

Dear Senators SIDDOWAY, Smyser, Bock, and  
Representatives ANDRUS, Boyle, Pence:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of  
the Idaho State Police:

IDAPA 11.02.01 - Rules of the Idaho State Brand Board (Fee Rule) (Docket No. 11-0201-1201);

IDAPA 11.02.02 - Rules of the Idaho State Brand Board (Fee Rule) (Docket No. 11-0202-1201).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the  
cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research  
and Legislation no later than fourteen (14) days after receipt of the rules analysis from Legislative  
Services. The final date to call a meeting on the enclosed rules is no later than 12/03/2012. If a meeting is  
called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules analysis  
from Legislative Services. The final date to hold a meeting on the enclosed rules is 01/02/2013.

The germane joint subcommittee may request a statement of economic impact with respect to a  
proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement,  
and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has  
been held.

To notify Research and Legislation, call 334-4845, or send a written request to the address on the  
memorandum attached below.



Jeff Youtz  
Director

# Legislative Services Office Idaho State Legislature

*Serving Idaho's Citizen Legislature*

## MEMORANDUM

**TO:** Rules Review Subcommittee of the Senate Agricultural Affairs Committee and the House Agricultural Affairs Committee

**FROM:** Principal Legislative Research Analyst - Katharine Gerrity

**DATE:** November 13, 2012

**SUBJECT:** Idaho State Police

IDAPA 11.02.01 - Rules of the Idaho State Brand Board (Fee Rule) (Docket No. 11-0201-1201)

IDAPA 11.02.02 - Rules of the Idaho State Brand Board (Fee Rule) (Docket No. 11-0202-1201)

### 1. IDAPA 11.02.01 - Rules of the Idaho State Brand Board

The Idaho State Police submit notice of proposed rule at IDAPA 11.02.01 - Rules of the Idaho State Brand Board. According to the department, this fee rule is being proposed because the number of new brands being recorded has declined and fewer brands are being renewed, resulting in a decline of necessary revenue. The department states that this rulemaking increases fees needed to secure the necessary revenue to properly execute the statutory functions of the Brand Board. Fees being increased include the Transfer of Brand fee, which is being increased to \$50.00, the Renewal of a Recorded Brand fee, paid every five years, is increased to \$100 and the Ownership and Transportation Certificate fee is increased to \$35.00.

The department notes that the changes have the potential of increasing revenue approximately \$107,000 and that the additional revenue will help cover rising personnel benefit costs, fuel costs and mileage reimbursement for private vehicle use. The department states that negotiated rulemaking was not conducted but that affected parties were involved in the drafting and approval of the rule. The rulemaking appears to be authorized pursuant to Sections 25-1122, 25-1145, 25-1146 and 67-2901, Idaho Code.

### 2. IDAPA 11.02.02 - Rules of the Idaho State Brand Board

The Idaho State Police submit notice of proposed rule at IDAPA 11.02.02 - Rules of the Idaho State Brand Board. According to the department, this fee rule is being proposed to also address a drop in revenue. The department indicates that the number of licensed Idaho livestock dealers and Idaho livestock representatives has dropped over the years resulting in a decline of needed revenue. The fees that are proposed to be increased include Livestock Dealer fees, which are increased from \$40.00 to \$100, and Livestock Dealer Representative fees which are increased from \$15.00 to \$35.00.

Mike Nugent Manager  
Research & Legislation

Cathy Holland-Smith, Manager  
Budget & Policy Analysis

April Renfro, Manager  
Legislative Audits

Glenn Harris, Manager  
Information Technology

The department notes that the changes have the potential of increasing revenue approximately \$12,000 and that the additional revenue will help cover rising personnel benefit costs, fuel costs and mileage reimbursement for private vehicle use. The department states that negotiated rulemaking was not conducted but that affected parties were involved in the drafting and approval of the rule. The rulemaking appears to be authorized pursuant to Sections 25-3303 and 67-2901, Idaho Code.

cc: Idaho State Police

Col. G. Jerry Russell, Director

Larry Hayhurst, Brands Inspector

## PROPOSED RULE COST/BENEFIT ANALYSIS

Section 67-5223(3), Idaho Code, requires the preparation of an economic impact statement for all proposed rules imposing or increasing fees or charges. This cost/benefit analysis, which must be filed with the proposed rule, must include the reasonably estimated costs to the agency to implement the rule and the reasonably estimated costs to be borne by citizens, or the private sector, or both.

