

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

**11.02.01 – RULES OF THE IDAHO STATE BRAND BOARD**

**DOCKET NO. 11-0201-1902**

**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 Sections 25-1102, 25-1110, and 25-1160, Idaho Code.

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

**PUBLIC MEETING**

**July 22, 2019  
10:00 a.m. – 12:00 p.m.**

**Idaho State Police Headquarters  
Building 9 Conference Room  
700 S. Stratford Drive  
Meridian, ID 83642**

**TELECONFERENCE CALL-IN**

**(Same meeting time as above once date is established)**

**Toll Free: 1-877-820-7831  
Guest 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 sites 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](mailto:Cody.Burlile@isp.idaho.gov). Individuals may also attend the public meeting to be conducted on the above date(s) during which the Idaho State Brand Board will allow oral comments and discussion. All oral comments or presentations must 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:

Per request from the livestock industries, the Brand Board conducted a review of the fees associated with the equine brand inspection program. The review concluded the fees charged for equine brand inspections do not cover

the cost of service for equine inspections. The purpose of the rule is to negotiate the schedule of fees as allowed under the cap set in Idaho Code 25-1160, to more accurately reflect the cost for service of Ownership and Transportation Certificates and Brand Inspection (per head) for horses, mules, and asses.

The rule is also needed to confirm essential changes to IDAPA 11.02.01.034 in order to comply with amendments to 25-1160 Idaho Code, which implement an Equine Farm Service Fee to be charged. This is a convenience fee to equine owners who choose to have a 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. The Brand Board adopted temporary rule Docket No. 11-0201-1901 to comply with the amendments to 25-1160, Idaho Code, which become effective July 1, 2019. The negotiated rule codifies the Equine Farm Service Fee in IDAPA 11.02.01.034 and negotiates the schedule of fees to be charged as allowed under the cap set in Idaho Code 25-1160 for the Equine Farm Service Fee.

The proposed rule will also include a complete review for amendment of select sections in IDAPA 11.02.01 which are no longer relevant, outdated or duplicated to comply with [Executive Order No. 2019-02 – Red Tape Reduction Act](#).

**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](mailto: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 July 26, 2019.

Dated this 7th day of May, 2019.

Cody D. Burlile  
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Idaho State Brand Board  
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