

**STATEMENT OF PURPOSE
FOR
MODIFICATION TO TITLE 67 CHAPTER 71
RECREATIONAL ACTIVITIES
SECTION 67-71XX
IDAHO CODE**

The purpose of the modification of this section of the Idaho code is to provide for the inclusion of recreational livestock conveyances in the types of covered recreational activities.

The rationale for the inclusion of these conveyances is as follows:

- a. At the present time, there is no provision for the inclusion of the livestock usage community in Title 67 Chapter 71.
- b. The necessity for the inclusion of recreational livestock conveyances in this section of the Idaho has been recognized by the users of such equipment in the State of Idaho and is endorsed by the Backcountry Horsemen of Idaho, Idaho Horse Council, Idaho Trails Council, and various other user groups.
- c. The fact that, at the present time, there is no source of revenue for the establishment of recreational livestock trailheads or for the development and maintenance of trails for livestock use is recognized by the Backcountry Horsemen of Idaho, Idaho Horse Council, Idaho Trails Council, and various other user groups.
- d. Therefore, the recreational livestock users community in the State of Idaho has determined that most expeditious means of developing the necessary funds for such a program would be similar to the snowmobile, all-terrain vehicle (ATV) and off-highway motorbike programs now covered in Idaho Code Title 67 Chapter 71.

The the Backcountry Horsemen of Idaho, Idaho Horse Council, Idaho Trails Council, and various other user groups are satisfied that the State of Idaho Department of Parks and Recreation would be the best agency to administer the physical program and the financial responsibilities associated.

FISCAL IMPACT

There will be no fiscal impact to the State of Idaho Government.



LEGISLATURE OF THE STATE OF IDAHO



IN THE _____

_____ BILL NO. _____

BY _____

AN ACT

1 RELATING TO RECREATIONAL ACTIVITIES; AMENDING SECTION 67-7101, IDAHO CODE, TO
 2 FURTHER DEFINE TERMS, TO PROVIDE ADDITIONAL DEFINITIONS AND TO MAKE TECH-
 3 NICAL CORRECTIONS; AND AMENDING CHAPTER 71, TITLE 67, IDAHO CODE, BY THE
 4 ADDITION OF NEW SECTIONS 67-7140, 67-7141, 67-7142, 67-7143, 67-7144,
 5 67-7145, 67-7146, 67-7147 AND 67-7148, IDAHO CODE, TO PROVIDE AN ANNUAL
 6 RECREATION LIVESTOCK CONVEYANCE PERMIT, TO PROVIDE FOR TRANSFER OF THE
 7 PERMIT, TO CREATE THE LIVESTOCK RECREATION FUND, TO PROVIDE USES OF THE
 8 MONEYS IN THE LIVESTOCK RECREATION FUND, TO ESTABLISH THE LIVESTOCK RECRE-
 9 ATION ADVISORY COMMITTEE, TO PROVIDE EXEMPTIONS FROM REQUIREMENTS FOR A
 10 PERMIT, TO PROVIDE FOR PRINTING, DISTRIBUTION AND SALE OF RECREATION LIVE-
 11 STOCK CONVEYANCE PERMITS, TO PROVIDE PENALTIES, AND TO PROVIDE FOR REPORT
 12 TO THE LEGISLATURE AND REVIEW OF THE PROGRAM.
 13

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

15 SECTION 1. That Section 67-7101, Idaho Code, be, and the same is hereby
 ; amended to read as follows:

17 67-7101. DEFINITIONS. In this chapter:

18 (1) "Agricultural purposes" means the business of raising or selling
 19 livestock useful for man.

20 (2) "All-terrain vehicle (ATV)" means any recreation vehicle with two (2)
 21 or more tires, under six hundred fifty (650) pounds and less than forty-eight
 22 (48) inches in width, traveling on low-pressure tires, less than five (5) psi,
 23 and designed to be ridden by one (1) person.

24 (23) "Board" means the park and recreation board created under authority
 25 of section 67-4221, Idaho Code.

26 (34) "Bona fide snowmobile program" means services or facilities as
 27 approved by the department that will benefit snowmobilers such as snowmobile
 28 trail grooming, plowing and maintaining snowmobile parking areas and facili-
 29 ties, and trail signing.

