

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 602

BY WAYS AND MEANS COMMITTEE

AN ACT

RELATING TO BRANDS; AMENDING SECTION 25-1160, IDAHO CODE, TO REVISE FEE PROVISIONS REGARDING BRAND INSPECTIONS; AND AMENDING SECTION 25-2505, IDAHO CODE, TO PROVIDE FOR ASSESSMENTS UPON ALL BRAND INSPECTED HORSES.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 25-1160, Idaho Code, be, and the same is hereby amended to read as follows:

25-1160. BRAND INSPECTION FEES. (1) The maximum fee which shall be charged by the state brand inspector and his deputies for brand inspection shall be:

(a) One dollar and twenty-five cents (\$1.25) for each head of cattle;

(b) ~~One dollar and fifty cents (\$1.50) for each head of Brand inspections for horses, mules and asses will be voluntary with a lifetime inspection ceiling of seventy-five dollars (\$75.00) with the actual fee to be set by rule of the brand board.~~

(2) A minimum fee of twenty dollars (\$20.00) shall be charged by the state brand inspector and his deputies for each brand inspection certificate issued, ~~whether for cattle, horses, mules or asses, or a combination thereof.~~ The minimum brand inspection fee shall apply only in those cases when a brand inspector must travel from his assigned duty post.

(3) The minimum fee for brand inspection services at any normally scheduled livestock auction sale is fifty dollars (\$50.00) per day, and shall be paid by the livestock auction sale, whether or not the inspection fee received from the owners of livestock inspected equals the minimum fee. If the fees paid by the owners of livestock inspected at the sale exceed the minimum fee, the actual amount of fees collected shall be paid, rather than the minimum amount.

(4) The fee for brand inspection services at any livestock auction sale which is not a normally scheduled livestock auction sale shall be:

(a) Eighteen dollars (\$18.00) per hour for each hour that each brand inspector spends engaged in the performance of brand inspection services at the livestock auction sale;

(b) A mileage rate as established by the state board of examiners per mile per vehicle for each mile that said brand inspector(s) must travel to and from the sale from his assigned duty post.

The minimum fee, not including mileage, shall be the actual hours worked, or thirty-six dollars (\$36.00) per day, or the inspection fees as set forth in subsection (1) of this section, whichever is greater.

(5) The state brand board may adopt a schedule or schedules of fees which are below the maximum fees and may adjust such schedule or schedules from time to time whenever such board finds that the cost of administering and enforcing the laws of the state of Idaho for brand inspection of live-

1 stock can be maintained with such below-maximum fees. All such fees shall be
2 paid by the owner of the cattle, horses, mules and asses and credited to the
3 state brand account.

4 (6) All brand inspection fees, and all other fees required by law to be
5 collected by the brand inspector, are due and payable at the time of inspec-
6 tion, but the brand board may, by rule, allow all of such fees to be paid on
7 a schedule that requires payment at least monthly, after receiving a request
8 for such delayed payment schedule and after such request is approved by the
9 state brand inspector. The brand board may require a security deposit to en-
10 sure the prompt payment of all fees owed to the state. Failure to pay as re-
11 quired shall be cause for the brand inspector to file an action in the dis-
12 trict court of the county wherein the inspection was made for the amount of
13 all fees owed, plus all costs and reasonable attorney's fees associated with
14 the action plus interest at the rate specified in section 28-22-104, Idaho
15 Code, on the amount owed from the due date.

16 (7) Any brand inspector who must travel beyond the border of the state
17 of Idaho to investigate a possible violation of this chapter is entitled to
18 a mileage rate, as established by the state board of examiners, per mile per
19 vehicle for each mile that the brand inspector must travel to and from his
20 assigned duty post, and eighteen dollars (\$18.00) per hour for each hour that
21 each brand inspector spends engaged in the investigation. The minimum fee
22 for each brand inspector, not including mileage, shall be the actual hours
23 worked, or thirty-six dollars (\$36.00) per day, or the hourly inspection
24 fees, whichever is greater.

25 SECTION 2. That Section 25-2505, Idaho Code, be, and the same is hereby
26 amended to read as follows:

27 25-2505. ASSESSMENTS -- COLLECTION. (1) There is hereby levied and im-
28 posed upon all brand inspected horses an assessment of one dollar (\$1.00) per
29 head to be paid by the owner. The assessment shall increase to three dol-
30 lars (\$3.00) per head if a referendum held as provided in section 25-2510(1),
31 Idaho Code, results in a majority vote favoring the three dollar (\$3.00) per
32 head assessment.

33 (2) The assessment levied and imposed in this section shall be col-
34 lected on all brand inspections completed on horses in the state of Idaho.
35 Any person may purchase an Idaho horse board paid assessment card for one
36 hundred dollars (\$100) from the Idaho horse board. The paid assessment card
37 shall be evidence to the state brand board, by and through the state brand
38 inspector or a designated agent thereof, at the time a brand inspection fee
39 is collected as provided in section 25-1160, Idaho Code, that the assessment
40 due pursuant to this section has been paid. A paid assessment card shall be
41 valid for a period of one (1) year from the date of purchase.

42 (3) The state brand inspector shall collect the assessment in addition
43 to, at the same time, and in the same manner as the fee charged for state brand
44 inspections. The assessment so collected belongs to and shall be paid to the
45 Idaho horse board, either directly or later by remittance together with a re-
46 port detailing collection of the assessment. The board shall reimburse the
47 state brand inspector for the reasonable and necessary expenses incurred for
48 such collection, in an amount determined by the board and the inspector.