

Dear Senators PEARCE, BAIR, Stennett, and  
Representatives DENNEY, Gibbs, Pence:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the  
Department of Parks and Recreation:

IDAPA 26.01.36 - Rules Governing the Winter Recreational Parking Permit Program  
(Docket No. 26-0136-1201).

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 12/31/2012. 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 01/29/2013.

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 334-4845, or send a written request to the address on the  
memorandum attached below.



Jeff Youtz  
Director

# Legislative Services Office Idaho State Legislature

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*Serving Idaho's Citizen Legislature*

## MEMORANDUM

**TO:** Rules Review Subcommittee of the Senate Resources & Environment Committee and the House Resources & Conservation Committee  
**FROM:** Principal Legislative Research Analyst - Katharine Gerrity  
**DATE:** December 11, 2012  
**SUBJECT:** Department of Parks and Recreation

IDAPA 26.01.36 - Rules Governing the Winter Recreational Parking Permit Program  
(Docket No. 26-0136-1201)

The Idaho Department of Parks and Recreation submits notice of temporary and proposed rule at IDAPA 26.01.36 - Rules Governing the Winter Recreational Parking Permit Program. According to the Department, it has expanded on-line services to include purchasing three-day temporary Park 'N' Ski passes. The Department states that the current rule provides for the pass to be in the form of a hangtag and that the tag must be hung on the vehicle's rear-view mirror. Customers will now receive an 8 x 10 inch document setting forth the valid dates that they will display on the vehicle dashboard.

This rule is being proposed as a temporary and proposed rule due to the fact that the ski season will begin prior to the 2013 Legislative Session. The effective date of the temporary rule was October 1, 2012. Negotiated rulemaking was not conducted. The rule appears to be authorized pursuant to Section 67-4223, Idaho Code.

cc: Department of Parks and Recreation  
Nancy Merrill  
Tamara Humiston

## IDAPA 26 - DEPARTMENT OF PARKS AND RECREATION

### 26.01.36 - RULES GOVERNING THE WINTER RECREATIONAL PARKING PERMIT PROGRAM

DOCKET NO. 26-0136-1201

#### NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

**EFFECTIVE DATE:** The effective date of the temporary rule is October 1, 2012.

**AUTHORITY:** In compliance with Sections 67-5226 and 67-5221, Idaho Code, notice is hereby given this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. This action is authorized pursuant to Section 67-4223, 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 December 19, 2012.

**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:

IDPR has expanded on-line services to include purchasing a three-day temporary Park`N`Ski pass. The current rule states the three-day pass is in the form of a hangtag and must be hung on the vehicle's rear-view mirror. A customer who purchases the three-day pass will receive an 8x10 document with the valid dates listed. This rule change removes the hangtag language and replaces it with language that the temporary three-day permit shall be displayed on the vehicles' dashboard.

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Section 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

The winter recreation season begins prior to the Legislative Session. Therefore, the on-line service for the temporary three-day permit must be available for purchase by winter recreation customers at the beginning of the winter season.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: None.

**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 67-5226(1), Idaho Code, negotiated rulemaking was not conducted because the rules changes are simple in nature.

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Tamara Humiston, IDPR Deputy Director, 208.514.2450.

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 December 26, 2012.

DATED this 29th day of October, 2012

Tamara Humiston  
Deputy Director  
Idaho Department of Parks and Recreation  
5657 Warm Springs Avenue

Boise ID 83716-8700  
PO Box 83720  
Boise ID 83720-0065  
Phone: 208.514.2450; FAX: 208.334.3741

THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT  
OF DOCKET NO. 26-0136-1201

**050. LOCATION OF PERMIT ON VEHICLE.**

The annual winter recreational parking permit shall be permanently affixed on the front window of the vehicle nearest the driver's seat and the temporary three-day permit shall be ~~hung on the vehicle's interior rear view mirror~~ displayed on the vehicle's dashboard with the dated side displayed to the front of the vehicle in such a manner that it is completely visible and shall be kept in legible condition at all times. No person shall transfer or attempt to transfer an annual winter recreational parking permit decal or a temporary three-day permit ~~hangtag~~ from the vehicle upon which it was legally registered and placed. ~~(7-1-93)~~(10-1-12)T

**051. -- 099. (RESERVED)**

**100. PERMIT COST, EXPIRATION.**

The fee for an annual winter recreational parking permit shall not exceed thirty dollars (\$30). The fee for a temporary winter recreational parking permit shall not exceed ten dollars (\$10). The annual winter recreational parking permit is valid until the expiration date printed on the decal. The temporary winter recreational parking permit is valid for only the three (3) consecutive days written on the permit ~~hangtag~~. ~~(7-1-99)~~(10-1-12)T