

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

AGENDA ITEM: **Pending Administrative Rules**

ACTION REQUIRED: **Adopt Pending Rules**

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

BACKGROUND INFORMATION:

The Idaho Legislature adjourned sine die without passing a concurrent resolution approving any pending rules as specified under Section 67-5224, Idaho Code. As a result, all rules would not typically take effect. However, Governor Little had the state agencies take proactive action to conditionally re-approve 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 rules remain in effect as temporary rules.

The IDPR Rules are:

- 26.01.03, Rules Governing Recreational Registration Program Vendors
- 26.01.21, Rules Governing Leasing Practices and Procedures for Recreational Residences Within Heyburn State Park
- 26.01.22, Rules Governing Cooperating Associations
- 26.01.24, Rules Governing the Administration of the Sawtooth National Recreation Area Special License Plate Funds
- 26.01.30, Idaho Safe Boating Rules
- 26.01.31, Rules Governing the Administration of the Idaho Department of Parks and Recreation State and Federal Grant Funds
- 26.01.34, Idaho Protection Against Invasive Species Sticker Rules
- 26.01.37, Rules Governing Test Procedures and Instruments for Noise Abatement of Off Highway Vehicles

A minor administrative amendment to IDAPA 26.01.31 has been made. That amendment removed a nonexistent reference in the definition and replaced them with the correct references as follows:

07. Grant. A grant from programs or funds as described in Section ~~001.02~~ 050 of this chapter.

08. Grantee. An applicant who receives a grant from the Department for the programs or funds as described in Section ~~001.02~~ 050.

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

STAFF RECOMMENDATIONS:

The next step in the rules process is for the Board to approve pending rules for publication in the Idaho Administrative Bulletin on December 22, 2021. The pending 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 Rule (Attachment B) for the following:

26.01.03, Rules Governing Recreational Registration Program Vendors

26.01.21, Rules Governing Leasing Practices and Procedures for Recreational Residences Within Heyburn State Park

26.01.22, Rules Governing Cooperating Associations

26.01.24, Rules Governing the Administration of the Sawtooth National Recreation Area Special License Plate Funds

26.01.30, Idaho Safe Boating Rules

26.01.31, Rules Governing the Administration of the Idaho Department of Parks and Recreation State and Federal Grant Funds

26.01.34, Idaho Protection Against Invasive Species Sticker Rules

26.01.37, Rules Governing Test Procedures and Instruments for Noise Abatement of Off Highway Vehicles

IDAPA 26 – DEPARTMENT OF PARKS AND RECREATION

DOCKET NO. 26-0000-2001

NOTICE OF OMNIBUS RULEMAKING - ADOPTION OF PENDING 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. The pending rule becomes final and effective upon the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and full force and effect upon adoption of the concurrent resolution.

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, 67-4238, 67-7001, 67-7002, 67-7008A, 67-7103, 67-7122, 67-7125, and 67-7132, 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 rule and the text of the pending rule with an explanation of the reasons for the change.

This pending 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

- 26.01.03, *Rules Governing Recreational Registration Program Vendors;*
- 26.01.21, *Rules Governing Leasing Practices and Procedures for Recreational Residences Within Heyburn State Park;*
- 26.01.22, *Rules Governing Cooperating Associations;*
- 26.01.24, *Rules Governing the Administration of the Sawtooth National Recreation Area Special License Plate Funds;*
- 26.01.30, *Idaho Safe Boating Rules;*
- 26.01.31, *Rules Governing the Administration of the Idaho Department of Parks and Recreation State and Federal Grant Funds;*
- 26.01.34, *Idaho Protection Against Invasive Species Sticker Rules; and*
- 26.01.37, *Rules Governing Test Procedures and Instruments for Noise Abatement of Off Highway Vehicles*

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the October 20, 2021 Idaho Administrative Bulletin, Vol. 20-9SE, pages 3878. This amendment to 26.01.31 removed the reference to a nonexistent section and replaced it with the proper reference. The following definitions of 26.01.31 were updated:

07. Grant. A grant from programs or funds as described in Section ~~001.02~~ 050 of this chapter.

08. Grantee. An applicant who receives a grant from the Department for the programs or funds as described in Section ~~001.02~~ 050.

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.

Seth Hobbs, Rules Review Officer
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