

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 371, As Amended in the Senate

BY RESOURCES AND CONSERVATION COMMITTEE

AN ACT

1 RELATING TO THE IDAHO FOREST PRODUCTS COMMISSION; AMENDING SECTION 38-1503,  
2 IDAHO CODE, TO REVISE PROVISIONS RELATING TO ADVISORY MEMBERS OF THE  
3 IDAHO FOREST PRODUCTS COMMISSION; AMENDING SECTION 38-1504, IDAHO  
4 CODE, TO REVISE PROVISIONS RELATING TO THE COMPOSITION OF THE IDAHO  
5 FOREST PRODUCTS COMMISSION; AMENDING SECTION 38-1515, IDAHO CODE, TO  
6 REVISE ASSESSMENT PROVISIONS AND TO MAKE TECHNICAL CORRECTIONS; AND  
7 DECLARING AN EMERGENCY.  
8

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

10 SECTION 1. That Section 38-1503, Idaho Code, be, and the same is hereby  
11 amended to read as follows:

12 38-1503. FOREST PRODUCTS COMMISSION CREATED -- MEMBERS. (1) There is  
13 hereby created and established in the department of self-governing agencies  
14 the Idaho forest products commission, to be composed of five (5) voting mem-  
15 bers appointed by the governor from a list of names with at least two (2)  
16 names for each appointive office for each district submitted to the gover-  
17 nor by the financial supporters of the commission in each district. Initial  
18 members of the commission shall serve either a three (3) or five (5) year  
19 term, with two (2) members of the commission serving three (3) year terms,  
20 and three (3) members of the commission serving five (5) year terms. For the  
21 initial commission members, the duration of each member's term shall be de-  
22 termined by lot. Thereafter, all commission members shall serve terms of  
23 three (3) years, and may be reappointed. The commission shall adopt rules to  
24 define the process for filling vacancies to the commission and to provide for  
25 determining the terms of office for all members of the commission after the  
26 expiration of the terms of the original members.

27 (2) The governor shall also name as permanent advisory members to the  
28 commission, the director of the department of lands, a representative of the  
29 United States forest service, the dean of the University of Idaho college  
30 of ~~forestry, wildlife and range sciences~~ natural resources or the dean's  
31 designee, a representative of the Idaho department of commerce and the Idaho  
32 department of agriculture with expertise in marketing and promotion and the  
33 executive directors of the ~~intermountain forest industry association~~ and  
34 the associated logging contractors. No advisory member of the commission  
35 shall have a vote on the commission.

36 SECTION 2. That Section 38-1504, Idaho Code, be, and the same is hereby  
37 amended to read as follows:

38 38-1504. QUALIFICATIONS OF THE MEMBER AND COMPOSITION OF THE COMMIS-  
39 SION. (1) Each member of the commission shall be nominated and appointed be-  
40 cause of their knowledge of forest management, the forest products indus-

try, or because they possess communications skills which would enhance the ability of the commission to carry out its duties. Members of the commission shall be residents of the state who derive a substantial part of their income from association with the forest products industry within the state of Idaho. Beginning on July 1, 2014, there shall be a total of five (5) members, including four (4) district members and one (1) at-large member. There shall be one (1) district member from each of the four (4) districts as follows:

District 1. The counties of Boundary, Bonner and Kootenai.

District 2. The counties of Shoshone, Benewah, Latah and Clearwater.

District 3. Idaho county and all counties north of the Salmon river not heretofore named.

District 4. Adams, Valley, Payette, Washington, Ada, Boise, Gem, and all other counties south of the Salmon river not heretofore named. ~~From this district, the governor shall appoint two (2) members to the commission.~~

At-large. There shall be one (1) at-large member from any of the four (4) districts identified herein.

