

**Interoffice Memo****IDAHO STATE POLICE**

**TO:** House Agricultural Affairs Committee Chair Boyle/Vice Chair Troy  
Senate Agricultural Affairs Committee Chair Guthrie/Vice Chair Hartog

**FROM:** Major Charlie Spencer, Rules Review Officer

**SUBJECT:** Brands Rule Docket #11-0200-1900F

**DATE:** January 15, 2020

---

I authored this memo to inform you that the Adoption of Pending Fee Rule notice in Brands Docket #11-0200-1900F contains a mistake wherein the Descriptive Summary, Fee Summary, and Fiscal impact language is incorrect. This docket does contain a fee increase for equine inspection fees in addition to the changes made for the Red Tape Reduction Act. These fee increases were negotiated in accordance with the normal rulemaking process.

As the designated ISP Rule Review Officer, I was tasked with coordinating ISP efforts to work with all ISP programs pursuant to the Red Tape Reduction Act. One of those programs was the Brands program, overseen by State Brand Inspector Cody Burlile, who answers to the Brand Board.

Two Brands IDAPA rules were reauthorized and effective July 1, 2019. Those were rules 11.02.01 and 11.02.02. During the summer of 2019, Inspector Burlile engaged in negotiated rulemaking to increase the equine inspection fees. He held and coordinated public meetings, published the rules as necessary, and worked with all his stakeholders to adjust the fee schedule. He did all of this in accordance with the normal rulemaking process for these fee changes.

In addition, he engaged in reducing his rules according to the Red Tape Reduction Act and in fact combined two chapters into one, becoming 11.02.01, thereby eliminating 4 pages and 1185 words.

The Brands Board approved all the specifics of the above actions, the negotiated rulemaking and fee increase, as well as the Red Tape Reduction efforts. Numerous people were involved in all of these efforts at various stages including input from our assigned Deputy Attorney General.

As I began submitting rules for publication in the November bulletin, Cody Burlile, DFM, and I had several conversations on the proper way to move forward with all the rules. Due to the fact that the fee increases were negotiated and done in accordance with the normal rulemaking process all of the rules were rolled into the omnibus packet, published and submitted. However when I submitted rule 11.02.01, which included the new negotiated fees, as well as incorporating the non-substantial changes, I mistakenly failed to properly reflect the fiscal note and associated information in the omnibus fee notice.

Following the publishing of the November bulletin, no comments or requests were made of ISP or Brands concerning the changes to the rule. Once that time period expired and no comments were received all the rules were simply waiting for the 2020 Legislative session.

It was only this week while preparing for this rule presentation when we discovered our error.

I am offering this information to be provided to your committee to ensure that you are aware of this issue. Our entire process was taken very seriously and with the primary goal of transparency. Though this mistake occurred, I can assure you that there was never any intention at any stage of this process to have anything short of full transparency and accountability.

I have attached the Notice of Intent to promulgate rules and the original rules submittal form for agency rules to this memo. Brands Inspector Cody Burlile also maintained his record of rulemaking and has additional information if needed.

Respectfully submitted



Major Charlie Spencer  
Idaho State Police

**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:

<b>SCHEDULE OF FEES</b>		
<b>Recording of a Brand</b>	<b>\$50 initial recording fee plus a \$20 per year prorated staggered recording fee every year thereafter</b>	
Transfer of a recorded brand	\$50.00	
Renewal of a recorded brand (every five years)	\$100.00	
Duplicate brand registration certificate	\$1.50	
Lifetime Ownership and transportation certificate	<del>\$35.00</del> <b>\$50.00</b>	
Duplicate lifetime ownership and transportation certificate	\$5.00	
Annual inspection equine or bovine	\$5.00	
	<b>CATTLE</b>	<b>HORSES</b>
Brand inspection (per head)	\$1.19	<del>\$1.50</del> <b>\$5.00</b>
Idaho livestock to pasture (per head)	\$.60	<del>\$.75</del> <b>\$2.50</b>
Minimum auction fee (per day)	\$50.00	\$50.00
Minimum field brand inspection fee	\$20.00	\$20.00
Equine farm service fee		<del>\$55.00</del> <b>\$45.00</b>
Courtesy brand inspection	\$1.19	<del>\$1.50</del> <b>\$5.00</b>

<b>Fees To Be Collected By The State Brand Inspector For Other State Agencies:</b>	
Idaho Beef Council (per head)	\$1.50
Idaho Horse Board (per head)	\$3.00
Idaho Department of Agriculture:	
Animal Disease Control (per head)	\$.22
Animal Damage Control (per head)	\$.05
Wolf Control Assessment	\$25/brand renewal \$5/staggered recording fee every year thereafter