistle; and category C noxious weeds shall include field bindweed, musk thistle, sericea lespezeza, Johnsongrass, and bur ragweed. This regulation also establishes that the control methods contained in the documents KDA has adopted by reference shall be used to control noxious weeds in Kansas and provides that a local weed supervisor may require the use of more stringent control measures if they determine it is necessary to do so.

K.A.R. 4-8-45 – This new regulation sets out the requirements for official control plans. It establishes that, with the exception of chemical control methods, each control method adopted as part of an official control plan for perennial species that includes more than one control method shall not be used alone and any local weed supervisor may, at their discretion, allow the use of any integrated weed management technique alone.

K.A.R. 4-8-46 – This new regulation sets out the requirements for annual reports. It provides that the annual weed eradication progress report required by the Kansas Noxious Weed Law be submitted to the Secretary not later than March 15 each year and include the approximate acreage and location of each noxious weed infestation in the county; the dollar amount of all expenditures made during the year to purchase materials, chemicals, and other equipment for control of noxious weeds; the dollar amount of all sales made during the year, of materials, chemicals, and other equipment for control of noxious weeds; the dollar amount of all charges and receipts made during the year for use of equipment owned by each county, city, township, or district on public or private land; the approximate acreage of land treated for each species of noxious weed during the year and the control methods used for treatment; and any other information the Secretary deems necessary.

K.A.R. 4-8-47 – This new regulation requires that each local weed supervisor submit a management plan to the Secretary no later than March 15 each year that details the presence of noxious weeds in each local jurisdiction and sets out goals and a plan for eradicating those noxious weeds, as well as the costs associated with such.

K.A.R. 4-8-48 – This new regulation sets out the requirements for the contents of legal notices and statements given to the owner of noxious weed infested land. It provides that such notices or statements must contain, in addition to the requirements set out in K.S.A. 12-1331, the legal description of the land; the name of the owner, operator, or supervising agent; the approximate acreage of the infestation; a timeframe within which control must be implemented, which shall not be fewer than five days after the mailing of the notice; a statement that if the owner, operator, or supervising agent fails to implement the required control methods within the specified time provided in the notice pursuant to K.S.A. 2-1331, the weed supervisor may enter the land to eradicate or control the infestation; and a statement that the owner, operator, or supervising agent may be prosecuted pursuant to K.S.A. 2-1323 and amendments thereto and, if convicted, fined as established by law.

**RECEIVED**  
  
DEC 1 2020  
  
SCOTT SCHWAB  
SECRETARY OF STATE

DOB APPROVAL STAMP  
  
APPROVED  
  
OCT 13 2020  
  
DIVISION OF THE BUDGET

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

The proposed rules and regulations are not mandated by federal law. Colorado and Nebraska approach the required control of noxious weeds similarly to Kansas. Oklahoma and Missouri have adopted less restrictive rules and regulations.

**III. Agency analysis specifically addressing following:**

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

Because the proposed rules and regulations do not add any species of weeds to the existing list of noxious weeds and do not significantly change the existing framework for controlling noxious weeds, KDA does not anticipate the proposed rules and regulations will significantly enhance or restrict business activity or growth in Kansas.

**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 and regulation and on the state economy as a whole:**

Because the proposed rules and regulations do not add any species of weeds to the existing list of noxious weeds and do not significantly change the existing framework for controlling noxious weeds, KDA does not anticipate the proposed rules and regulations will present significant implementation and compliance costs to any of the state's businesses, sectors, public utility ratepayers, individuals, or local governments. These proposed rules and regulations will have no effect or a very minimal effect on the state economy as a whole.

**C. Businesses that would be directly affected by the proposed rule and regulation;**

Any direct impact on Kansas businesses as a result of these proposed rules and regulations would be minimal. The economic situation for producers or businesses directly linked to noxious weed control is not likely to change as a result of these proposed rules and regulations, for the same reasons set out in the preceding paragraph.

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

The benefits of these proposed rules and regulations significantly outweigh the costs. The control of noxious weeds will improve the quality, biodiversity and value of the state's agricultural lands, providing both environmental and economic benefits for agricultural producers.