30 (5) "Commercial use" means any individual or group that is using the
 31 trail or facility for capital gain and is required to purchase a special use
 32 permit.

33 (6) "Competitive event" means any event that brings participants together
 34 to compete against each other or to test their skills.

35 (47) "Dealer" means any person who engages in the retail sales of or
 36 rental of snowmobiles, motorbikes, or all-terrain vehicles. For purposes of
 37 sections 67-7140 through 67-7147, Idaho Code, "dealer" means any person who
 38 engages in the sales or rental of livestock conveyances.

39 (58) "Department" means the Idaho department of parks and recreation.

40 (69) "Designated parking area" means an area located, constructed, main-
 41 tained, and signed with the approval of the land manager or owner.

42 (710) "Director" means the director of the department of parks and recre-

1 ation.

2 (811) "Highway." (See section 40-109, Idaho Code, but excepting public
3 roadway as defined in this section).

4 (12) "Livestock" means any domestic animal such as horses, mules, llamas,
5 or goats used for transporting people or goods, but shall not include canines.

6 (13) "Livestock conveyance" means any trailer or vehicle used to transport
7 livestock.

8 (914) "Motorbike" means any self-propelled two (2) or three (3) wheeled
9 motorcycle or motor-driven cycle, excluding tractor, designed for or capable
10 of traveling off developed roadways and highways and also referred to as
11 ~~trailbikes~~ trail bikes, enduro bikes, trials bikes, motorcross motocross bikes
12 or dual-purpose motorcycles.

13 (105) "Operator" means any person who is in physical control of a
14 motorbike, all-terrain vehicle, or snowmobile.

15 (116) "Owner" means every person holding record title to a motorbike,
16 all-terrain vehicle, or snowmobile and entitled to the use or possession
17 thereof, other than a lienholder or other person having a security interest
18 only. For purposes of section 67-7147, Idaho Code, "owner" means every person
19 holding proof of ownership, registration or a lease.

20 (127) "Person" means an individual, partnership, association, corporation,
21 or any other body or group of persons, whether incorporated or not, and
22 regardless of the degree of formal organization.

23 (18) "Public land" means any land owned by a public agency that is open to
24 the public for recreational use.

25 (139) "Public roadway" means all portions of any highway which are con-
26 trolled by an authority other than the Idaho transportation department.

27 (20) "Recreational purposes" means recreational riding, sightseeing, hunt-
28 ing, fishing, camping, trail riding and competitive events.

29 (214) "Snowmobile" means any self-propelled vehicle under one thousand
30 (1,000) pounds unladen gross weight, designed primarily for travel on snow
31 or ice or over natural terrain, which may be steered by tracks, skis, or run-
32 ners, and which is not otherwise registered or licensed under the laws of the
33 state of Idaho.

34 (1522) "Vendor" means any entity authorized by the department to sell rec-
35 reational registrations.

36 (1623) "Winter recreational parking locations" means designated parking
37 areas established and maintained with funds acquired from the cross-country
38 skiing account.

39 SECTION 2. That Chapter 71, Title 67, Idaho Code, be, and the same are
40 hereby amended by the addition thereto of NEW SECTIONS, to be known and desig-
41 nated as Sections 67-7140, 67-7141, 67-7142, 67-7143, 67-7144, 67-7145,
42 67-7146, 67-7147 and 67-7148, Idaho Code, and to read as follows:

43 67-7140. ANNUAL RECREATION LIVESTOCK CONVEYANCE PERMIT. (1) Commencing
44 ~~JAN 1 2010~~ and on or before January 1 of each subsequent year, any live-
45 stock conveyance as defined in section 67-7101, Idaho Code, hauling livestock
46 which is being used for recreational purposes on public land, shall purchase a
47 permit for that conveyance from any vendor authorized by the department and
48 shall attach the permit to the rear of the conveyance at a position within the
49 lower left quadrant of the conveyance.

50 (2) Nonresidents who are using livestock for recreational purposes on
51 public land and have hauled the livestock to public land in Idaho in a live-
52 stock conveyance shall purchase the annual livestock conveyance permit.

