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LEGISLATIVE RESEARCH COMMISSION
State Capitol 700 Capital Avenue Frankfort Kentucky 40601

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MEMORANDUM

TO: Stephen McMurry, Executive Director, Director of Fertilizer and Seed Programs

FROM: Emily Caudill, Regulations Compiler

RE: Proposed Amendment and New Regulation – 012 KAR 001:134, 012 KAR 001:144, 012 KAR 001:149, and 012 KAR 001:164.

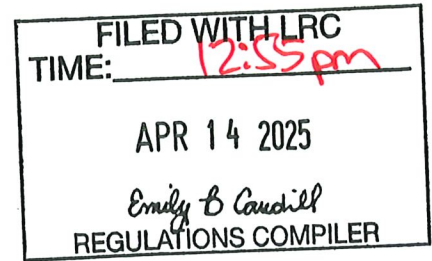
DATE: April 14, 2025

A copy of each administrative regulation listed above is enclosed for your files. These regulations are tentatively scheduled for review by the Administrative Regulation Review Subcommittee at its **JULY 2025** meeting. We will notify you of the date and time of this meeting once it has been scheduled.

Pursuant to KRS 13A.280, **if** comments are received during the public comment period, a Statement of Consideration or a one-month extension request for these regulations is due **by noon on July 15, 2025**. Please reference KRS 13A.270 and 13A.280 for other requirements relating to the public hearing and public comment period and Statements of Consideration.

If you have questions, please contact us at RegsCompiler@LRC.ky.gov or (502) 564-8100.

Enclosures



1 AGRICULTURAL EXPERIMENT STATION

2 (New Administrative Regulation)

3 12 KAR 1:144. Registration of agricultural seed dealers, noncertified custom seed
4 conditioners, certified seed growers, and certified seed conditioners.

5 RELATES TO: KRS 250.021, 250.031, 250.041, 250.051, 250.061, 250.071,
6 250.081, 250.091, 250.101, 250.111

7 STATUTORY AUTHORITY: KRS 250.051(2), (3), (4), 250.081(1)(c)9

8 CERTIFICATION STATEMENT: This is to certify that this administrative
9 regulation complies with the requirements of 2025 RS HB 6, Section 8.

10 NECESSITY, FUNCTION, AND CONFORMITY: KRS 250.051(2) and (3) and
11 250.081(1)(c)9 require the director to prescribe the procedures whereby agricultural
12 seed dealers, noncertified custom seed conditioners, certified seed growers, and
13 certified seed conditioners register with the director. This administrative regulation
14 satisfies that statutory mandate by creating a framework for registration.

15 Section 1. Definition. "Agricultural seed dealer" means a person who distributes
16 agricultural seed in containers of forty (40) pounds or more at retail.

17 Section 2. Agricultural seed dealers shall register using Form RS-68-03 (6/13),
18 Agricultural Seed Dealer Registration. In accordance with KRS 250.051(4), a twenty-five
19 (25) dollar registration fee shall accompany the submitted application form.

20 Section 3. Noncertified custom seed conditioners shall register using Form RS-
21 68-04 (6/13), Noncertified Custom Seed Conditioner Registration. In accordance with

1 KRS 250.051(4), a twenty-five (25) dollar registration fee shall accompany the
2 submitted application form.

3 Section 4. Registration of certified seed growers and certified seed conditioners
4 shall be accomplished by an exchange of records between the Kentucky Seed
5 Improvement Association and the Division of Regulatory Services.

6 Section 5. Incorporation by Reference. (1) The following material is incorporated
7 by reference:

8 (a) Form RS-68-03, 6/13, "Agricultural Seed Dealer Registration"; and

9 (b) Form RS-68-04, 6/13, "Noncertified Custom Seed Conditioner Registration."

10 (2) This material may be inspected, copied, or obtained, subject to applicable copyright
11 law, at the Division of Regulatory Services, 103 Regulatory Services Building, University
12 of Kentucky, Lexington, Kentucky 40546-0275, Monday through Friday, 8 a.m. to 4:30
13 p.m., <https://www.rs.uky.edu/regulatory/seed/forms.php>

APPROVED: 4-9-2025

A handwritten signature in cursive script, reading "James C. Matthews". The signature is written in dark ink and is positioned above a horizontal line.

Dr. James C. Matthews, Associate Dean for Research
Agricultural Experiment Station

PUBLIC HEARING AND PUBLIC COMMENT PERIOD

A public hearing on this administrative regulation shall be held on June 26, 2025, at 1:30 pm EST, at the Division of Regulatory Services, 1600 University Ct. Lexington, KY 40546. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through June 30, 2025. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Stephen McMurry, Executive Director, Division of Regulatory Services, 103 Regulatory Services Building, Lexington, KY 40546-0275, phone 859-257-2785, fax 859-323-9931.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

12 KAR 1:144

Contact Person: Stephen McMurry

Phone: 859-257-2785

Email: smcmurry@uky.edu

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes procedures to obtain required seed registrations.

