

TITLE 38
FORESTRY, FOREST PRODUCTS AND STUMPAGE DISTRICTS

CHAPTER 15
IDAHO FOREST PRODUCTS COMMISSION

38-1501. DECLARATION OF POLICY. It is in the interest of all the people of Idaho that the abundant forest resources of the state be protected, and properly managed to produce multiple resources and values along with sustained yields of timber to support the economic welfare of the state. Because forest management, on both public and private lands, is important to each citizen of the state, it is the purpose by the enactment of this chapter to promote the economic and environmental welfare of the state by providing a means for the collection and dissemination of information regarding the management of the state's public and private forest lands and the forest products industry.

[38-1501, added 1992, ch. 163, sec. 1, p. 519.]

38-1502. DEFINITIONS. As used in this chapter:

(1) "Assessment year" means January 1 through December 31 of any calendar year in which the commission levies an assessment.

(2) "Base year" means the calendar year immediately preceding the assessment year.

(3) "Business entity" means a person, firm, partnership, corporation, association, trust or other recognized legal entity.

(4) "Commission" means the Idaho forest products commission created by section [38-1503](#), Idaho Code.

(5) "Financial supporter" means entities who have paid assessments pursuant to this chapter.

(6) "Forest lands" means federal, state and private land growing forest tree species which are, or could be at maturity, capable of furnishing raw material used in the manufacture of lumber or other forest products. The term includes federal, state and private land from which forest tree species have been removed but have not yet been restocked, but it does not include land affirmatively converted to uses other than the growing of forest tree species.

(7) "Forest product manufacturer" means a business entity that engages in the processing, cutting, fabricating or other process which converts timber, chips, sawdust or shavings into lumber, paper, plywood, particle board or other usable products for sale in commerce, provided, however, as used in this chapter, forest products manufacturers shall not include the following business entities engaged in:

(a) The production of fence or corral posts or rails;

(b) Producing shingles or shakes;

(c) Producing firewood or pellets for energy; or

(d) Producing logs which have been shaped or scribed and used in the construction of log structures.

(8) "Hog fuel" means wood or wood scraps that have been shredded or pulverized and used by forest product manufacturers to generate energy.

(9) "Private forest lands" means forest lands not owned by the federal government, state government, an Indian tribe or a political subdivision of the state.

[38-1502, added 1992, ch. 163, sec. 1, p. 519; am. 1997, ch. 260, sec. 1, p. 743; am. 2003, ch. 101, sec. 1, p. 320.]

38-1503. FOREST PRODUCTS COMMISSION CREATED -- MEMBERS. (1) There is hereby created and established in the department of self-governing agencies the Idaho forest products commission, to be composed of five (5) voting members appointed by the governor from a list of names with at least two (2) names for each appointive office for each district submitted to the governor by the financial supporters of the commission in each district. Initial members of the commission shall serve either a three (3) or five (5) year term, with two (2) members of the commission serving three (3) year terms, and three (3) members of the commission serving five (5) year terms. For the initial commission members, the duration of each member's term shall be determined by lot. Thereafter, all commission members shall serve terms of three (3) years, and may be reappointed. The commission shall adopt rules to define the process for filling vacancies to the commission and to provide for determining the terms of office for all members of the commission after the expiration of the terms of the original members.

(2) The governor shall also name as permanent advisory members to the commission, the director of the department of lands, a representative of the United States forest service, the dean of the University of Idaho college of natural resources or the dean's designee, a representative of the Idaho department of commerce and the Idaho department of agriculture with expertise in marketing and promotion and the executive director of the associated logging contractors. No advisory member of the commission shall have a vote on the commission.

[38-1503, added 1992, ch. 163, sec. 1, p. 519; am. 1995, ch. 255, sec. 1, p. 835; am. 2014, ch. 102, sec. 1, p. 301.]

38-1504. QUALIFICATIONS OF THE MEMBER AND COMPOSITION OF THE COMMISSION. (1) Each member of the commission shall be nominated and appointed because of their knowledge of forest management, the forest products industry, 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.

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.

[38-1504, added 1992, ch. 163, sec. 1, p. 520; am. 2014, ch. 102, sec. 2, p. 302.]

38-1505. COMPENSATION OF MEMBERS. Members of the commission shall be compensated as provided in section [59-509](#)(b), Idaho Code.

[38-1505, added 1992, ch. 163, sec. 1, p. 520.]

38-1506. CHAIRMAN AND STAFF OF THE COMMISSION. The commission shall elect a chairman and may employ clerical or other staff who are not members of the commission.

[38-1506, added 1992, ch. 163, sec. 1, p. 520.]