53 (3) Fees for the permits shall be assessed according to the capacity of

1 the livestock conveyance in the following manner:

2 Livestock Conveyance Capacity	Permit Fee	Vendor Fee	Total Fee
3 1 head	\$ 4.00	\$1.50	\$ 5.50
4 2 head	\$ 8.00	\$1.50	\$ 9.50
5 3 head	\$12.00	\$1.50	\$13.50
6 4 head	\$16.00	\$1.50	\$17.50
7 5+ head	\$20.00	\$1.50	\$21.50

8 Livestock capacity shall be determined by how many horses a conveyance may rea-
9 sonably carry.

10 (4) Revenues derived from sales of the permit shall be remitted to the
11 department for deposit in the livestock recreation fund established in section
12 67-7142, Idaho Code. Vendor fees shall be retained by the vendor.

13 67-7141. TRANSFER OF A PERMIT. The purchaser of any livestock conveyance
14 which has been previously registered in that calendar year shall, within fif-
15 teen (15) days after acquiring the conveyance, make application to a vendor
16 for transfer to him of the sticker registration previously issued for that
17 conveyance. The purchaser shall provide the same information as required for
18 the issuance of a recreation livestock conveyance permit, shall provide the
19 current sticker number and at the same time pay a transfer fee of three dol-
20 lars (\$3.00) of which one dollar and fifty cents (\$1.50), shall go to the
21 vendor and one dollar and fifty cents (\$1.50) shall be remitted to the depart-
22 ment for deposit in the livestock recreation fund.

67-7142. LIVESTOCK RECREATION FUND ESTABLISHED. There is hereby established in the office of the state treasurer an account to be known as the "Livestock recreation account." The fees remitted to the department for deposit in the fund shall be distributed as follows:

(1) Up to twenty percent (20%) of all the permit fees remitted to the department may be used by the department to defray direct administrative cost; and any moneys unused at the end of the fiscal year shall be returned to the state treasurer for deposit in the state Livestock recreation account. The department shall annually publish a report specifically identifying the uses of account moneys;

(2) The remainder shall be used for the purposes specified in section 67-7143, Idaho Code.

67-7143. USE OF MONEYS IN THE ACCOUNT. (1) The Idaho park and recreation board shall administer the distribution of the moneys from the fund. Moneys in the fund shall be used as follows:

(a) Not less than twenty five percent (25%) shall be used for the securing, maintenance, construction or the development of backcountry and rural trails or recreational facilities for livestock use.

(b) For the securing of special leases or permits, or for the actual purchase of land from a willing seller to be used for livestock recreational activity;

(c) To acquire applicable matching funds from other state, federal, county, city or private funding sources; and

(d) For information programs relating to trail etiquette, trail safety, signing and mapping.

(2) Moneys may be used in conjunction with other funding, bprograms and other uses, provided trails and facilities are open to an and designed for livestock use.

40 67-7144. LIVESTOCK RECREATION ADVISORY COMMITTEE. The board shall appoint
49 an advisory committee of six (6) members, one (1) from each park and recre-
50 ation district created in section 67-4221, Idaho Code. Each member shall repre-
51 sent the best interests of recreation livestock users on a statewide basis.

1 Each member of the committee shall be active in at least one (1) recreational
2 livestock organization. Members shall be selected from applications and nomi-
3 nations submitted by individuals or groups active in livestock recreation.
4 Each member of the advisory committee shall be appointed by the board to serve
5 a term of four (4) years, except that the term of the initial appointees shall
6 commence on the date of appointment and shall be of staggered lengths. Each
7 member of the committee shall be a qualified elector of the state of Idaho,
8 and reside in the region which they represent. The members of the committee
9 shall be compensated as provided by section 59-509(b), Idaho Code. Duties
10 shall include:

- 11 (1) Representing the best interests of livestock recreation in the state;
- 12 (2) Meeting no more than twice each year, to review, prioritize and rec-
13 ommend proposed livestock recreational projects; and
- 14 (3) Advising and assisting the department in the administration and pro-
15 motion of the livestock recreation fund programs funded from the livestock
16 recreation account.