(b) The necessity of this administrative regulation: Pursuant to KRS 250.051, the director shall establish procedures for registration of seed dealers.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation establishes the procedures to obtain seed dealer registrations.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: We will establish registration forms which will be incorporated by reference.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation:

(b) The necessity of the amendment to this administrative regulation:

(c) How the amendment conforms to the content of the authorizing statutes:

(d) How the amendment will assist in the effective administration of the statutes:

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All firms which sell seed will be affected by this administrative regulation.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Regulated entities will have to obtain a registration on a yearly basis to comply with the regulation.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): Twenty five dollars to obtain a registration as required by law.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Each seed dealer will be identified as a registration holder in Kentucky.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: No cost

(b) On a continuing basis: No continuing costs

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The Division of Regulatory Services' regular annual budget is the source funding

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding is necessary to implement this administrative regulation.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not directly or indirectly increase any fees.

(9) TIERING: Is tiering applied? No, everyone is treated the same.

FISCAL IMPACT STATEMENT

12 KAR 1:144

Contact Person: Stephen McMurry

Phone: 859-257-2785

Email: smcmurry@uky.edu

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 250.051

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 250.021 to 250.111

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: University of Kentucky, Division of Regulatory Services

(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):

1. Expenditures:

For the first year: None

For subsequent years: None

2. Revenues:

For the first year: \$15,000

For subsequent years: \$15,000

3. Cost Savings:

For the first year: None

For subsequent years: None

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): No other affected entities

(b) Estimate the following for each affected local entity identified in (4)(a):

1. Expenditures:

For the first year: None

For subsequent years: None

2. Revenues:

For the first year: None

For subsequent years: None

3. Cost Savings:

For the first year: None

For subsequent years: None

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): No other affected entities

(b) Estimate the following for each regulated entity identified in (5)(a):

1. Expenditures:
For the first year: None
For subsequent years: None
2. Revenues:
For the first year: None
For subsequent years: None
3. Cost Savings:
For the first year: None
For subsequent years: None

(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a):

(a) Fiscal impact of this administrative regulation: Only entities which sell seed in KY could have a fiscal impact due to this regulation.

(b) Methodology and resources used to reach this conclusion: Understanding of the Kentucky Seed law and Regulations.

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13): This administrative regulation will not have a major economic impact as defined by KRS 13A.010(13)

(b) The methodology and resources used to reach this conclusion: Understanding of the Kentucky Seed law and Regulations.

SUMMARY OF MATERIAL INCORPORATED BY REFERENCE

The "Agricultural Seed Dealer Registration", Form RS-68-03 (6/13), is the one-page registration application form that seed dealers file before selling seed in Kentucky. KRS 250.081 requires seed dealers to complete the registration application form prescribed by the Agricultural Experiment Station.

The "Non-Certified Custom Seed Conditioner Registration", Form RS-68-04 (6/13), is the one-page registration application form that non-certified custom seed conditioners file before selling seed in Kentucky. KRS 250.081 requires non-certified custom seed conditioners to complete the registration application form prescribed by the Agricultural Experiment Station



Division of Regulatory Services
 103 Regulatory Services Building
 Lexington, KY 40546-0275
 859-218-2468
 Fax 859-257-7351

AGRICULTURAL SEED DEALER REGISTRATION FORM

(FULL NAME AND ADDRESS OF FIRM)

Dealer Identification No. _____

Application is hereby made for registration as an agricultural seed dealer. The applicant agrees to distribute only agricultural seed labeled in accordance with the Kentucky Seed Law, and to keep and maintain records of purchases and sales for a period of two (2) years at the registrant's address. All records shall be accessible for inspection by the director during customary business hours.

This application made this _____ day of _____, for and on behalf of the above named firm.

Printed name and title of person making application: _____

Phone: _____ Fax: _____ Date: _____

Signature: _____ Email: _____

Please make check payable to *University of Kentucky* and mail this application with a \$25 registration fee to Division of Regulatory Services, 103 Regulatory Services Building, Lexington, Kentucky 40546-0275.
 A copy of the approved application will be returned to the applicant

The above application is hereby approved and registration granted as provided by the Kentucky Seed Law.

Effective Date: January 1, 20____ By: _____ Date: _____
 Director Fertilizer & Seed Programs

Termination Date: December 31, 20____

Do Not Write in This Space -- For Use of Division of Regulatory Services

<u>Check Amount</u>	<u>Check Number</u>	<u>Date Issued</u>	<u>Date Received</u>	<u>Company Code</u>	<u>Account Code</u>
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Division of Regulatory Services
 103 Regulatory Services Building
 Lexington, KY 40546-0275
 859-218-2468
 Fax 859-257-7351

NON-CERTIFIED CUSTOM SEED CONDITIONER REGISTRATION

(FULL NAME AND ADDRESS OF FIRM)

Seed Conditioner
 Identification No. _____

Application is hereby made to register as a non-certified custom seed conditioner. The applicant agrees to comply with all provisions of the Kentucky Seed Law, which includes a prohibition of conditioning seed belonging to one person and delivering the conditioned seed to, or allowing its pick-up by, any other person unless the seed has been tested and labeled. The applicant further agrees to keep and maintain records of seed conditioned for a period of two (2) years at the registrant's address. All records shall be accessible for inspection by the director during customary business hours.

This application made this _____ day of _____, for and on behalf of the above named firm.

Printed name and title of person making application: _____

Phone: _____ Fax: _____ Date: _____

Signature: _____ Email: _____

Please make check payable to *University of Kentucky* and mail this application with a \$25 registration fee to Division of Regulatory Services, 103 Regulatory Services Building, Lexington, Kentucky 40546-0275.
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