

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 410

BY RESOURCES AND CONSERVATION COMMITTEE

AN ACT

1 RELATING TO FOREST PROTECTIVE ASSOCIATIONS; AMENDING SECTION 38-111,
2 IDAHO CODE, TO REVISE PROVISIONS RELATING TO REQUIREMENTS FOR BUDGET
3 SUBMISSIONS TO THE STATE BOARD OF LAND COMMISSIONERS.
4

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

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

8 38-111. PROTECTION BY OWNER -- ASSESSMENTS -- BUDGET OF PROTECTIVE
9 DISTRICTS. Every owner of forest lands in the state shall furnish or provide
10 therefor, throughout the closed season, protection against the starting,
11 existence or spread of fires thereon, or therefrom, in conformity with
12 reasonable rules and standards for adequate protection, to be established
13 by the state board of land commissioners. An owner of forest lands who
14 maintains a membership in good standing in a forest protective association
15 operating under agreement with the state board of land commissioners, which
16 association maintains a standard of protection approved by said board and
17 who pays the assessments to the association in the amounts required in this
18 section, shall be deemed to have fully complied herewith. In the event the
19 owner of any forest land shall neglect or fail to furnish the protection
20 required in this section, the director of the department of lands shall
21 provide such patrol and protection therefor at actual cost to the owner
22 of forest lands. For private owners of forest lands whose total acres of
23 forest lands are twenty-six (26) acres or more, the state board of land
24 commissioners shall establish this cost not to exceed sixty-five cents (65¢)
25 an acre per year. For private owners of forest lands whose total acres of
26 forest lands are twenty-five (25) acres or fewer, the minimum assessment per
27 year shall be equal to the per acre cost multiplied by twenty-five (25).

28 In addition to any other assessment prescribed in this chapter,
29 the state board of land commissioners shall establish a surcharge to be
30 levied and assessed in an amount not to exceed forty dollars (\$40.00)
31 for each improved lot or parcel to offset costs associated with wildfire
32 preparedness.

33 There is hereby established in the state treasury a wildfire equipment
34 replacement fund for the replacement of capital wildfire equipment. The
35 department of lands shall determine reimbursement rates for all capital fire
36 equipment used for activities other than fire preparedness. Reimbursement
37 revenues shall be deposited in the wildfire equipment replacement fund.
38 Additional moneys may be deposited into the wildfire equipment replacement
39 fund from any other source.

40 In the event an assessment is made in an amount less than the maximum
41 hereinbefore provided, and an actual loss occurs which exceeds the
42 amount budgeted and for which assessments have been made, the director

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

10 Each forest protective association actively engaged in forest
11 protection under agreement with the state board of land commissioners shall
12 each year prepare in detail, a budget of all estimated operating costs for
13 the next ~~calendar~~ fiscal year and shall submit this budget to the board for
14 approval before ~~June 30~~ August 31 of the current year.

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