

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 93

BY RESOURCES AND CONSERVATION COMMITTEE

AN ACT

RELATING TO PARKS AND RECREATION; AMENDING SECTION 67-4223, IDAHO CODE, TO
REVISE PROVISIONS REGARDING CERTAIN FEES; AND DECLARING AN EMERGENCY.

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

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

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

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

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

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

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

(5) Administer the funds derived from the state recreational vehicle
fund established in section 49-448, Idaho Code, to provide financial assis-
tance in the form of grants to public entities for the acquisition, lease,
development, improvement, operations and maintenance of facilities and ser-
vices designed to promote the health, safety and enjoyment of recreational
vehicle users. Up to fifteen percent (15%) of the recreational vehicle fund
generated each year may be used by the department to defray recreational ve-

1 hicle program administrative costs. Any moneys unused at the end of the fis-
2 cal year shall be returned to the state treasurer for deposit in the recre-
3 ational vehicle fund.

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

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

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

26 (b) The board may provide for a reduction of no more than fifty percent
27 (50%) of the fee charged for recreational vehicle camping, effec-
28 tive Monday night through Thursday night, for any senior citizen who
29 possesses a valid federal "golden age passport" or other equivalent
30 successor, as issued by a federally operated facility where an entrance
31 fee is charged.

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

37 (d) Nonresident fees for camping must be substantially double the same
38 camping fees charged to residents at no fewer than five (5) state parks
39 by January 1, 2022. Nonresident entry fees must be substantially double
40 the same entry fees charged to residents at no fewer than five (5) state
41 parks by January 1, 2022. A single park may have more than one (1) non-
42 resident fee substantially doubled. Other than previously made reser-
43 ervations as of the effective date of this act, the minimum number of sub-
44 stantially doubled nonresident fees referenced in this paragraph must
45 be in place by January 1, 2022. The board has the authority to increase
46 fees for nonresidents beyond the fee caps established in the Idaho ad-
47 ministrative code and other fees may also be increased for nonresidents
48 if allowed by law and preexisting contractual obligations. Nothing in
49 this paragraph limits the amounts or types of fees the board may charge
50 nonresidents.

1 (8) Prepare, maintain and keep up to date a comprehensive plan for the
2 provision of the outdoor recreational resources of the state; to develop,
3 operate and maintain or enter into leases or agreements with local govern-
4 ments for the operation and maintenance of outdoor recreational areas and
5 facilities of the state, and to acquire lands, waters and interests in lands
6 and waters for such areas and facilities.

7 (9) Apply to any appropriate agency or officer of the United States for
8 participation by the department or a political subdivision of the state or
9 the receipt of aid from any federal program respecting outdoor recreation.
10 It may enter into contracts and agreements with the United States or any ap-
11 propriate agency thereof, keep financial and other records relating thereto
12 and furnish to appropriate officials and agencies of the United States re-
13 ports and information as may be reasonably necessary to enable officials and
14 agencies to perform their duties under such programs. In connection with ob-
15 taining the benefits of any program, the park and recreation board shall co-
16 ordinate its activities with and represent the interests of all agencies and
17 subdivisions of the state having interests in the planning, development and
18 maintenance of outdoor recreational resources and facilities.

19 (10) Obligate the state regarding the responsible management of any
20 federal funds transferred to it for the purpose of any federal enactment and,
21 in accordance with the exercise of this responsibility, the state hereby
22 consents to be sued in any United States district court for the recovery
23 of any federal funds that the responsible federal official, department or
24 agency finds have been misused or disposed of contrary to the agreement with
25 the federal official, department or agency or contrary to the provisions of
26 federal enactment or applicable federal regulations.

27 (11) Cooperate and contract with and receive and expend aid, donations
28 and matching funds from the government of the United States, receive and
29 expend funds from the STORE and to receive and expend donations from other
30 sources to acquire, develop, operate and maintain outdoor recreational ar-
31 eas and facilities of the state and, when authorized or directed by any act
32 of congress or any rule or regulation of any agency of the government of the
33 United States, to expend funds donated or granted to the state of Idaho by the
34 federal government for such purposes.

35 Provided however, the park and recreation board shall make no commit-
36 ment or enter into any agreement pursuant to an exercise of authority un-
37 der section 67-4218, et seq., Idaho Code, until it has determined that suf-
38 ficient funds are available to it for meeting the state's share, if any, of
39 project costs. It is legislative intent that, to the extent as may be nec-
40 essary to assure the proper operation and maintenance of areas and facili-
41 ties acquired or developed pursuant to any program participated in by this
42 state under authority of section 67-4218, et seq., Idaho Code, such areas and
43 facilities shall be publicly maintained for outdoor recreational purposes.
44 The park and recreation board may enter into and administer agreements with
45 the United States or any appropriate agency thereof for planning, acquisi-
46 tion and development projects involving participating federal-aid funds or
47 state funds on behalf of any subdivision or subdivisions of this state. Pro-
48 vided, that the subdivision or subdivisions give necessary assurances to the
49 park and recreation board that they have available sufficient funds to meet
50 their shares, if any, of the cost of the project and that the acquired or de-

1 veloped areas will be operated and maintained at the expense of the subdivi-
2 sion or subdivisions for public outdoor recreational use.

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

8 (13) Enter into agreements with cities, counties, recreation districts
9 or other political subdivisions of the state to cost-effectively provide
10 recreational facilities, opportunities and services to the citizens of the
11 state.

12 (14) Have the authority to regulate firearm discharges in state parks
13 for the protection of the public. However, this subsection shall not apply
14 to or affect a person discharging a firearm in the lawful defense of person,
15 persons or property or to a person discharging a firearm in the course of law-
16 ful hunting. The possession or carrying of firearms is otherwise regulated
17 by chapter 33, title 18, Idaho Code.

18 (15) Enter into agreements with private, nonprofit public benefit
19 corporations and other persons, corporations and entities, as may be appro-
20 priate, to assist the department in its efforts to secure long-term funding
21 sources for the state park and recreation system to ensure state parks are
22 preserved and open for public use and enjoyment. Such agreements may in-
23 clude, but shall not be limited to, memberships, corporate and individual
24 sponsorships, the sale of advertising, and marketing agreements to fund or
25 promote, in whole or in part, state park and recreation events, programs and
26 facilities. The board may encourage sponsorships by providing appropri-
27 ate recognition to sponsors consistent with the mission of the department
28 of parks and recreation as set forth in section 67-4219, Idaho Code. All
29 revenue received from such agreements shall be deposited into the park and
30 recreation fund pursuant to section 67-4225, Idaho Code.

31 SECTION 2. An emergency existing therefor, which emergency is hereby
32 declared to exist, this act shall be in full force and effect on and after its
33 passage and approval.