17 67-7145. EXEMPTIONS. The provisions of section 67-7140, Idaho Code,
18 requiring purchase of a livestock conveyance permit, shall not apply to any
19 owner who uses a livestock conveyance when:

- 20 (1) The livestock conveyance is exclusively used for commercial livestock
21 purposes;
- 22 (2) The livestock conveyance is exclusively used for agricultural pur-
23 poses;
- 24 (3) The livestock conveyance is used for transporting livestock to pri-
25 vate land;
- 26 (4) The owner is a nonresident in the state for competitive events;
- 27 (5) The owner is engaging in a use for which another special use permit
28 has been paid such as outfitting;
- 29 (6) The owner is using state and/or county fairgrounds, except where per-
30 mit funds have been expended;
- 31 (7) The owner is a holder of a valid handicapped person's motor vehicle
32 permit;
- 33 (8) The owner of a livestock conveyance used for agricultural purposes
34 and activities engaged in outfitting has obtained an exemption sticker;
- 35 (9) Exemption permits may be obtained by qualified persons from the fol-
36 lowing:
 - 37 (a) Idaho farm bureau;
 - 38 (b) Idaho cattlemen's association;
 - 39 (c) Idaho wool growers association.

40 67-7146. PRINTING, DISTRIBUTION AND SALE OF RECREATION LIVESTOCK CONVEY-
41 ANCE PERMITS. The department shall print the recreation livestock conveyance
42 permits and shall supervise the sale of permits throughout the state. The
43 department shall distribute and sell the permits directly or may authorize
44 vendors under agreement according to the rules of the department. The depart-
45 ment may require authorized vendors to be bonded in accordance with the rules
46 of the department.

47 67-7147. PENALTIES. Any owner or user of a livestock conveyance who is
48 required to obtain a recreation livestock conveyance permit and who has failed
49 to obtain a permit after January 1, 1999, shall be guilty of an infraction
50 punishable by a fine of not less than fifty dollars (\$50.00) nor more than one
51 hundred dollars (\$100). However, no livestock conveyance owner or lessee shall
52 be adjudged to have violated section 67-7140, Idaho Code, if the owner or les-

1 see produces proof of compliance with that section at any time before convic-
2 tion. If a livestock conveyance is parked on public land, the registered owner
3 or lessee of the conveyance is considered to be in control of the conveyance
4 and the owner or lessee is subject to the penalties provided herein.

5 67-7148. LEGISLATIVE REVIEW. Prior to the twentieth legislative day of
6 the first regular session of the fifty-seventh Idaho legislature, the depart-
7 ment shall report on the operation of the program of livestock conveyance per-
8 mits, including the number sold and receipts to the fund, the uses of the
9 moneys in the fund, and recommendations, if any, concerning the operation of
10 the program.

August - December 2009

AUGUST						
2008 2009 2010						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
26	27 • 900am-400pm Soil Conservation	28	29	30	31 • 930am-400pm Natural Resources	1
2	3	4	5	6	7	8
9	10	11 • 1000am-500pm Funding Sources	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26 • 10am Health Care	27	28	29
30	31	1 • 900am-500pm Energy, Environ. & Tech.	2 • 800am-100pm Energy, Environ. & Tech.	3	4 • LSO Closed - Staff Furlough	5

SEPTEMBER						
2008 2009 2010						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
30	31	1 • 900am-500pm Energy, Environ. & Tech.	2 • 800am-100pm Energy, Environ. & Tech.	3	4 • LSO Closed - Staff Furlough	5
6	7 • LSO Closed - Labor Day Holiday	8	9	10	11	12
13	14	15	16	17	18	19
20	21 Southeastern Idaho Tour	22 Southeastern Idaho Tour	23 Southeastern Idaho Tour	24	25	26
27	28 • 10am Health Care	29 • 10am Funding Sources	30	1	2	3

OCTOBER						
2008 2009 2010						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
27	28 • 10am Health Care	29 • 10am Funding Sources	30	1	2	3
4	5	6	7	8	9	10
11	12 • Columbus Day - LSO Closed	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

NOVEMBER						
2008 2009 2010						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2	3	4	5	6	7
8	9	10	11 • Veterans' Day - LSO Closed	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26 • Thanksgiving Day - LSO Closed	27	28
29	30	1	2	3	4	5

DECEMBER						
2008 2009 2010						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
29	30	1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24 • LSO Closed - Staff Furlough	25 • LSO Closed - Christmas Day	26
27	28	29	30	31	1	2

Please note that LSO has 3 additional furlough days already scheduled during this calendar time frame, dates at each individual's discretion. Contact individual staff members to determine availability.