

IN THE SENATE

SENATE BILL NO. 1016

BY AGRICULTURAL AFFAIRS COMMITTEE

AN ACT

1 RELATING TO BRANDS; AMENDING SECTION 25-1121, IDAHO CODE, TO REVISE A PRO-
2 VISION REGARDING CERTAIN FEES; AMENDING SECTION 25-1144, IDAHO CODE,
3 TO REVISE PROVISIONS REGARDING CERTAIN FEES, TO PROVIDE FOR A FEE, AND
4 TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 25-1145, IDAHO CODE,
5 TO REVISE PROVISIONS REGARDING CERTAIN FEES; AMENDING SECTION 25-1146,
6 IDAHO CODE, TO REVISE A PROVISION REGARDING CERTAIN FEES AND TO MAKE
7 TECHNICAL CORRECTIONS; AMENDING SECTION 25-1160, IDAHO CODE, TO REVISE
8 PROVISIONS REGARDING CERTAIN FEES AND TO MAKE A TECHNICAL CORRECTION;
9 AMENDING SECTION 25-1161, IDAHO CODE, TO REVISE PROVISIONS REGARDING
10 THE STATE BRAND ACCOUNT AND TO MAKE A TECHNICAL CORRECTION; AMENDING
11 SECTION 25-3303, IDAHO CODE, TO REVISE PROVISIONS REGARDING CERTAIN
12 FEES AND TO MAKE A TECHNICAL CORRECTION; PROVIDING THAT CERTAIN ADMIN-
13 ISTRATIVE RULES CONTAINED IN IDAPA 11.02.01 SHALL BE NULL, VOID, AND OF
14 NO FORCE AND EFFECT; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFEC-
15 TIVE DATE.
16

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

18 SECTION 1. That Section 25-1121, Idaho Code, be, and the same is hereby
19 amended to read as follows:

20 25-1121. REQUIREMENTS FOR BRAND INSPECTION -- WRITTEN PERMIT IN LIEU
21 OF INSPECTION. (1) Any person desiring to transport, remove, or drive any
22 livestock from the boundaries of this state in any manner shall, before do-
23 ing so, apply to the state brand inspector to inspect the same for marks and
24 brands, and on such application (or without said application if said offi-
25 cer has knowledge of such removal) the brand inspector shall immediately in-
26 spect said livestock for brands and marks and keep an accurate record of the
27 same with the name and residence of owner or shipper and name, sex and kind
28 of livestock. Any person desiring an inspection pursuant to this paragraph
29 must notify a state brand inspector or person duly authorized to accomplish
30 the inspection. If the inspector finds that the livestock have brands that
31 are not owned by the person claiming the same, then such person shall be re-
32 quired to produce a bill of sale or other satisfactory evidence of owner-
33 ship. Upon proof of ownership the inspector shall give the person a cer-
34 tificate stating the number and kind of livestock and their marks and brands
35 and thereupon the said person shall be permitted to transport said livestock
36 from this state. A copy of the brand inspection certificate shall accompany
37 the livestock to final destination.

38 (2) Any person desiring to transport livestock, not his own, within the
39 boundaries of this state in any manner shall before doing so, have in his pos-
40 session a written transportation permit properly completed and signed by the
41 owner or an authorized agent of the owner of the livestock being transported

1 or a brand inspection certificate. A copy of the written permit or brand in-
2 spection certificate shall accompany the livestock to final destination.

3 (3) Annual brand inspections certificates for all livestock for any
4 purpose, other than sale or trade, may be issued by the state brand inspector
5 or his deputies in lieu of the regularly required brand inspection or other
6 written permits for periods of not to exceed one (1) year in duration and for
7 a fee of not to exceed ~~five dollars (\$5.00)~~ ten dollars (\$10.00), each as
8 determined by regulation of the state brand board.

9 (4) The owner of the livestock shall pay all fees required for inspec-
10 tion services pursuant to this chapter, section 25-232, Idaho Code, section
11 25-2505, Idaho Code, and section 25-2907, Idaho Code.

