

**Department of Agriculture, Division of Animal Health
Notice of Hearing on Proposed
Administrative Regulations, Statewide**

A public hearing will be conducted at 2:00 pm on January 30, 2025, in the 1st floor meeting room 124 of the Kansas Department of Agriculture, 1320 Research Park Dr., Manhattan, Kansas, to consider the adoption of the proposed regulations. The public hearing will be conducted in person and via video conferencing system. Members of the public who wish to attend the public hearing virtually must pre-register at <https://kansasag.zoom.us/meeting/register/tZlpdOCgrTwtGdU-23o-bKgKxkHMEB7eIjvt>. After registering, you will receive a confirmation email containing information about joining the meeting.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments regarding the proposed regulations. All interested parties may submit written comments prior to the hearing by mail or email to Kansas Department of Agriculture, Attn: Ronda Hutton, 1320 Research Park Dr., Manhattan, Kansas 66502, or ronda.hutton@ks.gov. Comments may also be made via the Kansas Department of Agriculture's website at <https://www.agriculture.ks.gov/public-resources/public-comments>.

All interested parties will also be given a reasonable opportunity to orally present their views regarding 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.

The Kansas Department of Agriculture (KDA) is proposing revisions to existing regulations authorized by K.S.A. 47-417. The changes will help meet the increasing operational costs necessary to maintain the program to meet the industry needs and expectations.

A summary of each proposed regulation and their economic impact follows:

K.A.R. 9-15-2 eliminates the restriction that ear marks be recorded at the time of the original brand registration and eliminates the fee requirement for the recording of ear marks on subsequent brand registrations.

K.A.R. 9-15-4 implements an increase for livestock brand registration and renewal fees from \$45 to \$70 for a five-year recording period. Additionally, there will be a fee of \$5.00 for new brand registration application.

The proposed regulations are not mandated by federal law as a requirement for participating in or implementing a federally subsidized or assisted program. The proposed changes do not exceed the requirements of applicable federal law.

KDA does not anticipate that the proposed regulations will significantly enhance or restrict business activity or growth in Kansas. The proposed regulations will simply implement

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the streamlined process of recording ear marks as part of a brand registration as well as implement the fee increases authorized by recent statutory changes. In developing the proposed regulations, KDA consulted the Kansas Animal Health Advisory Board, Kansas Cattlemen's Association, Kansas Livestock Association, Kansas Farm Bureau, Kansas Horse Council, Livestock Marketing Association, Kansas Pork Association, K-State Research and Extension, Kansas Veterinary Medical Association, and United States Department of Agriculture Veterinary Services. None of the groups expressed concern that the proposed regulation would restrict their business activities or growth.

KDA anticipates that the proposed regulations will have minimal economic effect for Kansans. The use of a livestock brand in the state of Kansas is not required and the registration of a brand is only required of those that elect to utilize the brand. The economic impact of the proposed regulations will increase the cost of a registered brand by \$25. This will raise the cost from the current \$45 to \$70 for a five-year period. Additionally, for those that are seeking a new brand, there will be a new cost of \$5 for the new brand application process.

The proposed regulations will directly affect those producers that elect to register a brand in the state of Kansas.

The benefits of the proposed regulations outweigh the costs by supporting a viable and accurate brand record program. The livestock brands program has a historical significance to the state of Kansas as well as those that are registered brand owners. More importantly, having a brand recorder program that is robust, capable and accurate is vital in supporting livestock brand use in Kansas. In contrast with the \$25 increase for a 5-year registration (or \$5 per year), the benefits outweigh the costs.

The agency has evaluated the historical costs of implementing the brand recording program and coupled this with the resource projections from the number of annual brand registrations and determined the modest fee increases proposed are necessary to maintain the current program. The brand registration fee has not increased since 2000.

Based on an average of 3200 brand renewal registrations and 1500 new brand applications per year, KDA extrapolated the \$25 increase and \$5 application fee as follows:

3200 brand renewals X \$25 = \$80,000
1500 new brand applications X \$5 = \$7,500

State revenues should increase by approximately \$87,500 in the current fiscal year as well as the next (based on the amounts calculated above).

