

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 511

BY RESOURCES AND CONSERVATION COMMITTEE

AN ACT

1 RELATING TO PRIVATE FOREST LAND; AMENDING SECTION 38-111, IDAHO CODE, TO RE-
2 VISE A PROVISION REGARDING THE SURCHARGE ASSOCIATED WITH IMPROVED FOR-
3 EST LAND AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY
4 AND PROVIDING AN EFFECTIVE DATE.
5

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

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

9 38-111. PROTECTION BY OWNER -- ASSESSMENTS -- BUDGET OF PROTECTIVE
10 DISTRICTS. (1) Every owner of forest lands in the state shall furnish or
11 provide therefor, throughout the closed season, protection against the
12 starting, existence, or spread of fires thereon, or therefrom, in conformity
13 with reasonable rules and standards for adequate protection, to be estab-
14 lished by the state board of land commissioners. An owner of forest lands who
15 maintains a membership in good standing in a forest protective association
16 operating under agreement with the state board of land commissioners, which
17 association maintains a standard of protection approved by said board and
18 who pays the assessments to the association in the amounts required in this
19 section, shall be deemed to have fully complied herewith. In the event the
20 owner of any forest land shall neglect or fail to furnish the protection re-
21 quired in this section, the director of the department of lands shall provide
22 such patrol and protection therefor at actual cost to the owner of forest
23 lands. For private owners of forest lands whose total acres of forest lands
24 are twenty-six (26) acres or more, the state board of land commissioners
25 shall establish this cost not to exceed sixty-five cents (65¢) an acre per
26 year. For private owners of forest lands whose total acres of forest lands
27 are twenty-five (25) acres or fewer, the minimum assessment per year shall be
28 equal to the per acre cost multiplied by twenty-five (25).

29 (2) In addition to any other assessment prescribed in this chapter, the
30 state board of land commissioners shall establish a surcharge to be levied
31 and assessed in an amount not to exceed ~~forty dollars (\$40.00)~~ one hundred
32 dollars (\$100) for each improved lot or parcel to offset costs associated
33 with wildfire preparedness.

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

41 (4) In the event an assessment is made in an amount less than the maxi-
42 mum hereinbefore provided, and an actual loss occurs ~~which~~ that exceeds the

1 amount budgeted and for which assessments have been made, the director of
2 the department of lands, with the approval of the board, may require an addi-
3 tional assessment to be made and paid, which together with the original as-
4 sessment shall not exceed the maximum assessment set forth in this section.
5 Such additional assessment shall be levied and collected in the same manner
6 as herein provided for the collection of such original assessments. The li-
7 ability provided in this section shall be calculated for each forest protec-
8 tion district or association separately, and shall be calculated solely ~~upon~~
9 on the charges assignable to fire control or presuppression of fires within
10 each district or association.

11 (5) Each forest protective association actively engaged in forest pro-
12 tection under agreement with the state board of land commissioners shall
13 each year prepare in detail, a budget of all estimated operating costs for
14 the next fiscal year and shall submit this budget to the board for approval
15 before August 31 of the current year.

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

20 SECTION 2. An emergency existing therefor, which emergency is hereby
21 declared to exist, this act shall be in full force and effect on and after
22 July 1, 2026.