

IN THE SENATE

SENATE BILL NO. 1098

BY RESOURCES AND ENVIRONMENT COMMITTEE

AN ACT

1 RELATING TO THE PARKS AND RECREATION BOARD; AMENDING SECTION 67-4223, IDAHO  
2 CODE, TO AUTHORIZE THE BOARD TO ENTER INTO CERTAIN AGREEMENTS TO ASSIST  
3 IN ITS EFFORTS TO SECURE LONG-TERM FUNDING SOURCES, TO AUTHORIZE THE  
4 RECOGNITION OF SPONSORS, TO PROVIDE FOR THE DEPOSIT OF CERTAIN REVENUE  
5 RECEIVED AND TO MAKE TECHNICAL CORRECTIONS.  
6

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

8 SECTION 1. That Section 67-4223, Idaho Code, be, and the same is hereby  
9 amended to read as follows:

10 67-4223. POWERS OF BOARD. The park and recreation board shall:

11 (1) Adopt, amend or rescind rules as may be necessary for the proper ad-  
12 ministration of the provisions of sections 67-4218, et seq., Idaho Code, and  
13 the use and protection of park and recreational areas subject to its juris-  
14 diction. A violation of any rule promulgated by the board pursuant to this  
15 provision ~~which~~ that concerns the use and protection of park and recreation  
16 areas is an infraction.

17 (2) Make expenditures for the acquisition, leasing, care, control,  
18 supervision, improvement, development, extension and maintenance of all  
19 lands under the control of the department and to make arrangements, agree-  
20 ments, contracts or commitments, which may or may not involve expenditures  
21 or transfer of funds, with the head of any state institution, department or  
22 agency for the improvement or development of lands or properties under the  
23 control of the board, or any other department or agency of the state of Idaho.

24 (3) Appoint advisory, local and regional park and recreational coun-  
25 cils, to consider, study and advise in the work of the department for the ex-  
26 tension, development, use and maintenance of any areas which are to be con-  
27 sidered as future park or recreational sites or which are designated as park  
28 recreational areas.

29 (4) Appoint a six (6) member recreational vehicle advisory committee,  
30 who shall be compensated as provided in section 59-509(f), Idaho Code, and  
31 act in an advisory capacity to the board on matters relating to the devel-  
32 opment and improvement of recreational vehicle related facilities and ser-  
33 vices as provided in subsection (5) of this section. Each member of the ad-  
34 visory committee shall be representative of recreational vehicle users with  
35 one (1) from each of the districts described in section 67-4221, Idaho Code.  
36 The terms of appointment shall be three (3) years, except that the initial  
37 appointees shall commence on the date of appointment and shall be of stag-  
38 gered lengths so that the term of two (2) members will expire annually.

39 (5) Administer the funds derived from the state recreational vehicle  
40 ~~account~~ fund established in section 49-448, Idaho Code, to provide finan-  
41 cial assistance in the form of grants to public entities for the acquisition,  
42 lease, development, improvement, operations and maintenance of facilities

1 and services designed to promote the health, safety and enjoyment of recre-  
 2 ational vehicle users. Up to fifteen percent (15%) of the recreational vehi-  
 3 cle ~~account fund~~ generated each year may be used by the department to defray  
 4 recreational vehicle program administrative costs. Any moneys unused at the  
 5 end of the fiscal year shall be returned to the state treasurer for deposit in  
 6 the recreational vehicle ~~account fund~~.

7 (6) Cooperate with the United States and its agencies and local gov-  
 8 ernments of the state for the purpose of acquiring, leasing, supervising,  
 9 improving, developing, extending or maintaining lands which are designated  
 10 as state parks, state monuments or state recreational areas and to secure  
 11 agreements or contracts with the United States and its agencies or local  
 12 governments of the state for the accomplishment of the purposes of sections  
 13 67-4218, et seq., Idaho Code.

14 (7) Construct, lease or otherwise establish public park or recre-  
 15 ational privileges, facilities and conveniences and to operate said recre-  
 16 ational services and to make and collect reasonable charges for their use or  
 17 to enter into contracts for their operation. The board may discount fees in  
 18 order to offer use incentives to generate additional revenue for operation  
 19 of the state park system. The net proceeds derived shall be credited to the  
 20 park and recreation ~~account fund~~ established in section 67-4225, Idaho Code,  
 21 and are hereby specifically appropriated to defray the cost of the public  
 22 park or recreational services. The department is specifically authorized to  
 23 enter into contracts with the United States and its agencies which require  
 24 that the state expend any excess of revenue above expenses for improvements  
 25 of the recreational or park area from which the excess was derived.

26 (a) The board may provide for waiver of fees to any resident of Idaho  
 27 who is a disabled veteran and whose disability is rated at one hundred  
 28 percent (100%) or higher, permanent and total.

29 (b) The board may provide for a reduction of no more than fifty percent  
 30 (50%) of the fee charged for recreational vehicle camping, effec-  
 31 tive Monday night through Thursday night, for any senior citizen who  
 32 possesses a valid federal "golden age passport" or other equivalent  
 33 successor, as issued by a ~~federally-operated~~ federally operated facil-  
 34 ity where an entrance fee is charged.