12 (5) Any transportation of livestock in violation of this chapter is
13 prohibited. Livestock transported in violation of this chapter shall be
14 detained until compliance with this chapter has been made.

15 SECTION 2. That Section 25-1144, Idaho Code, be, and the same is hereby
16 amended to read as follows:

17 25-1144. MANNER OF RECORDING BRANDS. Every stock grower whose brands
18 are not recorded, desiring to use any brand on any livestock shall make and
19 file an application setting forth a facsimile and description of the brand
20 ~~which that~~ he desires to use, which application shall state the post-office
21 address and county of his residence, and he shall file such application with
22 the state brand inspector and the same shall be recorded in a book kept for
23 that purpose, by the state brand inspector ~~and from~~. From and after the fil-
24 ing of such application, the stock grower filing the same, shall have the ex-
25 clusive right to use such brand, within the state of Idaho. Such recording
26 shall be valid for a period of not more than five (5) years, as determined
27 by rules of the state brand board, subject to the renewal provisions of sec-
28 tion 25-1145, Idaho Code. Such person, upon the filing of the brand, shall
29 pay to the state brand inspector for recording the brand the sum of ~~fifty dol-
30 lars (\$50.00)~~ seventy-five dollars (\$75.00) and the board may prorate the
31 fee to facilitate implementation of a staggered brand renewal system. It
32 shall be the duty of the state brand inspector to furnish without further or
33 other charge, one (1) certified copy of the application to the owner thereof
34 upon his request, and for each additional copy ~~he shall be paid a reason-
35 able fee as determined by the state brand board not to exceed one dollar and
36 fifty cents (\$1.50) for the additional certified copies: provided, further,
37 that the~~ a fee of five dollars (\$5.00) shall be assessed. The state brand in-
38 spector shall not file or record any such brand if the same has already been
39 filed or recorded by him in favor of some other stock grower. The certified
40 copy of the application shall contain the registration number of such brand,
41 description or facsimile copy of the recorded brand, location of brand on
42 the animal, expiration of the recorded brand and the name and address of the
43 owner of the recorded brand. Upon a request to research a brand recording, a
44 fee of thirty-six dollars (\$36.00) per hour spent shall be paid to the state
45 brand inspector.

46 SECTION 3. That Section 25-1145, Idaho Code, be, and the same is hereby
47 amended to read as follows:

1 25-1145. RENEWAL OF BRANDS. (1) On July 1, 2011, and at the end of each
 2 recording period of an original application pursuant to section 25-1144,
 3 Idaho Code, and at the end of each successive period thereafter on the first
 4 day of July, the recording of every brand in the office of the state brand
 5 inspector shall be renewed upon application for such renewal by the owner.
 6 The fee of the state brand inspector for filing each such renewal application
 7 shall be not more than ~~one hundred twenty-five dollars (\$125)~~ two hundred
 8 dollars (\$200), twenty-five dollars (\$25.00) of which shall be considered
 9 a wolf control assessment pursuant to section 22-5306, Idaho Code, ~~and it.~~
 10 It shall be the duty of the state brand inspector to furnish without further
 11 or other charge one (1) certified copy of the certificate of such brand to
 12 the owner thereof upon his request, and for each additional certified copy
 13 the state brand inspector shall be paid ~~a reasonable fee as determined by the~~
 14 ~~state brand board not to exceed one dollar and fifty cents (\$1.50) for the ad-~~
 15 ~~ditional certified copy~~ five dollars (\$5.00). The fee for recording each re-
 16 newal shall be paid coincident with the filing of the application therefor.

17 (2) Each application for the renewal and the record of renewal of each
 18 brand shall be made in the same manner as is provided by law for the filing of
 19 an original application for the recording of a brand.

20 (3) If an application for the renewal of any brand shall not be made and
 21 the fee therefor paid within the period of six (6) months after the expira-
 22 tion date for such renewal, then such brand may be allotted by the state brand
 23 inspector to any other person who shall apply therefor.