As previously stated, impacts of these proposed regulations should be limited to those individuals that choose to register a brand in Kansas. Individuals would see an initial increase of \$5 due to the application fee and an increase of \$25 every 5 years. KDA does not anticipate any impacts, immediate or long-range, for small employers or the public.

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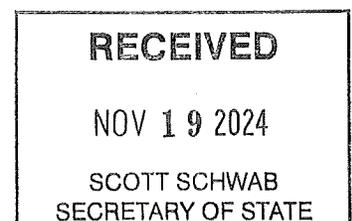
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KDA circulated drafts of the proposed regulations to stakeholders involved in the Kansas Animal Health Advisory Board, Kansas Cattlemen's Association, Kansas Livestock Association, Kansas Farm Bureau, Kansas Horse Council, Livestock Marketing Association, Kansas Pork Association, K-State Research and Extension, Kansas Veterinary Medical Association, and United States Department of Agriculture Veterinary Services. Those individuals that responded indicated support for the proposed amendments.

Any individual with a disability may request accommodations to participate in the public hearing and may request the proposed regulations and their economic 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, via telephone at (785) 564-6715 or via fax at (785) 564-6777. Handicapped parking is located on the west side of the building at 1320 Research Park Dr., Manhattan, and the west entrance to the building is accessible to individuals with disabilities.

Copies of the regulations and their economic impact statement may be obtained by contacting the Department via mail at Kansas Department of Agriculture, Attn: Ronda Hutton, 1320 Research Park Dr., Manhattan, KS 66502, via telephone at (785) 564-6715, or via the Department's website at agriculture.ks.gov.

Michael M. Beam
Secretary
Kansas Department of Agriculture



Proposed

K.A.R. 9-15-2. Ear marks; limited recognition. Ear marks are not acceptable for registration as livestock brands. Applicants may record ear marks in conjunction with the registration of a lawful brand, ~~at the time of the original registration without additional cost, and subsequent to the original registration of a lawful brand upon the payment of a handling charge of one dollar.~~
(Authorized by K.S.A. 47-418, 47-426; implementing K.S.A. 47-414, 47-418, and 47-426;
effective Jan. 1, 1966; amended P-_____.)

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K.A.R. 9-15-4. Brand registration and renewal fees. Each person desiring to register a livestock brand in accordance with the laws of the state of Kansas shall forward to the livestock commissioner a an application fee of \$5.00 and a separate registration fee of \$70.00 ~~\$45.00~~.

Upon receipt of a notice of renewal from the livestock commissioner, each person who wishes to renew the registration of a livestock brand shall submit to the livestock commissioner a renewal fee of \$70.00 ~~\$45.00~~ before the registration period expires. (Authorized by K.S.A. 47-426; and implementing K.S.A. ~~1999~~ 2024 Supp. 47-417; effective, E-81-5, Jan. 10, 1980; effective May 1, 1980; amended, T-9-8-8-00, Aug. 8, 2000; amended Nov. 13, 2000; amended P-_____.)

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Proposed

**Kansas Administrative Regulations
Economic Impact Statement (EIS)**

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Kansas Department of Agriculture
Agency

Ronda Hutton
Agency Contact

785-564-6715
Contact Phone Number

K.A.R. 9-15-2 (Amended) and K.A.R. 9-15-4 (Amended)
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 or more in implementation and compliance costs that are reasonably expected to be incurred by or passed along to businesses, local governmental units and individuals as a result of the proposed rule and regulation over the initial five-year period following adoption of such rule(s) and regulation(s) (as calculated in Section III, F)?

Yes If "Yes," then the agency shall not adopt the rule(s) and regulation(s) until the rule(s) and regulation(s) has been ratified by the Legislature with a bill, unless the proposed rule(s) and regulation(s) are: 1) mandated by the federal government as a requirement for participating in or implementing a federally subsidized or assisted program, as described in K.S.A. 77-416(b)(1)(B), and amendments thereto; 2) temporary rule(s) and regulation(s) adopted pursuant to K.S.A. 77-722, and amendments thereto; or 3) rules and regulations adopted pursuant to K.S.A. 2-3710 (Kansas Agricultural Remediation Board). Continue to fill out the remaining EIS form to be included with the regulation packet in the review process to the Department of Administration and the Attorney General. The submitted EIS will be independently analyzed by the Division of the Budget for 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. The submitted EIS will be analyzed by the Division of the Budget for approval.

