

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 137

BY RESOURCES AND CONSERVATION COMMITTEE

AN ACT

RELATING TO POWERS OF THE PARK AND RECREATION BOARD; AMENDING SECTION 67-4223, IDAHO CODE, TO PROVIDE BOARD AUTHORITY TO REGULATE FIREARM DISCHARGES AND TO MAKE TECHNICAL CORRECTIONS.

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:

(a1) Adopt, amend or rescind rules as may be necessary for the proper administration of the provisions of sections 67-4218, et seq., Idaho Code, and the use and protection of park and recreational areas subject to its jurisdiction. A violation of any rule promulgated by the board pursuant to this provision which concerns the use and protection of park and recreation areas is an infraction.

(b2) 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, agreements, 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.

(e3) Appoint advisory, local and regional park and recreational councils, to consider, study and advise in the work of the department for the extension, development, use and maintenance of any areas which are to be considered as future park or recreational sites or which are designated as park recreational areas.

(e4) 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 development and improvement of recreational vehicle related facilities and services as provided in subsection (e5) of this section. Each member of the advisory 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 staggered lengths so that the term of two (2) members will expire annually.

(e5) Administer the funds derived from the recreational vehicle account established in section 49-448, Idaho Code, to provide financial assistance in the form of grants to public entities for the acquisition, lease, development, improvement, operations and maintenance of facilities and services designed to promote the health, safety and enjoyment of recreational vehicle users. Up to fifteen percent (15%) of the recreational vehicle account generated each year may be used by the department to defray recreational vehicle program administrative costs.

1 Any moneys unused at the end of the fiscal year shall be returned to the state treasurer for
2 deposit in the recreational vehicle account.

3 (~~6~~) Cooperate with the United States and its agencies and local governments of the
4 state for the purpose of acquiring, leasing, supervising, improving, developing, extending or
5 maintaining lands which are designated as state parks, state monuments or state recreational
6 areas and to secure agreements or contracts with the United States and its agencies or local
7 governments of the state for the accomplishment of the purposes of sections 67-4218, et seq.,
8 Idaho Code.

9 (~~7~~) Construct, lease or otherwise establish public park or recreational privileges,
10 facilities and conveniences and to operate said recreational services and to make and collect
11 reasonable charges for their use or to enter into contracts for their operation. The board may
12 discount fees in order to offer use incentives to generate additional revenue for operation of
13 the state park system. The net proceeds derived shall be credited to the park and recreation
14 account established in section 67-4225, Idaho Code, and are hereby specifically appropriated
15 to defray the cost of the public park or recreational services. The department is specifically
16 authorized to enter into contracts with the United States and its agencies which require that the
17 state expend any excess of revenue above expenses for improvements of the recreational or
18 park area from which the excess was derived.

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

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

27 (~~c~~) If any state recognizes senior citizens by offering a special park pass for use in that
28 state, the board may provide for a reduction of no more than fifty percent (50%) of the
29 fee charged for recreational vehicle camping, effective Monday night through Thursday
30 night, for any person who possesses such a state park pass.

31 (~~8~~) Prepare, maintain and keep up-to-date a comprehensive plan for the provision of
32 the outdoor recreational resources of the state; to develop, operate and maintain or enter into
33 leases or agreements with local governments for the operation and maintenance of outdoor
34 recreational areas and facilities of the state, and to acquire lands, waters and interests in lands
35 and waters for such areas and facilities.

36 (~~9~~) Apply to any appropriate agency or officer of the United States for participation
37 by the department or a political subdivision of the state or the receipt of aid from any federal
38 program respecting outdoor recreation. It may enter into contracts and agreements with the
39 United States or any appropriate agency thereof, keep financial and other records relating
40 thereto and furnish to appropriate officials and agencies of the United States reports and
41 information as may be reasonably necessary to enable officials and agencies to perform their
42 duties under such programs. In connection with obtaining the benefits of any program, the
43 park and recreation board shall coordinate its activities with and represent the interests of
44 all agencies and subdivisions of the state having interests in the planning, development and
45 maintenance of outdoor recreational resources and facilities.

1 (~~§~~10) Obligate the state regarding the responsible management of any federal funds
 2 transferred to it for the purpose of any federal enactment and, in accordance with the exercise
 3 of this responsibility, the state hereby consents to be sued in any United States district court
 4 for the recovery of any federal funds that the responsible federal official, department or agency
 5 finds have been misused or disposed of contrary to the agreement with the federal official,
 6 department or agency or contrary to the provisions of federal enactment or applicable federal
 7 regulations.

8 (~~§~~11) Cooperate and contract with and receive and expend aid, donations and matching
 9 funds from the government of the United States, receive and expend funds from the STORE
 10 and to receive and expend donations from other sources to acquire, develop, operate and
 11 maintain outdoor recreational areas and facilities of the state and, when authorized or directed
 12 by any act of congress or any rule or regulation of any agency of the government of the United
 13 States, to expend funds donated or granted to the state of Idaho by the federal government for
 14 such purposes.

15 Provided, however, the park and recreation board shall make no commitment or enter into
 16 any agreement pursuant to an exercise of authority under sections 67-4218, et seq., Idaho Code,
 17 until it has determined that sufficient funds are available to it for meeting the state's share, if
 18 any, of project costs. It is legislative intent that, to the extent as may be necessary to assure
 19 the proper operation and maintenance of areas and facilities acquired or developed pursuant to
 20 any program participated in by this state under authority of sections 67-4218, et seq., Idaho
 21 Code, such areas and facilities shall be publicly maintained for outdoor recreational purposes.
 22 The park and recreation board may enter into and administer agreements with the United States
 23 or any appropriate agency thereof for planning, acquisition and development projects involving
 24 participating federal-aid funds or state funds on behalf of any subdivision or subdivisions of
 25 this state. Provided, that the subdivision or subdivisions give necessary assurances to the park
 26 and recreation board that they have available sufficient funds to meet their shares, if any, of the
 27 cost of the project and that the acquired or developed areas will be operated and maintained at
 28 the expense of the subdivision or subdivisions for public outdoor recreational use.

29 (~~§~~12) Establish, develop, supervise and maintain through cooperative agreement, lease,
 30 purchase or other arrangement the Idaho recreation trail system, with the advice of the
 31 coordinator created in section 67-4233, Idaho Code, and consistent with the goals of recreation,
 32 transportation and public access to outdoor areas.

33 (~~§~~13) Enter into agreements with cities, counties, recreation districts or other political
 34 subdivisions of the state to cost-effectively provide recreational facilities, opportunities and
 35 services to the citizens of the state.

36 (14) Have the authority to regulate firearm discharges in state parks for the protection of
 37 the public. However, this subsection (14) shall not apply to or affect a person discharging a
 38 firearm in the lawful defense of person, persons or property or to a person discharging a firearm
 39 in the course of lawful hunting. The possession or carrying of firearms is otherwise regulated
 40 by chapter 33, title 18, Idaho Code.