24 SECTION 4. That Section 25-1146, Idaho Code, be, and the same is hereby
 25 amended to read as follows:

26 25-1146. SALES AND TRANSFERS OF BRANDS. Any brand recorded in accor-
 27 dance with the requirements of this chapter shall be the property of the
 28 stock grower in whose name the same shall be recorded, and shall be subject
 29 to sale, assignment, transfer, devise and descent, the same as personal
 30 property. Instruments of writing evidencing any such sale, assignment or
 31 transfer shall be acknowledged as deeds to real estate are now required to
 32 be, and shall be recorded in the office of the state brand inspector in a book
 33 to be by said officer kept for that purpose, which shall be properly indexed.
 34 The recording of such instruments in said office shall have the same force
 35 and effect as to third parties, as the recording of instruments affecting
 36 real estate, and the acknowledgment of the same shall have the same force and
 37 effect as the acknowledgment of deeds to real estate, and certified copies of
 38 the record of any such instrument, duly acknowledged, may be introduced in
 39 evidence the same as is now provided for certified copies of instruments af-
 40 fecting real estate. The fee of the state brand inspector for recording the
 41 writings evidencing each such sale, assignment or transfer shall be ~~fifty~~
 42 ~~dollars (\$50.00)~~ seventy-five dollars (\$75.00).

43 SECTION 5. That Section 25-1160, Idaho Code, be, and the same is hereby
 44 amended to read as follows:

45 25-1160. BRAND INSPECTION FEES. (1) The maximum fee ~~which that~~ shall
 46 be charged by the state brand inspector and his deputies for brand inspection
 47 shall be:

1 (a) One dollar and ~~twenty-five cents (\$1.25)~~ fifty cents (\$1.50) for
2 each head of cattle;

3 (b) Ten dollars (\$10.00) for each head of horses, mules, and asses.

4 (2) ~~A The minimum fee of twenty dollars (\$20.00) shall be charged by~~
5 ~~the state brand inspector and his deputies that shall be charged by the state~~
6 brand inspector for brand inspection shall be:

7 (a) An amount set by the state brand board, not to exceed forty dol-
8 lars (\$40.00), for each brand inspection certificate issued, whether
9 for cattle, horses, mules, or asses, or a combination thereof. The min-
10 imum brand inspection fee shall apply only in those cases when a brand
11 inspector must travel from his assigned duty post.

12 (b) There shall be an equine farm service fee in an amount to be set by
13 the state brand board, not to exceed fifty-five dollars (\$55.00), for
14 each case a brand inspector must travel from his assigned duty post to
15 complete a brand inspection certificate for horses, mules, or asses,
16 which fee shall be in addition to any brand inspection certificate or
17 other written permit requested by the owner or owners of a horse, mule,
18 or ass under any other provisions of law. Livestock auctions and feed-
19 lots currently approved by the Idaho state department of agriculture
20 are exempt from the equine farm service fee.

21 (3) The minimum fee for brand inspection services at any normally
22 scheduled livestock auction sale is ~~fifty dollars (\$50.00)~~ one hundred dol-
23 lars (\$100) per day and shall be paid by the livestock auction sale, whether
24 or not the inspection fee received from the owners of livestock inspected
25 equals the minimum fee. If the fees paid by the owners of livestock inspected
26 at the sale exceed the minimum fee, the actual amount of fees collected shall
27 be paid, rather than the minimum amount.

28 (4) The fee for brand inspection services at any livestock auction sale
29 that is not a normally scheduled livestock auction sale shall be:

30 (a) ~~Eighteen dollars (\$18.00)~~ Thirty-six dollars (\$36.00) per hour for
31 each hour that each brand inspector spends engaged in the performance of
32 brand inspection services at the livestock auction sale;

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

36 The minimum fee, not including mileage, shall be the actual hours worked, or
37 ~~thirty-six dollars (\$36.00)~~ seventy-two dollars (\$72.00) per day, or the in-
38 spection fees as set forth in subsection (1) of this section, whichever is
39 greater.