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Section I

Analysis, brief description, and cost and benefit quantification of the proposed rule(s) and regulation(s). If the approach chosen by the Kansas agency to address the policy issue is different from that utilized by agencies of contiguous states or of the federal government, the economic impact statement shall include an explanation of why the Kansas agency's rule and regulation differs.

^zThe Kansas Department of Agriculture ("KDA") is proposing revisions to existing regulations to ensure that KDA's regulatory requirements reflect revisions that have been authorized by K.S.A. 47-417. The proposed regulation changes will help meet the increasing operational costs necessary to maintain the program to meet the industry needs and expectations.

K.A.R. 9-15-4 The proposed regulation changes implement fee increase for a livestock brand registration and brand renewal from \$45 to \$70 for a five-year recording period. Additionally, the changes will implement an application fee of \$5.00 for any new brand registration applications.

K.A.R. 9-15-2 The proposed regulation change eliminates the restriction that ear marks be recorded at the time of the original brand registration and eliminates the fee requirement for the recording of ear marks on subsequent brand registrations.

Section II

Explain whether the proposed rule and regulation is mandated by federal law as a requirement for participating in or implementing a federally subsidized or assisted program and whether the proposed rules and regulations exceed the requirements of applicable federal law.

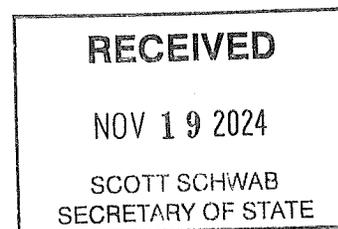
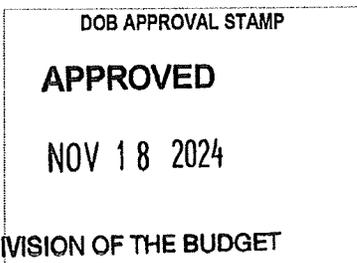
The proposed regulations are not mandated by federal law as a requirement for participating in or implementing a federally subsidized or assisted program. The proposed changes do not exceed the requirements of applicable federal law.

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;

KDA does not anticipate that the proposed regulations will significantly enhance or restrict business activity or growth in Kansas. The proposed regulations will simply implement the streamlined process of recording ear marks as part of a brand registration as well as implement the fee increases authorized by recent statutory changes. In developing the proposed regulations, KDA consulted the Kansas Animal Health Advisory Board, Kansas Cattlemen's Association, Kansas Livestock Association, Kansas Farm Bureau, Kansas Horse Council, Livestock Marketing Association, Kansas Pork Association, K-State Research and Extension, Kansas Veterinary Medical Association, and United States Department of Agriculture Veterinary Services. None of the groups expressed concern that the proposed regulation would restrict their business activities or growth.



- 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 will be affected by the proposed rule(s) and regulation(s) and on the state economy as a whole;

KDA anticipates that the proposed regulations will have minimal economic effect for Kansans. The use of a livestock brand in the state of Kansas is not required and the registration of a brand is only required of those that elect to utilize the brand. The economic impact of the proposed regulations will increase the cost of a registered brand by \$25. This will raise the cost from the current \$45 to \$70 for a five-year period. Additionally, for those that are seeking a new brand, there will be a new cost of \$5 for the new brand application process.

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

The proposed regulations will directly affect those producers that elect to register a brand in the state of Kansas.

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

The benefits of the proposed regulations outweigh the costs by supporting a viable and accurate brand record program. The livestock brands program has a historical significance to the state of Kansas as well as those that are registered brand owners. More importantly, having a brand recorder program that is robust, capable and accurate is vital in supporting livestock brand use in Kansas. In contrast with the \$25 increase for a 5-year registration (or \$5 per year), the benefits outweigh the costs.