(2) The governor shall assure through his appointments to the commission that the commission membership reflects equitable representation from the timber growing, logging and transportation, and forest products manufacturing segments of the industry. ~~The commission shall also include no less than one (1) member with demonstrated experience in communications or natural resource education.~~

SECTION 3. That Section 38-1515, Idaho Code, be, and the same is hereby amended to read as follows:

38-1515. IMPOSITION OF ASSESSMENTS AND PROVISION FOR LATE FEES. (1) From and after the first day of July, 1995, the commission is hereby authorized to levy the following assessments:

(a) For all forest products manufacturers, an amount no greater than fifty cents (50¢) per thousand board feet or the equivalent thereof for all logs either harvested in Idaho or measured or processed by a manufacturing entity located in the state of Idaho, regardless of the state in which the logs might have been cut. For purposes of this chapter, "forest products manufacturers" shall include those business entities which buy timber in Idaho and then sell it to other persons outside the state for manufacture into finished products. Such business entities shall be liable for the assessments described in this paragraph for all timber cut within Idaho and then distributed to other persons outside the state.

(b) For all business entities engaged in the harvest or transport of timber, logs, unfinished lumber, chips, sawdust, shavings or hog fuel in Idaho, a sum no greater than twenty-five dollars (\$25.00) per employee, including single, self-employers and the individuals involved in partnerships, as measured by the records of the department of ~~employment~~ labor during the month of July of the preceding year, or as provided in subsection (2) of this section, provided, however, those business entities engaged solely in the harvest or transport of those exclusions to forest products manufacturers as set forth in subsection (7) (a), (b), (c) and (d) of section 38-1502, Idaho Code, shall owe

1 no duty or assessment under this chapter, nor shall any assessment be  
2 levied upon forest products transported by railroad.

3 (c) For business entities or persons owning more than ~~fifty ten~~ thou-  
4 sand (510,000) acres of private forest land within the state of Idaho  
5 ~~but with no facilities for manufacturing forest products within the~~  
6 ~~state,~~ a sum no greater than ~~sixteen and sixty-six one hundredths ten~~  
7 ~~cents (16.6610¢)~~ per each acre of forest land, ~~provided, however, that~~  
8 ~~this assessment shall be reduced by an amount equal to the assessment~~  
9 ~~described in paragraph (a) of this subsection for all logs harvested~~  
10 ~~from that land in the preceding calendar year and assessed in this sec-~~  
11 ~~tion. Persons owning less than a total of fifty thousand (50,000) acres~~  
12 ~~of forest land in the state shall bear no assessment or fee pursuant to~~  
13 ~~the provisions of this subsection.~~

14 (d) No firm or business entity shall be liable for assessments under  
15 this chapter in more than one (1) of the categories described in this  
16 section. In the event that a person, firm or business entity quali-  
17 fies to pay more than one (1) assessment as described herein, then the  
18 greater of the assessments shall be assessed, due and payable.

19 (2) In collecting assessments due the commission, the commission is au-  
20 thorized to cooperate with and coordinate its actions to collect assessments  
21 with the various efforts of the Idaho board of scaling practices, the state  
22 tax commission, the department of employment labor, the transportation de-  
23 partment and the department of lands to either collect assessments or taxes  
24 due under the provisions of this chapter or to identify those who may owe as-  
25 sessments under the provisions of this chapter.

26 (3) Any person or firm who makes payment to the commission at a date  
27 later than that prescribed in rules set forth by the commission under this  
28 section may be subject to a late payment penalty as set forth by the commis-  
29 sion by rule. Such penalty shall not exceed fifteen percent (15%) per annum  
30 on the amount due. In addition to the above penalty, the commission shall be  
31 entitled to recover all costs, fees, and reasonable attorney's fees incurred  
32 in the collection of the tax and penalty provided for in this section.

33 (4) An assessment levied under this chapter shall be based upon data  
34 compiled from the base year. Assessments shall be paid to the commission ac-  
35 cording to such rules as may be adopted by the commission.

36 SECTION 4. An emergency existing therefor, which emergency is hereby  
37 declared to exist, this act shall be in full force and effect on and after its  
38 passage and approval.