

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

11.02.01 – RULES OF THE IDAHO STATE BRAND BOARD

DOCKET NO. 11-0201-1801

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 25-1160, Idaho Code.

MEETING SCHEDULE: A public meeting on the negotiated rulemaking will be held as follows:

PUBLIC MEETING
Thursday, June 28, 2018 10:00 a.m. - 12:00 p.m. (MDT)
Idaho State Police Headquarters Building 9 Conference Room 700 S. Stratford Drive Meridian, ID 83642
TELECONFERENCE CALL-IN (Same date and time as above)
Toll Free: 1-877-820-7831 Participant Code: 681205

Additional meetings will be held if deemed necessary or at request as determined by the Idaho State Brand Board. If additional meetings are scheduled, they will be announced at a later date on the Idaho State Brand Board website: <https://isp.idaho.gov/brands>.

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

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking must do the following:

Interested members of the public who wish to participate must submit written comments, questions, recommendations, or ideas addressed to the Idaho State Brand Board, State Brand Inspector, Cody D. Burlile, by mail at P.O. Box 1177 Meridian, ID 83680-1177, or in person at 700 S. Stratford Dr., Meridian, Idaho 83642, or by email to Cody.Burlile@isp.idaho.gov. Individuals may also attend the public meeting to be conducted on the above date during which the Idaho State Brand Board will allow oral comments and discussion. All oral comments or presentations must also be submitted in writing for the record.

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusion reached during the negotiated rulemaking will be addressed in a written summary. The summary will be made available to interested persons who contact the agency or, if the agency chooses, the summary may be posted on the agency website.

DESCRIPTIVE SUMMARY AND STATEMENT OF PURPOSE: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principal issues involved:

The Idaho State Brand Board has experienced a budget shortfall dating back to FY2016. On October 2, 2017 the Brand Board adopted a temporary rule to make up this shortfall by increasing cattle brand inspection fees by \$0.25,

from \$0.94 to \$1.19 and the minimum brand inspection fee from \$10.00 to \$20.00. The increase moved the Brand Board fees closer to the cap set in Section 25-1160, Idaho Code. Proposed rule docket number 11-0201-1701 was initiated in 2017 to make the temporary rule final. Based on suggestion from the 2018 legislature, proposed rule docket number 11-0201-1701 has been vacated to pursue negotiated rulemaking. The Brand Board's shortfall of inadequate funds still exists. The FY2018 and FY2019 budget line items included increases in personnel costs, health care and benefit costs, cyber security liability insurance costs and an increased cost of personnel and equipment for the new CS Beef Packing plant. This combined with lower market induced inspection count has eroded the Brand Board's sustainable operating revenue. The Brand Board intends to continue to operate under the temporary rule and to initiate negotiated rulemaking in this new docket number 11-0201-1801. The Brand Board has not imposed a cattle brand inspection fee increase since FY2006.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking or to obtain a preliminary draft copy of the rule text, contact Brand Board Management Assistant, Debbie Neider at (208) 884-7070 or by email at debbie.neider@isp.idaho.gov. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Idaho State Brand Board web site at the following web address: <https://isp.idaho.gov/brands>

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before June 28, 2018.

DATED this 11th day of May, 2018.

Cody D. Burlile
State Brand Inspector
Idaho State Brand Board
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