38-1507. MEETINGS OF THE COMMISSION. The commission shall meet not less than four (4) times each year and at such other times as may be determined by either the chairman or a majority of the commission members. Any meeting may be held at any location within the state, and at any time.

[38-1507, added 1992, ch. 163, sec. 1, p. 520; am. 1995, ch. 255, sec. 2, p. 836.]

38-1508. DUTIES AND POWERS OF THE COMMISSION. (1) Consistent with the general purposes of this chapter, the commission shall establish the policies to be followed in the accomplishments of such purposes.

(2) In the administration of the provisions of this chapter, the commission shall, in conjunction and cooperation with other entities which represent the forest products industry, have the following duties, authorities and powers:

(a) Conduct research and surveys to determine public attitudes and levels of knowledge regarding forest management and the forest products industry;

(b) Design educational campaigns and other needed efforts to provide the public with accurate information regarding the management of Idaho's forest lands and the forest products industry;

(c) Be an advocate for the proper management of Idaho's forest lands and for a healthy forest products industry in the state;

(d) Be a source of accurate and timely data regarding the forest resource and the forest products industry;

(e) Make projections regarding future timber supplies, availability of timber, new or existing products and markets, and other biological or social trends which might affect forest management or the forest products industry in Idaho; and

(f) Cooperate with any local, state or national organization or agency, whether voluntary or created by the law of any state or by national law, engaged in work or activities similar to the work and activities of the commission, and to enter into contracts and agreements with such organizations or agencies for carrying on a joint campaign of research, education and publicity.

(3) The commission shall also have the duty, power and authority:

(a) To take such actions as the commission deems necessary or advisable to stabilize and protect the forest products industry of the state and the health and welfare of the public;

(b) To sue and be sued;

- (c) To enter into such contracts as may be necessary or advisable;
- (d) To appoint and employ officers, agents and other personnel, including experts in publicizing forest management or the forest products industry, and to prescribe their duties and fix their compensation;
- (e) To make use of such advertising means and methods as the commission deems advisable and to enter into contracts and agreements for research and advertising within the state;
- (f) To lease, purchase or own the real or personal property deemed necessary in the administration of the provisions of this chapter;
- (g) To prosecute in the name of the state of Idaho any suit or action for collection of any tax or assessment provided for in this chapter;
- (h) To adopt, rescind, modify and amend all necessary and proper orders, resolutions and regulations for the procedure and exercise of its powers and the performance of its duties;
- (i) To incur indebtedness and carry on all business activities; and
- (j) To keep books and records and accounts of all its doings, which books, records, and accounts shall be open to inspection by the state controller and public at all times.

[38-1508, added 1992, ch. 163, sec. 1, p. 520; am. 1994, ch. 180, sec. 69, p. 472.]

38-1509. LIMITATIONS TO THE POWERS OF THE COMMISSION. Irrespective of such actions as may be taken by individual members of the commission, the commission itself shall not use any funds or other resources of the commission to influence the outcome of any election for public office, be it state or federal, or to influence the enactment or defeat of any specific piece of legislation; provided, however, the commission may, in the course of implementation of this chapter, generally and objectively inform the public of legislative or regulatory proposals which may affect the management of public or private forests in Idaho or the forest products industry.

[38-1509, added 1992, ch. 163, sec. 1, p. 522.]

38-1510. COMMISSION ACCEPTING GRANTS, DONATIONS AND GIFTS. The commission may accept grants, donations and gifts of funds from any source for expenditure for any purpose consistent with this chapter which may be specified as a condition of any grant, donation or gift. All funds received under the provisions of this chapter shall be paid into a bank account in the name of the Idaho forest products commission and such moneys are hereby continuously appropriated and made available for defraying the expenses of the commission in carrying out the provisions of this chapter.

[38-1510, added 1992, ch. 163, sec. 1, p. 522.]

38-1511. BONDS OF AGENTS AND EMPLOYEES. Any agent or employee appointed by the commission shall be bonded to the state of Idaho in the time, form, and manner as prescribed in [chapter 8, title 59](#), Idaho Code. The cost of the bond is an administrative expense under this chapter.

[38-1511, added 1992, ch. 163, sec. 1, p. 522.]

38-1512. APPOINTMENT OF STAFF, DUTIES, SALARY. The commission may appoint clerical or other staff, on either a full or part time basis, who shall

devote their time to the administration of the provisions of this chapter. The staff shall be paid reasonable salaries as fixed by the commission, commensurate with their duties and experience.

[38-1512, added 1992, ch. 163, sec. 1, p. 522.]

38-1513. ESTABLISHMENT OF THE COMMISSION'S OFFICE. For the convenience of the majority of those most likely to be affected by the administration of this act, the commission shall establish and maintain an office within the state of Idaho.