- 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 agency has evaluated the historical costs of implementing the brand recording program and coupled this with the resource projections from the number of annual brand registrations and determined the modest fee increases proposed are necessary to maintain the current program. The brand registration fee has not increased since 2000.

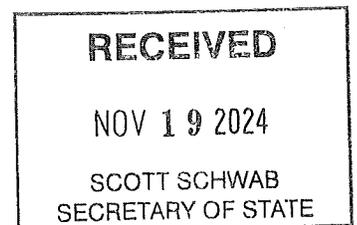
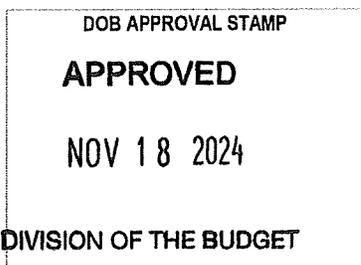
- F. An estimate of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to businesses, local governments, or individuals. *Note: Do not account for any actual or estimated cost savings that may be realized. Implementation and compliance costs determined shall be those additional costs reasonably expected to be incurred and shall be separately identified for the affected businesses, local governmental units, and individuals.*

Costs to Affected Businesses – \$0

Costs to Local Governmental Units – \$0

Costs to Individuals – \$25 increase per brand renewal registration,
\$5 per new brand registration.

Total Annual Costs – \$87,500
(sum of above amounts)



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

Based on average of 3200 brand renewal registrations and 1500 new brand applications per year, KDA extrapolated the \$25 increase and \$5 application fee as follows:

3200 brand renewals X \$25 = \$80,000

1500 new brand applications X \$5 = \$7,500

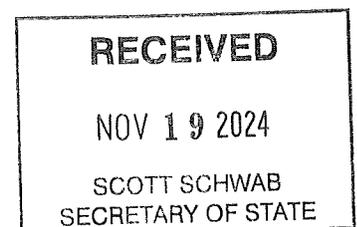
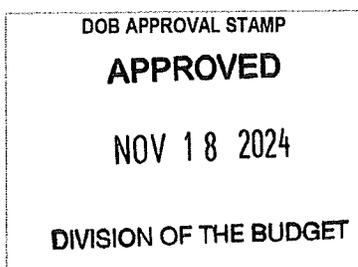
- Yes If the total implementation and compliance costs exceed \$1.0 million or more in implementation and compliance costs over the initial five-year period following adoption of such rule(s) and regulation(s) that are reasonably expected to be incurred by or passed along to businesses, local governmental units and individuals as a result of the proposed rule and regulation, 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

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.

State revenues should increase by approximately \$87,500 in the current fiscal year as well as the next (based on the amounts calculated above).

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.

As previously stated, impacts of these proposed regulations should be limited to those individuals that choose to register a brand in Kansas. Individuals would see an initial increase of \$5 due to the application fee and an increase of \$25 every 5 years. KDA does not anticipate any impacts, immediate or long-range, for small employers or the general public.



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.

Not applicable.

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

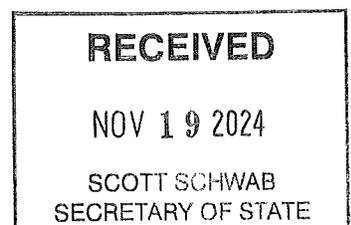
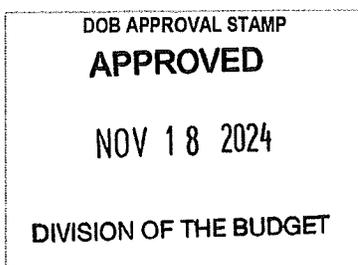
KDA circulated drafts of the proposed regulations to stakeholders involved in the Kansas Animal Health Advisory Board, Kansas Cattlemen's Association, Kansas Livestock Association, Kansas Farm Bureau, Kansas Horse Council, Livestock Marketing Association, Kansas Pork Association, K-State Research and Extension, Kansas Veterinary Medical Association, and United States Department of Agriculture Veterinary Services. Those individuals that responded indicated support for the proposed amendments.

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



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

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