

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 26.01.20 - Rules Governing the Administration of Park & Recreation Areas & Facilities -
Idaho State Park Campsites (Docket No. 26-0120-1301);

IDAPA 26.01.20 - Rules Governing the Administration of Park & Recreation Areas & Facilities -
Winter Access Program Passes (Docket No. 26-0120-1302).

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 10/08/2013. 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 11/05/2013.

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

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: September 19, 2013
SUBJECT: Department of Parks and Recreation

IDAPA 26.01.20 - Rules Governing the Administration of Park & Recreation Areas & Facilities - Idaho State Park Campsites (Docket No. 26-0120-1301)

IDAPA 26.01.20 - Rules Governing the Administration of Park & Recreation Areas & Facilities - Winter Access Program Passes (Docket No. 26-0120-1302)

1. IDAPA 26.01.20 - Rules Governing the Administration of Park & Recreation Areas & Facilities - Idaho State Park Campsites

The Department of Parks and Recreation submits notice of a proposed fee rule at IDAPA 26.01.20 - Rules Governing the Administration of Park & Recreation Areas & Facilities relating to Idaho state park campsites. According to the department, the proposal is to increase fee caps by \$10.00 per night for all park campsites and by \$50.00 per night for camper cabins and yurts. The department proposes that the rule changes go into effect on July 1, 2014 to allow time for user notification and system implementation. The department goes on to state that the adjustments are necessary in order for it to increase the fee charged for all serviced campsite types by \$2.00 per night for all camping customers, to increase the fee charged for all campsites by \$3.00 per night for all non-resident camping customers, to increase the fee charged for all camper cabins and yurts by \$5.00 per night for all non-resident customers and to increase the fee charged for all other overnight facilities and group campsites by ten percent per night for all nonresident customers.

The department states that it cannot predict how many of its customers "will be able to continue to consider camping in Idaho's state parks an affordable option" and therefore says that it is unable to provide a reasonable forecast for future usage numbers for a fiscal impact statement. The department goes on to state that its fiscal impact therefore assumes no decrease in occupancy and is calculated against averaged site usage using the past three years occupancy rate. It indicates that revenue potential is \$347,149.

According to the department, negotiated rulemaking was not conducted because the changes being requested were first submitted as temporary rules that were denied. Following that denial, the department indicates that it scheduled public hearings. Those hearings are scheduled to occur in October, 2013. It appears that the rulemaking is authorized pursuant to Sections 67-4210, 67-4223 and 67-4249, Idaho Code.

Mike Nugent, Manager
Research & Legislation

Cathy Holland-Smith, Manager
Budget & Policy Analysis

April Renfro, Manager
Legislative Audits

Glenn Harris, Manager
Information Technology

2. IDAPA 26.01.20 - Rules Governing the Administration of Park & Recreation Areas & Facilities - Winter Access Program Passes

The Department of Parks and Recreation submits notice of a proposed fee rule at IDAPA 26.01.20 - Rules Governing the Administration of Park & Recreation Areas & Facilities relating to Winter Access Program passes. According to the department, the proposed changes would increase the established fee caps for the Winter Access Program passes offered by Harriman and Ponderosa State Parks. The department states that the rule would also add two new pass types to meet the needs of customers. The department proposes that the rule changes go into effect on July 1, 2014 to allow time for user notification and system implementation. The department states that the proposed fee cap for daily per person passes would increase from \$4.00 to \$6.00 and that the family season pass would increase from \$35.00 to \$100.00. The department indicates that the two proposed new pass types would be an individual season pass offered at \$50.00 and a couples season pass offered at \$75.00. The department also notes, based on historical usage trends, the projected positive fiscal impact would be \$29,636.

According to the department, negotiated rulemaking was not conducted because the changes being requested were first submitted as temporary rules that were denied. Following that denial, the department indicates that it scheduled public hearings. Those hearings are scheduled to occur in October, 2013. It appears that the rulemaking is authorized pursuant to Sections 67-4210, 67-4223 and 67-4249, Idaho Code.

cc: Department of Parks and Recreation - Recreation Areas and Facilities
Tammy L. Kolsky

PROPOSED RULE COST/BENEFIT ANALYSIS

Section 67-5223(3), Idaho Code, requires the preparation of an economic impact statement for all proposed rules imposing or increasing fees or charges. This cost/benefit analysis, which must be filed with the proposed rule, must include the reasonably estimated costs to the agency to implement the rule and the reasonably estimated costs to be borne by citizens, or the private sector, or both.

Department or Agency: Idaho Department of Parks and Recreation

Agency Contact: Tammy Kolsky **Phone:** 208-514-2427

Date: August 28, 2013

IDAPA, Chapter and Title Number and Chapter Name:

IDAPA 26.01.20 Rules Governing the Administration of Park and Recreation Areas and Facilities

Fee Rule Status: **Proposed** **Temporary**

Rulemaking Docket Number: 26-0120-1301

STATEMENT OF ECONOMIC IMPACT:

If approved the IDAPA Fee cap increases are approved IDPR intends to adjust fees charged for all Serviced Campsites and to further adjust fees for non residents.

Estimated Economic impact for both increases is a revenue gain of \$347,149. The projected revenue gain is split as follows:

- \$156,839 - calculated for a \$2 per night increase to the rate charged for all serviced campsite types for all resident and non-resident camping customers.
- \$190,310 - calculated for fee increases for non-resident camping customers for all overnight stays on all individual and group campsites and facilities.

