



Eric Milstead
Director

Legislative Services Office Idaho State Legislature

Serving Idaho's Citizen Legislature

MEMORANDUM

TO: Senators GUTHRIE, Den Hartog, Jordan and,
Representatives BOYLE, Troy, Erpelding

FROM: Katharine Gerrity - Deputy Division Manager

DATE: June 05, 2019

SUBJECT: Temporary Rule

IDAPA 11.02.01 - Rules of the Idaho State Brand Board - Adoption of Temporary Rule - Docket No. 11-0201-1901

We are forwarding this temporary rule to you for your information only. No analysis was done by LSO. This rule is posted on our web site. If you have any questions, please call Katharine Gerrity at the Legislative Services Office at (208) 334-4845. Thank you.

Attachment: Temporary Rule

Kristin Ford, Manager
Research & Legislation

Paul Headlee, Manager
Budget & Policy Analysis

April Renfro, Manager
Legislative Audits

Glenn Harris, Manager
Information Technology

Statehouse, P.O. Box 83720
Boise, Idaho 83720-0054

Tel: 208-334-2475
www.legislature.idaho.gov

**IDAPA 11 – IDAHO STATE POLICE
STATE BRAND BOARD**

11.02.01 – RULES OF THE IDAHO STATE BRAND BOARD

DOCKET NO. 11-0201-1901

NOTICE OF RULEMAKING – ADOPTION OF TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is July 1, 2019.

AUTHORITY: In compliance with Section 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. The action is authorized pursuant to Sections 25-1102, 25-1110, and 25-1160, Idaho Code.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule:

Adoption of this temporary rule is needed to comply with amendments to Section 25-1160, Idaho Code, which require an equine farm service fee to be imposed for each case a brand inspector must travel from his assigned duty post to complete a brand inspection certificate for horses, mules, or asses.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

To comply with deadlines in amendments to Section 25-1160, Idaho Code, which become effective July 1, 2019.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein:

Amendments to Section 25-1160, Idaho Code, require an equine farm service fee to be imposed for each case a brand inspector must travel from his assigned duty post to complete a brand inspection certificate for horses, mules, or asses.

The temporary rule levies a \$55.00 convenience fee to equine owners who choose to have the brand inspector come to their residence to perform brand inspection duties on horses, mules, or asses. In lieu of the convenience fee, equine owners may transport their animals to a brand inspector's assigned duty post, livestock market, or feedlot approved by the Idaho State Department of Agriculture for inspection.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the temporary rule, contact Cody D. Burlile, State Brand Inspector, at (208) 884-7070.

Dated this 23rd day of May, 2019.

Cody D. Burlile
State Brand Inspector
Idaho State Police/Idaho State Brand Board
700 S. Stratford Drive
P.O. Box 1177
Meridian, ID 83680-1177
Phone: (208) 884-7070
Fax: (208) 884-7097

THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 11-0201-1901
(Only Those Sections With Amendments Are Shown.)

034. SCHEDULE OF FEES FOR THE IDAHO STATE BRAND BOARD.

01. Fees. Fees authorized by the State Brand Board and to be collected by the State Brand Inspector are as follows:

SCHEDULE OF FEES		
Recording of a Brand	\$50 initial recording fee plus a \$20 per year prorated staggered renewal fee every year thereafter	
Transfer of a recorded brand	\$50.00	
Renewal of a recorded brand (every five years)	\$100.00	
Duplicate brand registration certificate	\$1.50	
Ownership and transportation certificate	\$35.00	
Duplicate ownership and transportation certificate	\$5.00	
Annual inspection equine or bovine	\$5.00	
	CATTLE	HORSES
Brand inspection (per head)	\$1.19	\$1.50
Idaho livestock to pasture (per head)	\$.60	\$.75
Minimum auction fee (per day)	\$50.00	\$50.00
Minimum field brand inspection fee	\$20.00	\$20.00
	<u>Equine farm service fee</u>	<u>\$55.00</u>
Courtesy brand inspection	\$1.19	\$1.50

Fees To Be Collected By The State Brand Inspector For Other State Agencies:	
Idaho Beef Council (per head)	\$1.50
Idaho Horse Board (per head)	\$3.00
Idaho Department of Agriculture:	
Animal health (per head)	\$.22
Predator control (per head)	\$.05

~~(4-1-19)~~(7-1-19)T

02. Due and Payable. Pursuant to Section 25-1160(5), Idaho Code, all brand inspection fees, and all other fees required to be collected by the Brand Inspector are due and payable at the time of inspection, except that livestock owners may make arrangements with a deputy brand inspector to pay for all accumulated brand inspection

fees within each seven (7) day period. Failure to comply with this rule will cancel the previously approved schedule and shall make all fees immediately due and payable. Feedlots, currently approved by the Idaho Department of Agriculture, and slaughter plants are exempt from the minimum brand inspection fee. Other minimum brand inspection fees may be waived at the discretion of the State Brand Inspector or District Brand Supervisor. (3-30-01)

03. Equine Farm Service Fee. Pursuant to Section 25-1160(2), Idaho Code, there shall be an equine farm service fee for each case a brand inspector must travel from his assigned duty post to complete a brand inspection certificate for horses, mules, or asses, which fee shall be in addition to any brand inspection certificate or other written permit requested by the owner or owners of a horse, mule, or ass under any other provisions of law. Livestock auctions and feedlots currently approved by the Idaho State Department of Agriculture are exempt from the equine farm service fee. (7-1-19)T