

**JUDICIARY & RULES COMMITTEE**

**ADMINISTRATIVE RULES REVIEW**

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***2013 Legislative Session***

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# IDAPA 11 - IDAHO STATE POLICE

## 11.02.01 - RULES OF THE IDAHO STATE BRAND BOARD

### DOCKET NO. 11-0201-1201 (FEE RULE)

#### NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2013 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending fee rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending fee rule. The action is authorized pursuant to Section 67-2901, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the November 7, 2012 Idaho Administrative Bulletin, [Vol. 12-11 pages 22 through 24](#).

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section 25-1145, 25-1146, and 25-1122, Idaho Code.

The fees being increased in this rulemaking are as follows: the Transfer of Brand Fee is increased to \$50; the Renewal of a Recorded Brand (every 5 years) is increased to \$100; and the Ownership and Transportation Certificate fee is increased to \$35.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:

This rule change has the potential to increase revenue approximately \$107,000. The increase in revenue will help cover the rising personnel benefit costs, fuel costs, and mileage reimbursement for private vehicle use.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending fee rule, contact Larry Hayhurst, Brands Inspector, 884-7071 or [larry.hayhurst@isp.idaho.gov](mailto:larry.hayhurst@isp.idaho.gov).

DATED this 7th day of December, 2012.

Col. G. Jerry Russell, Director  
Idaho State Police  
700 S. Stratford Dr.

Meridian, ID 83642  
Phone: 208-884-7003  
Fax: 208-884-7090

**THE FOLLOWING NOTICE WAS PUBLISHED  
WITH THE PROPOSED FEE RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 67-2901, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than November 21, 2012.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

A drop in the number of new brands being recorded and fewer brands being renewed has resulted in a decline of needed revenue. This rulemaking increases fees needed to secure the necessary revenue to properly execute the statutory functions of the Brand Board.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased:

The enactment of House Bill 101 after the conclusion of 2011 legislative session increased the caps on certain fees charged by the Idaho Brand Board. During the June 29, 2010 Board meeting, the Board voted to increase certain fees and HB 101 was drafted to put those increases into state law.

The fees being increased in this rulemaking are as follows: the Transfer of Brand Fee is increased to \$50; the Renewal of a Recorded Brand (every 5 years) is increased to \$100; and the Ownership and Transportation Certificate fee is increased to \$35.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking:

There is no negative impact to the general fund as this rule change has the potential to increase revenue approximately \$107,000. The increase in revenue will help cover the rising personnel

benefit costs, fuel costs, and mileage reimbursement for private vehicle use.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because representatives of the affected parties were involved in the drafting and approval of the rule.

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Larry Hayhurst, Brands Inspector, 884-7071 or [larry.hayhurst@isp.idaho.gov](mailto:larry.hayhurst@isp.idaho.gov).

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before November 28, 2012.

DATED this 25th day of October, 2012.

**THE FOLLOWING IS THE TEXT OF FEE DOCKET NO. 11-0201-1201**

**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 <del>\$40</del> <sup>20</sup> per year prorated staggered renewal fee every year thereafter	
Transfer of a recorded brand	\$ <del>25</del> <sup>50</sup> .00	
Renewal of a recorded brand (Every five years)	\$ <del>50</del> <sup>100</sup> .00	
Duplicate brand registration certificate	\$1.50	
Ownership and transportation certificate	\$ <del>2</del> <sup>3</sup> 5.00	
Duplicate ownership and transportation certificate	\$5.00	
Annual inspection equine or bovine	\$5.00	
	CATTLE	HORSES
Brand inspection (per head)	\$.94	\$1.50
Idaho livestock to pasture (per head)	\$.47	\$.75

SCHEDULE OF FEES		
Minimum auction fee	\$50.00	\$50.00
Minimum field brand inspection fee	\$10.00	\$10.00
Courtesy brand inspection	\$.94	\$1.50

Fees To Be Collected By The State Brand Inspector For Other State Agencies:	
Idaho Beef Council (per head)	\$1. <del>00</del> <sup>50</sup>
Idaho Horse Board (per head)	\$3.00
Idaho Department of Agriculture:	
Animal health (per head)	\$.22
Predator control (per head)	\$. <del>04</del> <sup>05</sup>

(3-19-07)( )

**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)

## IDAPA 11 - IDAHO STATE POLICE

### 11.02.02 - IDAHO LIVESTOCK DEALER LICENSING

#### DOCKET NO. 11-0202-1201 (FEE RULE)

#### NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2013 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending fee rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending fee rule. The action is authorized pursuant to Section 67-2901, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the November 7, 2012 Idaho Administrative Bulletin, [Vol. 12-11, pages 25 through 27](#).

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section 25-3303, Idaho Code:

The enactment of House Bill 101 after the conclusion of 2011 legislative session increased the caps on certain fees charged by the Idaho Brand Board. During the June 29, 2010 Board meeting, the Board voted to increase certain fees and HB 101 was drafted to put those increases into state law.