**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 proposed rules and regulations provide that certain herbicides approved for the control of noxious weeds are available from county weed departments at cost-share rates. This will lessen the burden of implementation and compliance costs on individual landowners responsible for monitoring and controlling noxious weeds on their land.

DOB APPROVAL STAMP  
APPROVED  
OCT 13 2020  
DIVISION OF THE BUDGET

RECEIVED  
DEC 1 2020  
SCOTT SCHWAB  
SECRETARY OF STATE

- F. An estimate, expressed as a total dollar figure, of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to business, local governments, or members of the public.

KDA anticipates this cost to be close to zero.

An estimate, expressed as a total dollar figure, of the total implementation and compliance costs that are reasonably expected to be incurred by or passed along to business, local governments, or members of the public.

KDA anticipates this cost to be close to zero.

Do the above total implementation and compliance costs exceed \$3.0 million over any two-year period?

YES  NO

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

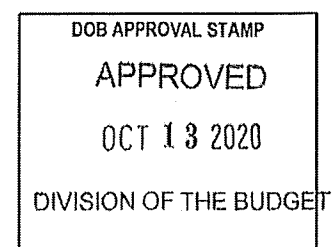
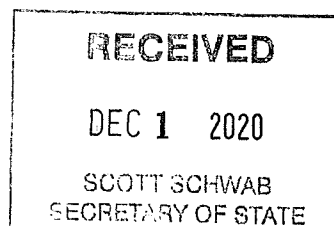
Because the proposed rules and regulations do not substantially change the framework for the control of noxious weeds in Kansas, the implementation of these regulations will not impose any significant new costs.

Prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing if the total implementation and compliance costs exceed \$3.0 million over any two-year period 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.

YES  NO

- 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.

KDA does not anticipate the proposed rules and regulation will significantly increase or decrease revenues of cities, counties or school districts, or imposes functions or responsibilities on cities, counties or school districts that will increase their expenditures or fiscal liability. Letters of request were sent to the League of Kansas Municipalities, the Kansas Association of School Boards and the Kansas Association of Counties. No responses were received from those entities.





**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 these proposed rules and regulations, KDA sought input from a Noxious Weed Advisory Board, whose establishment was mandated by the Kansas Noxious Weed Law. That advisory board was required to consist of: two weed specialists from Kansas State University's College of Agriculture or Kansas State University Research and Extension, appointed at the recommendation of the dean of the College of Agriculture or the director of Research and Extension, one of whom had knowledge of non-chemical control methods for noxious weeds; one Kansas county commissioner, appointed at the recommendation of the Association of Kansas Counties; four Kansas landowners engaged in agricultural production, one a producer of traditional crops, one a producer of non-traditional crops, and one a certified organic producer; two county weed supervisors, appointed at the recommendation of the County Weed Director's Association of Kansas; one member appointed at the recommendation of the Kansas Agribusiness Retailer's Association; one member appointed at the recommendation of the Kansas Biological Survey; and one member appointed at the recommendation of the Board of Directors of the Kansas Cooperative Council. KDA also sought input regarding the proposed rules and regulations from the Kansas Rural Center and the Kansas chapter of the Sierra Club. Additionally, letters of request were sent to the League of Kansas Municipalities, the Kansas Association of Counties, and the Kansas Association of School Boards, inquiring whether the proposed regulations will have an economic effect on those organizations. These letters requested a statement of quantified costs associated with implementation and compliance, an estimate of the total annual implementation and compliance costs, a statement of whether implementation and compliance costs will exceed \$3,000,000 over any two-year period, a statement of whether the draft regulations will increase or decrease the organizations' revenue, and a statement of whether the draft regulations will impose functions or responsibilities on the organizations that will increase their fiscal expenditures or fiscal liability.

**I. For environmental rule(s) and regulation(s) 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).**

If the regulations are not adopted, Kansas may see an increase in noxious weed infestations throughout the state, which would lead to poorer quality of agricultural land and reduced returns for agricultural producers.