35 (c) If any state recognizes senior citizens by offering a special park  
 36 pass for use in that state, the board may provide for a reduction of no  
 37 more than fifty percent (50%) of the fee charged for recreational ve-  
 38 hicle camping, effective Monday night through Thursday night, for any  
 39 person who possesses such a state park pass.

40 (8) Prepare, maintain and keep ~~up-to-date~~ up to date a comprehensive  
 41 plan for the provision of the outdoor recreational resources of the state; to  
 42 develop, operate and maintain or enter into leases or agreements with local  
 43 governments for the operation and maintenance of outdoor recreational areas  
 44 and facilities of the state, and to acquire lands, waters and interests in  
 45 lands and waters for such areas and facilities.

46 (9) Apply to any appropriate agency or officer of the United States for  
 47 participation by the department or a political subdivision of the state or  
 48 the receipt of aid from any federal program respecting outdoor recreation.  
 49 It may enter into contracts and agreements with the United States or any ap-  
 50 propriate agency thereof, keep financial and other records relating thereto

1 and furnish to appropriate officials and agencies of the United States re-  
2 ports and information as may be reasonably necessary to enable officials and  
3 agencies to perform their duties under such programs. In connection with ob-  
4 taining the benefits of any program, the park and recreation board shall co-  
5 ordinate its activities with and represent the interests of all agencies and  
6 subdivisions of the state having interests in the planning, development and  
7 maintenance of outdoor recreational resources and facilities.

8 (10) Obligate the state regarding the responsible management of any  
9 federal funds transferred to it for the purpose of any federal enactment and,  
10 in accordance with the exercise of this responsibility, the state hereby  
11 consents to be sued in any United States district court for the recovery  
12 of any federal funds that the responsible federal official, department or  
13 agency finds have been misused or disposed of contrary to the agreement with  
14 the federal official, department or agency or contrary to the provisions of  
15 federal enactment or applicable federal regulations.

16 (11) Cooperate and contract with and receive and expend aid, donations  
17 and matching funds from the government of the United States, receive and  
18 expend funds from the STORE and to receive and expend donations from other  
19 sources to acquire, develop, operate and maintain outdoor recreational ar-  
20 eas and facilities of the state and, when authorized or directed by any act  
21 of congress or any rule or regulation of any agency of the government of the  
22 United States, to expend funds donated or granted to the state of Idaho by the  
23 federal government for such purposes.

24 Provided, however, the park and recreation board shall make no commit-  
25 ment or enter into any agreement pursuant to an exercise of authority under  
26 sections 67-4218, et seq., Idaho Code, until it has determined that suffi-  
27 cient funds are available to it for meeting the state's share, if any, of  
28 project costs. It is legislative intent that, to the extent as may be nec-  
29 essary to assure the proper operation and maintenance of areas and facili-  
30 ties acquired or developed pursuant to any program participated in by this  
31 state under authority of sections 67-4218, et seq., Idaho Code, such areas  
32 and facilities shall be publicly maintained for outdoor recreational pur-  
33 poses. The park and recreation board may enter into and administer agree-  
34 ments with the United States or any appropriate agency thereof for planning,  
35 acquisition and development projects involving participating federal-aid  
36 funds or state funds on behalf of any subdivision or subdivisions of this  
37 state. Provided, that the subdivision or subdivisions give necessary assur-  
38 ances to the park and recreation board that they have available sufficient  
39 funds to meet their shares, if any, of the cost of the project and that the ac-  
40 quired or developed areas will be operated and maintained at the expense of  
41 the subdivision or subdivisions for public outdoor recreational use.

42 (12) Establish, develop, supervise and maintain through cooperative  
43 agreement, lease, purchase or other arrangement the Idaho recreation trail  
44 system, with the advice of the coordinator created in section 67-4233, Idaho  
45 Code, and consistent with the goals of recreation, transportation and public  
46 access to outdoor areas.

47 (13) Enter into agreements with cities, counties, recreation districts  
48 or other political subdivisions of the state to cost-effectively provide  
49 recreational facilities, opportunities and services to the citizens of the  
50 state.

1           (14) Have the authority to regulate firearm discharges in state parks  
2 for the protection of the public. However, this subsection ~~(14)~~ shall not  
3 apply to or affect a person discharging a firearm in the lawful defense  
4 of person, persons or property or to a person discharging a firearm in the  
5 course of lawful hunting. The possession or carrying of firearms is other-  
6 wise regulated by chapter 33, title 18, Idaho Code.

7           (15) Enter into agreements with private, nonprofit public benefit  
8 corporations and other persons, corporations and entities, as may be appro-  
9 priate, to assist the department in its efforts to secure long-term funding  
10 sources for the state park and recreation system to ensure state parks are  
11 preserved and open for public use and enjoyment. Such agreements may in-  
12 clude, but shall not be limited to, memberships, corporate and individual  
13 sponsorships, the sale of advertising rights, and marketing and licensing  
14 agreements to fund or promote, in whole or in part, state park and recreation  
15 events, programs and facilities. The board may encourage sponsorships by  
16 providing appropriate recognition to sponsors consistent with the mission  
17 of the department of parks and recreation as set forth in section 67-4219,  
18 Idaho Code. All revenue received from such agreements shall be deposited  
19 into the park and recreation fund pursuant to section 67-4225, Idaho Code.