The fees were increased in this rulemaking are as follows: The Livestock Dealer Fees are increased from \$40 to \$100; and Livestock Dealer Representative Fees increased from \$15 to \$35.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:

This rule change has the potential to increase revenue approximately \$12,000. The increase in revenue will help cover the rising personnel benefit costs, fuel costs, and mileage reimbursement for private vehicle use.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending fee rule, contact Larry Hayhurst, Brands Inspector, 884-7071 or [larry.hayhurst@isp.idaho.gov](mailto:larry.hayhurst@isp.idaho.gov).

DATED this 7th day of December, 2012.

Col. G. Jerry Russell, Director  
Idaho State Police  
700 S. Stratford Dr.

Meridian, ID 83642  
Phone: 208-884-7003  
Fax: 208-884-7090

**THE FOLLOWING NOTICE WAS PUBLISHED  
WITH THE PROPOSED FEE RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 67-2901, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than November 21, 2012.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The Idaho Brand Board has 181 licensed Idaho Livestock Dealers and 214 licensed Idaho livestock Representatives. This number has dropped over the years resulting of a decline of needed revenue. This rulemaking increases fees needed to secure the necessary revenue to properly execute the statutory functions of the Brand Board.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased:

The enactment of House Bill 101 after the conclusion of 2011 legislative session increased the caps on certain fees charged by the Idaho Brand Board. During the June 29, 2010 Board meeting, the Board voted to increase certain fees and HB 101 was drafted to put those increases into state law.

The fees increased in this rulemaking are as follows: The Livestock Dealer Fees are increased from \$40 to \$100; and Livestock Dealer Representative Fees increased from \$15 to \$35.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking:

There is no negative impact to the general fund as this rule change has the potential to increase revenue approximately \$12,000. The increase in revenue will help cover the rising personnel benefit costs, fuel costs, and mileage reimbursement for private vehicle use.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because representatives of the affected parties were involved in the drafting and approval of the rule.

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Larry Hayhurst, Brands Inspector, 884-7071 or [larry.hayhurst@isp.idaho.gov](mailto:larry.hayhurst@isp.idaho.gov).

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before November 28, 2012.

DATED this 25th day of October, 2012.

**THE FOLLOWING IS THE TEXT OF FEE DOCKET NO. 11-0202-1201**

**000. LEGAL AUTHORITY.**

The State Brand Board has authority to make rules to implement and administer the provisions of this Title 25, Chapter 33, Idaho Code, relating to livestock dealer licensing. ( )

**001. TITLE AND SCOPE.**

**01. Title.** These rules shall be cited as IDAPA 11.02.02, "Idaho Livestock Dealer Licensing." ( )

**02. Scope.** These rules provide for the issuance and administration of livestock dealer licenses, the collection of appropriate fees for licensure, the provision of requirements necessary for licensure, and the enforcement of penalties for violations of the provisions of Title 25, Chapter 33, Idaho Code. ( )

**002. WRITTEN INTERPRETATIONS.**

There are no written interpretations of these rules. ( )

**003. ADMINISTRATIVE APPEALS.**

Administrative appeals under this chapter shall be governed by the rules of administrative



procedure of the attorney general, IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General." ( )

**004. MAILING ADDRESS AND OFFICE HOURS.**

The mailing address of the Idaho State Brand Board is P.O. Box 1177, Meridian, Idaho 83680-1177. Office hours are Monday through Friday, 8 a.m. to 5 p.m. Any or all forms used by the Idaho State Brand Board are available for inspection during office hours at 700 S. Stratford, Meridian, Idaho 83642. ( )

~~0005.~~ -- ~~0039.~~ (RESERVED)

**00410. DEFINITIONS.**

As used in these rules, the following terms have the following meanings: (7-1-93)

- 01. Board.** The state brand board created in Title 25, Chapter 11, Idaho Code.(7-1-93)
- 02. Livestock.** Cattle, swine, bison, horses, mules or asses. (7-1-93)
- 03. Livestock Dealer.** Any person who buys, receives or assembles livestock for his own account for resale within twenty (20) days from the date of purchase, or for the account of another person. This term also includes both a person who pays and the person who does not pay the owner or auction market the full purchase price at the time of taking possession of the livestock. (7-1-93)
- 04. Person.** An individual, partnership, corporation, broker, order buyer, video livestock sale or other type of electronic marketing organization, association or other legal entity. (7-1-93)
- 05. Representative of a Licensee.** Any full time employee, agent or other person who buys, receives, sells, or assembles livestock for resale on behalf of a licensed livestock dealer. (7-1-93)

~~005.—010.~~ (RESERVED)

**(BREAK IN CONTINUITY OF SECTIONS)**

**012. APPLICATION FEES.**

- 01. Annual Fees.** The annual fees cover the period from July 1 to June 30 of the next year. (7-1-93)
- 02. Livestock Dealer.** The application fee for a livestock dealer license is ~~forty one~~ hundred dollars (~~\$40~~100). (7-1-93)( )
- 03. Licensed Dealer.** The application fee for a representative of a licensed dealer is ~~fifteen~~ thirty-five dollars (~~\$15~~35). (7-1-93)( )