40 (5) The state brand board may adopt a schedule ~~or schedules~~ of fees that
41 are below the maximum fees and may thereafter review and adjust such schedule
42 ~~or schedules from time to time whenever such board finds that fees annually~~
43 at a regular and properly noticed meeting of the board held in the first cal-
44 endar quarter, with said fees to be scheduled in an amount reasonably neces-
45 sary to cover the cost of administering and enforcing the laws of the state
46 of Idaho for brand inspection of livestock can be maintained with such be-
47 low-maximum fees. The state brand board shall only adjust the fees to be
48 collected under this section for this purpose alone, and in no event shall
49 the fee for cattle brand inspections increase more than ten cents (\$0.10) per
50 head annually, while remaining below the maximum fees allowed by law. If the

1 board determines fee adjustments are necessary, such adjustments shall take
 2 effect on July 1 of the same year, and notice of any fee increases shall be
 3 posted prominently on the front page of the brand inspector's website. All
 4 such fees shall be paid by the owner of the cattle, horses, mules, and asses
 5 and credited to the state brand account.

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

18 (7) Any brand inspector who must travel ~~beyond the border of the state~~
 19 ~~of Idaho~~ to investigate a possible violation of this chapter is entitled to
 20 a mileage rate, as established by the state board of examiners, per mile per
 21 vehicle for each mile that the brand inspector must travel to and from his as-
 22 signed duty post, and ~~eighteen dollars (\$18.00)~~ thirty-six dollars (\$36.00)
 23 per hour for each hour that each brand inspector spends engaged in the inves-
 24 tigation. The minimum fee for each brand inspector, not including mileage,
 25 shall be the actual hours worked, or ~~thirty-six dollars (\$36.00)~~ seventy-
 26 two dollars (\$72.00) per day, or the hourly inspection fees, whichever is
 27 greater.

28 (8) A fee of ten dollars (\$10.00) shall be paid to the state brand in-
 29 pector for each duplicate brand inspection certificate issued.

30 SECTION 6. That Section 25-1161, Idaho Code, be, and the same is hereby
 31 amended to read as follows:

32 25-1161. FEES -- STATE BRAND ACCOUNT. All fees of every kind collected
 33 by the office of the state brand inspector or under any rules or regulations
 34 made pursuant to the provisions of this chapter 11, title 25, Idaho Code,
 35 shall be deposited in a separate dedicated account in the state treasury and
 36 kept in a special and separate account in the dedicated fund to be known as
 37 the "state brand account"; said account is hereby known as the "state brand
 38 account." The state treasurer shall invest the idle moneys of the state brand
 39 account, and the interest earned shall be retained in said account. All such
 40 moneys in said account are hereby continuously appropriated for the use and
 41 expenditure of said board in carrying out the provisions of this chapter and
 42 in the performance of all of its duties and the duties of the state brand in-
 43 pector and in carrying out the rules and regulations ~~which that~~ shall be
 44 made by the board, and for salaries and wages and other expenses of the of-
 45 fice of the state brand inspector, the state brand board, and its employees
 46 for the purpose of fulfilling the duties of such office, ~~and said account is~~
 47 hereby declared to be a continuing account.

1 SECTION 7. That Section 25-3303, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 25-3303. LICENSE REQUIRED. Any person doing business as a livestock
4 dealer in the state of Idaho must secure an annual license from the board. A
5 fee of ~~one hundred dollars (\$100)~~ three hundred dollars (\$300) shall accom-
6 pany any such application for initial issuance or renewal. In addition, a
7 fee of ~~thirty-five dollars (\$35.00)~~ one hundred dollars (\$100) shall be paid
8 for each authorized representative of a licensee. Such fees so received are
9 not returnable and shall be deposited in the state brand account created in
10 section 25-1161, Idaho Code. Upon determination that the applicant is qual-
11 ified, the board shall issue a license to the applicant and all annual li-
12 censes shall terminate and become void each successive June 30th.

13 SECTION 8. The rules contained in IDAPA 11.02.01, Idaho State Police,
14 relating to Rules of the Idaho State Brand Board, Section 34., Subsection
15 01.; and Section 100., Subsections 02. and 03., shall be null, void, and of
16 no force and effect on and after July 1, 2025.

17 SECTION 9. An emergency existing therefor, which emergency is hereby
18 declared to exist, this act shall be in full force and effect on and after
19 July 1, 2025.