

IDAPA RULE IDAPA FEE BOARD ACTION REQUIRED
 BOARD POLICY INFO ONLY, NO ACTION REQUIRED

AGENDA
Idaho Park and Recreation Quarterly Meeting
December 1, 2021
IDPR Headquarters
5657 Warm Springs Ave.
Boise, ID 83716

AGENDA ITEM: **Pending Administrative Fee Rules**

ACTION REQUIRED: **Adopt Pending Fee Rules**

PRESENTER: **Seth Hobbs, Rules Review Officer**

BACKGROUND INFORMATION:

The Idaho Legislature adjourned sine die without passing a concurrent resolution approving any pending fee rules as specified under Section 67-5224, Idaho Code. As a result, all fee rules would not typically take effect. However, Governor Little had the state agencies take proactive action to conditionally re-approve fee rules upon sine die in the event the Legislature did not approve the rules. IDPR was among those agencies; the Board approved temporary rules at their June meeting. This action proved prescient and has ensured that all fee rules remain in effect as temporary rules.

The IDPR Fee Rules are:

IDAPA 26.01.10, Rules Governing the Administration of Temporary Permits on Lands Owned by the Idaho Department of Parks and Recreation.

IDAPA 26.01.20, Rules Governing the Administration of Park and Recreation Areas and Facilities.

IDAPA 26.01.33, Rules Governing the Administration of the Land and Water Conservation Fund Program.

On October 20, 2021, DFM published a special edition of the Idaho Administrative Bulletin. This Bulletin published the IDPR temporary fee rules as proposed rules.

STAFF RECOMMENDATIONS:

The next step in the rules process is for the Board to approve pending fee rules for publication in the Idaho Administrative Bulletin on December 22, 2021. The pending fee rules will be presented to the Legislature for approval during the 2022 Legislative Session.

Staff recommends approval of the pending rules.

RECOMMENDED MOTION:

I move that the Board approve the pending rules as published in the special edition of the Idaho Administrative Bulletin on October 20, 2021 and as detailed in the Notice of Omnibus Rulemaking Adoption of Pending Fee Rule (Attachment A) for the following:

IDAPA 26.01.10, Rules Governing the Administration of Temporary Permits on Lands Owned by the Idaho Department of Parks and Recreation.

IDAPA 26.01.20, Rules Governing the Administration of Park and Recreation Areas and Facilities.

IDAPA 26.01.33, Rules Governing the Administration of the Land and Water Conservation Fund Program

IDAPA 26 – DEPARTMENT OF PARKS AND RECREATION

DOCKET NO. 26-0000-2001F

NOTICE OF OMNIBUS RULEMAKING - ADOPTION OF PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2022 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The pending fee rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution unless the rule is rejected.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 67-4223, 67-7115, and 67-7116, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed fee rule and the text of the pending fee rule with an explanation of the reasons for the change.

This pending fee rule adopts and re-publishes the following existing and previously approved and codified chapter(s) under IDAPA 26, rules of the Department of Parks and Recreation:

IDAPA 26

- 26.01.10, *Rules Governing the Administration of Temporary Permits on Lands Owned by the Idaho Department of Parks and Recreation;*
- 26.01.20, *Rules Governing the Administration of Park and Recreation Areas and Facilities; and*
- 26.01.33, *Rules Governing the Administration of the Land and Water Conservation Fund Program.*

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. This rulemaking does not impose a fee or charge, or increase a fee or charge, beyond what was previously approved and codified in the prior rules.

- IDAPA 26.01.10, Rules Governing the Administration of Temporary Permits on Lands Owned by the Idaho Department of Parks and Recreation. Fees related to temporary permit processing, compensation, application and enforcement.
- IDAPA 26.01.20, Rules Governing the Administration of Park and Recreation Areas and Facilities. Fees related to motor vehicle entrance, parking violations, camping, reservations (placing, modifying, and canceling), vessel moorage, overnight use, surcharges, group facility use, winter access, returned checks, and winter recreation programs.
- IDAPA 26.01.33, Rules Governing the Administration of the Land and Water Conservation Fund Program. Service fee to administer and manage process to convert property from a recreation use.

This fee or charge is being imposed pursuant to Sections 67-4223, 67-7115, and 67-7116, Idaho Code.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: This rulemaking is not anticipated to have any fiscal impact on the state general fund because the FY2022 budget has already been set by the Legislature, and approved by the Governor, anticipating the existence of the rules and fees being reauthorized by this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Seth Hobbs (208) 514-2427.

Dated this December 22, 2021

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