

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 31

BY RESOURCES AND CONSERVATION COMMITTEE

AN ACT

RELATING TO THE IDAHO FORESTRY ACT; AMENDING SECTION 38-111, IDAHO CODE, TO REVISE CERTAIN COSTS RELATING TO THE PROTECTION AGAINST WILDFIRES, TO PROVIDE FOR THE WILDFIRE EQUIPMENT REPLACEMENT FUND, AND TO PROVIDE THAT THE DEPARTMENT OF LANDS SHALL DETERMINE CERTAIN REIMBURSEMENT RATES.

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

SECTION 1. That Section 38-111, Idaho Code, be, and the same is hereby amended to read as follows:

38-111. PROTECTION BY OWNER – ASSESSMENTS – BUDGET OF PROTECTIVE DISTRICTS. Every owner of forest lands in the state shall furnish or provide therefor, throughout the closed season, protection against the starting, existence or spread of fires thereon, or therefrom, in conformity with reasonable rules and standards for adequate protection, to be established by the state board of land commissioners. An owner of forest lands who maintains a membership in good standing in a forest protective association operating under agreement with the state board of land commissioners, which association maintains a standard of protection approved by said board and who pays the assessments to the association in the amounts required in this section, shall be deemed to have fully complied herewith. In the event the owner of any forest land shall neglect or fail to furnish the protection required in this section, the director of the department of lands shall provide such patrol and protection therefor at actual cost to the owner of forest lands. For private owners of forest lands whose total acres of forest lands are twenty-six (26) acres or more, the state board of land commissioners shall establish this cost not to exceed sixty-five cents (~~605¢~~) an acre per year. For private owners of forest lands whose total acres of forest lands are twenty-five (25) acres or fewer, the minimum assessment per year shall be equal to the per acre cost multiplied by twenty-five (25).

In addition to any other assessment prescribed in this chapter, the state board of land commissioners shall establish a surcharge to be levied and assessed in an amount not to exceed ~~twenty~~ forty dollars (\$~~20.00~~ 40.00) for each improved lot or parcel, ~~to defray the cost of fire suppression on forest land caused by the existence of the improvements~~ to offset costs associated with wildfire preparedness.

There is hereby established in the state treasury a wildfire equipment replacement fund for the replacement of capital wildfire equipment. The department of lands shall determine reimbursement rates for all capital fire equipment used for activities other than fire preparedness. Reimbursement revenues shall be deposited in the wildfire equipment replacement fund. Additional moneys may be transferred into the wildfire equipment replacement fund from any other source. All interest or other income accruing from moneys deposited to the fund shall be redeposited and accrue to the fund.

1 In the event an assessment is made in an amount less than the maximum hereinbefore
2 provided, and an actual loss occurs which exceeds the amount budgeted and for which
3 assessments have been made, the director of the department of lands, with the approval of the
4 board, may require an additional assessment to be made and paid, which together with the
5 original assessment shall not exceed the maximum assessment set forth in this section. Such
6 additional assessment shall be levied and collected in the same manner as herein provided
7 for the collection of such original assessments. The liability provided in this section shall be
8 calculated for each forest protection district or association separately, and shall be calculated
9 solely upon the charges assignable to fire control or presuppression of fires within each district
10 or association.

11 Each forest protective association actively engaged in forest protection under agreement
12 with the state board of land commissioners shall each year prepare in detail, a budget of all
13 estimated operating costs for the next calendar year and shall submit this budget to the board
14 for approval before June 30 of the current year.

15 Except for the provisions of section 38-122, Idaho Code, and cases of proven negligence
16 by the landowner or his agent, no other charges or assessments for fire protection shall be made
17 or assessed or collected from those forest landowners participating as provided herein.