

IN THE SENATE

SENATE BILL NO. 1082

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO THE STATE BRAND BOARD; AMENDING SECTION 25-1122, IDAHO CODE, TO  
2 REVISE CERTAIN FEES REGARDING OWNERSHIP AND TRANSPORTATION CERTIFI-  
3 CATES AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 25-1160,  
4 IDAHO CODE, TO REVISE PROVISIONS REGARDING BRAND INSPECTION FEES FOR  
5 HORSES, MULES, AND ASSES, TO PROVIDE FOR EQUINE FARM SERVICE FEES, AND  
6 TO MAKE TECHNICAL CORRECTIONS.  
7

8 Be It Enacted by the Legislature of the State of Idaho:

9 SECTION 1. That Section 25-1122, Idaho Code, be, and the same is hereby  
10 amended to read as follows:

11 25-1122. OWNERSHIP AND TRANSPORTATION CERTIFICATE. (1) The owner or  
12 owners of any horses, mules or asses desiring to transport them within the  
13 state for any purpose other than sale or trade, may, upon request to the state  
14 brand inspector, be issued an ownership and transportation certificate,  
15 which certificate shall be issued in lieu of the required brand inspection  
16 certificate or other written permit for each horse, mule or ass to be trans-  
17 ported.

18 (2) An ownership and transportation certificate may be used by the  
19 owner or owners of a horse, mule or ass for identification purposes and as  
20 prima facie proof of ownership of any animal described by such a certificate.

21 (3) The ownership and transportation certificate shall be valid as long  
22 as the horse, mule or ass described therein remains under the ownership of  
23 the person or persons to whom the certificate is issued.

24 (4) The ownership and transportation certificate of a horse, mule or  
25 ass must accompany the animal for which it is issued at all times while the  
26 animal is in transit.

27 (5) Each ownership and transportation certificate of a horse, mule or  
28 ass shall identify the particular animal by color, markings, sex, age and,  
29 where applicable, by brand, registration number, tattoo or other marks as  
30 provided for by regulation of the state brand board.

31 (6) There shall be a fee in an amount to be set by the state brand board,  
32 not to exceed ~~thirtyseventy~~-five dollars (\$375.00), for issuance of each  
33 ownership and transportation certificate, which fee shall be in addition to  
34 any brand inspection certificate or other written permit which may be re-  
35 quested by the owner or owners of a horse, mule or ass under other provisions  
36 of law.

37 (7) Upon any change of ownership of a horse, mule or ass for which an  
38 ownership and transportation certificate has been issued, the former owner  
39 or owners may transfer the certificate to the new owner or owners upon pay-  
40 ment of a fee to be set by the state brand board, not to exceed ~~thirtyseventy~~-  
41 five dollars (\$375.00) per certificate.

1 (8) The state brand board may, under such terms and conditions as it  
 2 deems necessary to protect ownership of horses, mules and asses, provide by  
 3 regulation that ownership and transportation certificates may be used in  
 4 transportation of horses, mules or asses to and from points outside of the  
 5 state of Idaho, and may provide that similar certificates from other states  
 6 may be used for proof of ownership of horses, mules or asses entering Idaho.

7 SECTION 2. That Section 25-1160, Idaho Code, be, and the same is hereby  
 8 amended to read as follows:

9 25-1160. BRAND INSPECTION FEES. (1) The maximum fee which shall be  
 10 charged by the state brand inspector and his deputies for brand inspection  
 11 shall be:

12 (a) One dollar and twenty-five cents (\$1.25) for each head of cattle;

13 (b) ~~One dollar and fifty cents (\$1.50)~~ Ten dollars (\$10.00) for each  
 14 head of horses, mules, and asses.

15 (2) A minimum fee of twenty dollars (\$20.00) shall be charged by the  
 16 state brand inspector and his deputies for each brand inspection certifi-  
 17 cate issued, whether for cattle, horses, mules, or asses, or a combination  
 18 thereof. The minimum brand inspection fee shall apply only in those cases  
 19 when a brand inspector must travel from his assigned duty post. There shall  
 20 be an equine farm service fee in an amount to be set by the state brand board,  
 21 not to exceed fifty-five dollars (\$55.00), for each case a brand inspector  
 22 must travel from his assigned duty post to complete a brand inspection cer-  
 23 tificate for horses, mules, or asses, which fee shall be in addition to any  
 24 brand inspection certificate or other written permit requested by the owner  
 25 or owners of a horse, mule, or ass under any other provisions of law. Live-  
 26 stock auctions and feedlots currently approved by the Idaho state department  
 27 of agriculture are exempt from the equine farm service fee.

28 (3) The minimum fee for brand inspection services at any normally  
 29 scheduled livestock auction sale is fifty dollars (\$50.00) per day, and  
 30 shall be paid by the livestock auction sale, whether or not the inspection  
 31 fee received from the owners of livestock inspected equals the minimum fee.  
 32 If the fees paid by the owners of livestock inspected at the sale exceed the  
 33 minimum fee, the actual amount of fees collected shall be paid, rather than  
 34 the minimum amount.

35 (4) The fee for brand inspection services at any livestock auction sale  
 36 ~~which that~~ is not a normally scheduled livestock auction sale shall be:

37 (a) Eighteen dollars (\$18.00) per hour for each hour that each brand in-  
 38 spector spends engaged in the performance of brand inspection services  
 39 at the livestock auction sale;

40 (b) A mileage rate as established by the state board of examiners per  
 41 mile per vehicle for each mile that said brand inspector(s) must travel  
 42 to and from the sale from his assigned duty post.

43 The minimum fee, not including mileage, shall be the actual hours worked, or  
 44 thirty-six dollars (\$36.00) per day, or the inspection fees as set forth in  
 45 subsection (1) of this section, whichever is greater.

46 (5) The state brand board may adopt a schedule or schedules of fees  
 47 ~~which that~~ are below the maximum fees and may adjust such schedule or  
 48 schedules from time to time whenever such board finds that the cost of admin-  
 49 istering and enforcing the laws of the state of Idaho for brand inspection

1 of livestock can be maintained with such below-maximum fees. All such fees  
2 shall be paid by the owner of the cattle, horses, mules, and asses and cred-  
3 ited to the state brand account.

4 (6) All brand inspection fees, and all other fees required by law to be  
5 collected by the brand inspector, are due and payable at the time of inspec-  
6 tion, but the brand board may, by rule, allow all of such fees to be paid on  
7 a schedule that requires payment at least monthly, after receiving a request  
8 for such delayed payment schedule and after such request is approved by the  
9 state brand inspector. The brand board may require a security deposit to en-  
10 sure the prompt payment of all fees owed to the state. Failure to pay as re-  
11 quired shall be cause for the brand inspector to file an action in the dis-  
12 trict court of the county wherein the inspection was made for the amount of  
13 all fees owed, plus all costs and reasonable attorney's fees associated with  
14 the action plus interest at the rate specified in section 28-22-104, Idaho  
15 Code, on the amount owed from the due date.

16 (7) Any brand inspector who must travel beyond the border of the state  
17 of Idaho to investigate a possible violation of this chapter is entitled to  
18 a mileage rate, as established by the state board of examiners, per mile per  
19 vehicle for each mile that the brand inspector must travel to and from his  
20 assigned duty post, and eighteen dollars (\$18.00) per hour for each hour that  
21 each brand inspector spends engaged in the investigation. The minimum fee  
22 for each brand inspector, not including mileage, shall be the actual hours  
23 worked, or thirty-six dollars (\$36.00) per day, or the hourly inspection  
24 fees, whichever is greater.