[38-1513, added 1992, ch. 163, sec. 1, p. 522.]

38-1514. STATE NOT LIABLE FOR ACTS OR OMISSIONS OF THE COMMISSION OR OF ITS EMPLOYEES. The state of Idaho is not liable for the acts or omissions of the commission or any member thereof or any officer, agent or employee thereof.

[38-1514, added 1992, ch. 163, sec. 1, p. 522.]

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

(c) For business entities or persons owning more than ten thousand (10,000) acres of private forest land within the state of Idaho, a sum no greater than ten cents (10¢) per each acre of forest land.

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

(2) In collecting assessments due the commission, the commission is authorized to cooperate with and coordinate its actions to collect assessments with the various efforts of the Idaho board of scaling practices, the state tax commission, the department of labor, the transportation department and the department of lands to either collect assessments or taxes due under the provisions of this chapter or to identify those who may owe assessments under the provisions of this chapter.

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

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

[38-1515, added 1992, ch. 163, sec. 1, p. 522; am. 1995, ch. 255, sec. 3, p. 836; am. 1997, ch. 260, sec. 2, p. 743; am. 2003, ch. 101, sec. 2, p. 320; am. 2014, ch. 102, sec. 3, p. 302.]

38-1516. PENALTIES. Any person who shall violate or aid in the violation of any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof be punished by a fine of not more than one thousand dollars (\$1,000) or by imprisonment not to exceed ninety (90) days or by both. Fines collected for violations shall be paid into the fund which accrues to administer the provisions of this chapter.

[38-1516, added 1992, ch. 163, sec. 1, p. 523.]

38-1517. DEPOSIT AND DISBURSEMENT OF FUNDS. (1) Immediately upon receipt, all moneys received by the commission shall be deposited in one (1) or more banks or trust companies approved under [chapter 27, title 67](#), Idaho Code, as state depositories. The commission shall designate such banks or trust companies. All funds so deposited are hereby continuously appropriated for the purpose of carrying out the provisions of this chapter.

(2) Funds can be withdrawn or paid out of such accounts only upon checks or other orders upon such accounts signed by two (2) officers designated by the commission when the amount of such payments exceeds two thousand dollars (\$2,000). Such designees may include the members of the staff of the commission.

(3) The right is reserved to the state of Idaho to audit the funds to the commission at any time.

(4) On or before January 15 of each year, the commission shall file with the senate and house committees responsible for natural resources, the legislative services office, the state controller, and the division of financial management, a report showing the annual income and expenses by standard classification of the commission for the preceding year. The report shall also include an estimate of income of the commission for the current and next fiscal year and a projection of anticipated expenses by category for the current and next fiscal year. From and after January 15, 1994, the report shall also include a reconciliation between the estimated income and expenses projected and the actual income and expenses of the preceding year.

(5) All moneys received or expended by the commission shall be audited annually by a certified public accountant designated by the commission, who shall furnish a copy of such audit to the director of legislative services. The audit shall be completed within ninety (90) days following the close of the fiscal year.

(6) The expenditures of the commission are expressly exempted from the provisions of sections [67-2007](#) and [67-2008](#), Idaho Code.

[38-1517, added 1992, ch. 163, sec. 1, p. 524; am. 1993, ch. 327, sec. 19, p. 1211; am. 1994, ch. 180, sec. 70, p. 473; am. 1996, ch. 159, sec. 16, p. 519; am. 2003, ch. 32, sec. 20, p. 129.]

38-1518. DISSOLUTION OF THE COMMISSION. (1) Subject to the conditions set forth in this section, the commission may be dissolved upon a vote, carried out by written ballot by all those who have paid assessments to the commission during the calendar year immediately preceding the vote. No such referendum may take place at any time prior to three (3) years from the date of enactment of this chapter. No such vote may be taken unless first approved by a majority of the commission who shall then report to those who have paid assessments to the commission for the reasons for the recommended dissolution together with any opposing views held by members of the commission, provided, however, that financial supporters who, together represent no less than fifty percent (50%) of the total assessments paid to the commission in the preceding year, or financial supporters who, together represent no less than ten percent (10%) of the total financial supporters for the preceding year may petition for a vote of dissolution without the approval of the commission. In no case, however, shall the commission be dissolved through a vote of the financial supporters unless the vote in favor of the dissolution exceeds sixty percent (60%) of the total assessments paid to the commission in the preceding year. One dollar (\$1.00) of assessment collected shall equal one (1) vote.

(2) Should such dissolution as described in this section occur, any unencumbered funds held by the commission shall be divided equally among private or public groups or agencies which, in the judgment of the commission, can best carry out the duties and authorities of the commission.

[38-1518, added 1992, ch. 163, sec. 1, p. 524.]