

IN THE SENATE

SENATE BILL NO. 1355

BY RESOURCES AND ENVIRONMENT COMMITTEE

AN ACT

1 RELATING TO FOREST PRODUCTS; AMENDING SECTION 38-1209, IDAHO CODE, TO  
2 PROVIDE THAT CERTAIN ASSESSMENTS SHALL NOT BE LEVIED MORE THAN ONCE  
3 UNLESS EXPRESSLY PROVIDED BY SPECIFIED LAW, TO PROVIDE THAT CERTAIN  
4 ASSESSMENTS SHALL BE LEVIED AGAINST AND PAID BY BOTH THE TIMBER OWNER  
5 AND THE TIMBER PURCHASER, TO PROVIDE AN EXCEPTION, TO PROVIDE THAT  
6 ASSESSMENTS SHALL BE LEVIED TWICE IN AN EQUAL AMOUNT, TO PROVIDE THAT  
7 CERTAIN ASSESSMENTS SHALL NOT BE LEVIED AGAINST THE STATE OF IDAHO, TO  
8 PROVIDE THAT THE TIMBER PURCHASER SHALL WITHHOLD ASSESSED MONEY OWED BY  
9 THE TIMBER OWNER, TO PROVIDE FOR PAYMENT TO THE BOARD AND TO PROVIDE FOR  
10 TRANSMITTAL OF ASSESSMENT MONEY BY THE TIMBER PURCHASER.  
11

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

13 SECTION 1. That Section 38-1209, Idaho Code, be, and the same is hereby  
14 amended to read as follows:

15 38-1209. LEVY OF ASSESSMENT -- BUDGET -- HEARING -- FUNDS -- BOND OF  
16 SECRETARY -- SALARY. (a) The board is hereby authorized and directed to  
17 levy an assessment on the scale of all forest products harvested within the  
18 state of Idaho in an amount not to exceed twenty cents (20¢) per thousand  
19 (1,000) board feet or twelve cents (12¢) per cunit, ~~provided that~~ and no  
20 such assessment shall be levied more than once on any forest product except  
21 as herein expressly provided. The board shall set times and places for  
22 its meetings and shall hold not less than two (2) meetings in each calendar  
23 year. The board shall designate a meeting date on which a budget shall be  
24 adopted and assessment shall be levied. Notice of such meeting shall be  
25 given thirty (30) days prior thereto in a newspaper of general circulation  
26 throughout the state. The board shall designate and levy an assessment as  
27 herein provided to raise moneys necessary to fund operations of the board  
28 and the state scaling program established by this chapter based upon the  
29 budget adopted and notice of such levy shall be given in the notice of the  
30 budget. The budget and assessment shall become effective upon adoption by  
31 the board. In the event a written request is made therefor by any interested  
32 person within thirty (30) days after notice of the budget and assessment  
33 has been published, the board shall set a time and place for a hearing at  
34 which any person may submit recommendations for changes in the budget and the  
35 assessment. Thereafter the board shall either confirm or modify the budget  
36 and assessment and cause notice of such action to be published in a newspaper  
37 of general circulation throughout the state within ten (10) days after such  
38 action. If the budget or the assessment is modified, the modification shall  
39 become effective upon publication. Such hearing shall be held not later than  
40 thirty (30) days after receipt of a written request therefor.

41 (b) The assessment herein provided shall be levied against, and paid by  
42 both, the timber owner and the timber purchaser, provided that no assessment

1 shall be levied against the timber owner on forest products harvested from  
2 lands owned by the United States of America or the state of Idaho. Said  
3 assessment shall be levied twice in an equal amount, once against the timber  
4 owner and once against the timber purchaser. The term "purchaser" as used  
5 herein shall also include the owner of the timber where the owner processes  
6 or utilizes the forest products in its operations or where the owner sells  
7 forest products outside the state of Idaho and the forest products are  
8 scaled within the state of Idaho, provided that the assessment provided in  
9 this chapter shall not be levied against the United States of America, nor  
10 the state of Idaho, nor any unit nor agency thereof. The timber purchaser  
11 shall withhold any assessment money owed by the timber owner and said money  
12 so withheld shall be paid to the board. All assessment money shall be  
13 transmitted by the timber purchaser to the board on or before the twentieth  
14 day of each month for all timber harvested during the previous month.

15 (c) The secretary of the board shall receive and account for all moneys  
16 derived under the provisions of this act, and shall pay the same monthly  
17 to the state treasurer, who shall keep such moneys in a separate account  
18 to be known as the "state scaling account," which is hereby created in the  
19 state treasury. Such account shall be kept separate and apart from all  
20 other moneys in the treasury, and shall be paid out only on approval of the  
21 board. All moneys in the "state scaling account" are hereby continually  
22 appropriated for the use of the board. The board may establish, maintain  
23 and use a rotary fund as provided by state law. The secretary of the  
24 board shall give a surety bond to the state in such sum as the board may  
25 determine. The premium on said bond shall be regarded as a proper and  
26 necessary expense of the board, and shall be paid out of the "state scaling  
27 account." The secretary of the board shall receive such salary as the board  
28 shall determine in addition to the compensation and expenses provided in  
29 section 38-1205, Idaho Code. The board may employ such clerical or other  
30 assistants as are necessary for the proper performance of its work, and may  
31 make expenditures of this account for any purpose which in the opinion of the  
32 board is reasonably necessary for the proper performance of its duties under  
33 this act. All warrants on said "state scaling account" shall be drawn by the  
34 state controller on vouchers by the board and the state board of examiners.