

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 371

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-

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

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

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

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

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

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

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

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

26 38-1515. IMPOSITION OF ASSESSMENTS AND PROVISION FOR LATE FEES. (1)
 27 From and after the first day of July, 1995, the commission is hereby autho-
 28 rized to levy the following assessments:

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

40 (b) For all business entities engaged in the harvest or transport
 41 of timber, logs, unfinished lumber, chips, sawdust, shavings or hog
 42 fuel in Idaho, a sum no greater than twenty-five dollars (\$25.00) per
 43 employee, including single, self-employers and the individuals in-
 44 volved in partnerships, as measured by the records of the department of
 45 ~~employment~~ labor during the month of July of the preceding year, or as
 46 provided in subsection (2) of this section, provided, however, those
 47 business entities engaged solely in the harvest or transport of those
 48 exclusions to forest products manufacturers as set forth in subsec-
 49 tion (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.