**Department or Agency:** Idaho Brand Board

**Agency Contact:** Larry A. Hayhurst      **Phone:** 884-7070

**Date:** 10/31/2012

**IDAPA, Chapter and Title Number and Chapter Name:**

**IDAPA Chapter 11, Title Number: 11.02.01 Rules of the Idaho Brand Board**

**IDAPA Chapter 11, Title Number: 11.02.02 Rules of the Idaho Brand Board**

**Fee Rule Status:**     Proposed       Temporary

**Rulemaking Docket Number:** 11-0201-1201 \*

### STATEMENT OF ECONOMIC IMPACT:

\* 11.02.01: 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.

11.02.02: 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.

# 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 - PROPOSED 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.

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

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

Pursuant to Section 67-5221(1), Idaho Code, this docket is being published as a proposed rule.

This docket has been previously published as a temporary rule.  
 The temporary effective date is February 1, 2012.

The original text of the temporary rule was published in the Idaho Administrative Bulletin,  
[Volume 12-3, March 7, 2012, pages 24 and 25.](#)

**THE FOLLOWING IS THE PROPOSED 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:

<b>SCHEDULE OF FEES</b>		
<b>Recording of a Brand</b>	<b>\$50 initial recording fee plus a <del>\$40</del>20 per year prorated staggered renewal fee every year thereafter</b>	
Transfer of a recorded brand	\$ <del>25</del> 50.00	
Renewal of a recorded brand (Every five years)	\$ <del>50</del> 100.00	
Duplicate brand registration certificate	\$1.50	
Ownership and transportation certificate	\$ <del>2</del> 35.00	
Duplicate ownership and transportation certificate	\$5.00	
Annual inspection equine or bovine	\$5.00	
	<b>CATTLE</b>	<b>HORSES</b>
Brand inspection (per head)	\$.94	\$1.50
Idaho livestock to pasture (per head)	\$.47	\$.75
Minimum auction fee	\$50.00	\$50.00
Minimum field brand inspection fee	\$10.00	\$10.00
Courtesy brand inspection	\$.94	\$1.50

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

<b>Fees To Be Collected By The State Brand Inspector For Other State Agencies:</b>	
Predator control (per head)	\$. <del>0</del> <sup>405</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)

## PROPOSED RULE COST/BENEFIT ANALYSIS

Section 67-5223(3), Idaho Code, requires the preparation of an economic impact statement for all proposed rules imposing or increasing fees or charges. This cost/benefit analysis, which must be filed with the proposed rule, must include the reasonably estimated costs to the agency to implement the rule and the reasonably estimated costs to be borne by citizens, or the private sector, or both.

**Department or Agency:** Idaho Brand Board

**Agency Contact:** Larry A. Hayhurst      **Phone:** 884-7070

**Date:** 10/31/2012

**IDAPA, Chapter and Title Number and Chapter Name:**

**IDAPA Chapter 11, Title Number: 11.02.01 Rules of the Idaho Brand Board**

**IDAPA Chapter 11, Title Number: 11.02.02 Rules of the Idaho Brand Board**

**Fee Rule Status:**     Proposed       Temporary

**Rulemaking Docket Number:** 11-020Z-1201 \*

### STATEMENT OF ECONOMIC IMPACT:

**11.02.01:** 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.

\* **11.02.02:** 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.



**IDAPA 11 - IDAHO STATE POLICE**  
**11.02.02 - RULES OF THE IDAHO STATE BRAND BOARD**  
**DOCKET NO. 11-0202-1201 (FEE RULE)**  
**NOTICE OF RULEMAKING - PROPOSED 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.

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

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

Pursuant to Section 67-5221(1), Idaho Code, this docket is being published as a proposed rule.

This docket has been previously published as a temporary rule.  
The temporary effective date is February 1, 2012.

The original text of the temporary rule was published in the Idaho Administrative Bulletin,  
Volume 12-3, March 7, 2012, pages 26 through 28.

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THE FOLLOWING IS THE PROPOSED 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. ( )

**~~005.~~ -- ~~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)~~(    )