

Dear Senators SCHROEDER, Bair & Stennett, and
Representatives STEVENSON, Paul Shepherd & Saylor:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the Dept. of Parks & Recreation: IDAPA 26.01.20 – Rules Governing The Administration Of Park And Recreation Areas And Facilities - Docket No. 26-0120-0901.

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative Services. The final date to call a meeting on the enclosed rules is no later than 7-6-09. If a meeting is called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis from Legislative Services. The final date to hold a meeting on the enclosed rules is 8-3-09.

_____The germane joint subcommittee may request a statement of economic impact with respect to a proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement, and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has been held.

To notify Research and Legislation, call 334-2475, or send a written request to the address or FAX number indicated on the memorandum enclosed.

MEMORANDUM

TO: Rules Review Subcommittee of the Senate Resources & Environment Committee
and the House Resources & Conservation Committee

FROM: Katharine Gerrity, Principal Legislative Research Analyst

DATE: June 16, 2009

SUBJECT: Idaho Department of Parks and Recreation

IDAPA 26.01.20 – Rules Governing The Administration Of Park And Recreation
Areas And Facilities - Docket No. 26-0120-0901

The Idaho Department of Parks and Recreation submits notice of a temporary and proposed rule at IDAPA 26.01.20 – Rules Governing The Administration Of Park And Recreation Areas And Facilities. The rule clarifies that no person may purposefully or negligently endanger the life of any person or creature within any land administered by the Department and that no person may discharge a firearm or other projectile firing device within any lands administered by the Department except in the lawful defense of person, persons, or property, in the course of lawful hunting, for exhibition or at designated ranges as authorized by the Director.

The rule appears to be authorized pursuant to Sections 67-4223 and 67-4249, Idaho Code.

cc: Idaho Dept. of Parks and Recreation
Dean Sangrey

IDAPA 26 - DEPARTMENT OF PARKS AND RECREATION

26.01.20 - RULES GOVERNING THE ADMINISTRATION OF PARK AND RECREATION AREAS AND FACILITIES

DOCKET NO. 26-0120-0901

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is July 1, 2009.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section 67-4249, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than July 15, 2009.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This amended rule clarifies that no person may endanger the life of any person or creature on Department administered lands and that no person may indiscriminately discharge a firearm on state park property, except when such use is for legal hunting as authorized by Board rule, or for exhibition or at designated ranges as authorized by the Director.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(a), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons: it is reasonably necessary to protect the public health, safety, or welfare.

FEE SUMMARY: Pursuant to Section 67-5226(2), Idaho Code, the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

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: N/A

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because of the brief period of time available prior to the July 1, 2009 effective date.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Dean Sangrey at 208-514-2260.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 22, 2009.

DATED this 29th day of May, 2009.

Dean Sangrey
Operations Division Administrator
Idaho Department of Parks and Recreation
5657 Warm Springs Ave.
PO Box 83720
Boise, ID 83720-0065
208-514-2260/FAX 208-334-3741

THE FOLLOWING IS THE TEMPORARY AND PROPOSED TEXT OF DOCKET NO. 26-0120-0901

600. PERSONAL SAFETY, FIREARMS.

No person may ~~discharge firearms or any other projectile firing device, or otherwise~~ purposefully or negligently endanger the life of any person or creature within any land administered by the Department. ~~All firearms brought onto~~ No person may discharge firearms or other projectile firing devices within any lands administered by the Department ~~shall be unloaded at all times and either out of sight, or in a vehicle,~~ except ~~when used for legal~~ in the lawful defense of person, persons, or property or in the course of lawful hunting as authorized in Section 575 in this chapter, or for exhibition or at designated ranges as authorized by the Director. ~~(3-7-03)(7-1-09)T~~