IDAPA 26 - PARKS AND RECREATION

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

DOCKET NO. 26-0120-1301 (FEE RULE)

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section(s) 67-4210, 67-4223, and 67-4249, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be held as follows:

October 21, 2013 (Monday); 6 P.M. – 8 P.M.	October 23, 2013 (Wednesday); 6 P.M. – 8 P.M.	October 24, 2013 (Thursday); 6 P.M. – 8 P.M.
5657 Warm Springs Ave, Boise, Idaho	2885 Kathleen Ave, Suite 1, Coeur d'Alene, Idaho	4279 Commerce Circle, Suite B, Idaho Falls, Idaho

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made no later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The Idaho Department of Parks and Recreation proposes changes to IDAPA 26, Title 1, Chapter 20, Section 250.01 to increase the IDAPA approved Fee Caps by \$10 per night for all Idaho state park campsites and by \$50 per night for Idaho state park Camper Cabins and Yurts.

In order to allow time for user notification and system implementation it is further requested that if approved these rule changes go into effect on Tuesday, July 1, 2014.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

The rule changes requested are to increase the IDAPA approved Fee Caps by \$10 per night for all Idaho state park campsites and by \$50 per night for Idaho state park Camper Cabins and Yurts, as demonstrated in the following table:

Campsite Type	Current IDAPA Approved Fee	Proposed IDAPA Fee
Primitive Campsite	\$13.00	\$23.00
Standard Campsite	\$16.00	\$26.00
Serviced Campsite/W	\$20.00	\$30.00
Serviced Campsite/E	\$20.00	\$30.00
Serviced Campsite/W, E	\$24.00	\$34.00
Serviced Campsite/W, E, SWR	\$26.00	\$36.00
Companion Campsite	Site type x 2	Site type x 2
Camper Cabins and Yurts	\$150.00	\$200.00

The adjustments are necessary in order for Parks and Recreation to apply the following fee changes:
Increase the fee charged for all serviced campsite types by \$2 per night for all camping customers
Increase the fee charged for all campsites by an additional \$3 per night for all non-resident camping customers.
Increase the fee charged for all camper cabins and yurts by an additional \$5 per night for all non-resident camping customers.
Increase the fee charged for all other overnight facilities (Deluxe Cabins, Cottages, Houses, Group Yurts, Lodges, and Lodge Rooms) and group campsites by an additional 10% per night for all non-resident camping customers.

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 as a result of this rulemaking:

As a direct result of the fees requested, we are unable to provide a reasonable forecast for future usage numbers for this fiscal impact statement. We cannot predict how many of our customers will be able to continue to consider camping in Idaho's state parks an affordable option. As such, the fiscal impact assumes no decrease in occupancy and has been calculated against averaged site usage using the past three years' occupancy. Revenue potential is \$347,149. The potential revenue generated is split as follows:

\$156,839 - calculated for a \$2 per night increase to the rate charged for all serviced campsite types for all resident and non-resident camping customers.

\$190,310 - calculated for fee increases for non-resident camping customers for all overnight stays on all individual and group campsites and facilities.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted as the changes being requested were first submitted as Temporary Rules. Upon notification that the Temporary Rules were denied, the agency immediately scheduled public hearings.

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: Not Applicable

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Tammy L. Kolsky, 208-514-2427.

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 Monday, October 28, 2013.

DATED this September 3, 2014.

Tammy L. Kolsky
Program Manager
Idaho Department of Parks and Recreation
5657 Warm Springs Avenue, Boise, ID 83716-8700
P.O. Box 87320, Boise ID 83720-0065
Telephone: 208-514-2427; FAX 208-334-3741

THE FOLLOWING IS THE PROPOSED FEE TEXT FOR DOCKET NO. 26-0120-1301

250. FEE SCHEDULE: CAMPSITES.

01. Campsites:

CAMPSITE FEE TABLE	
Maximum Fee Allowed	
Primitive Campsite No amenities at site, camping area not defined	\$42 3/day
Standard Campsite Any defined campsite, either tent pad or RV pad/area (may include: table and/or grill)	\$42 6/day
Serviced Campsite/ W Any defined campsite, either tent pad or RV pad/area, with water at site (may include: table and/or grill)	\$23 0/day
Serviced Campsite/ E Any defined campsite, either tent pad or RV pad/area, with electricity at site (may include: table and/or grill)	\$23 0/day
Serviced Campsite/ W, E Any defined campsite, either tent pad or RV pad/area, with water and electricity at site (may include table and/or grill)	\$23 4/day
Serviced Campsite/ W, E, SWR Any defined campsite, either tent pad or RV pad/area, with water, electricity, and sewer at site (may include table and/or grill)	\$23 6/day
Companion Campsite May be any campsite type, regardless of amenities, that has greater equipment/people capacity (may include table and/or grill) Fee determined by actual site type.	Site type multiplied by two (2)
Amenity Fee for Central Water Applies to "Standard" campsites in campgrounds with a central water supply. The Amenity Fee is charged in addition to the Standard Campsite fee.	\$2/night
Amenity Fee for Flush-Toilets/Showers Applies to "Standard" campsites in campgrounds with Flush-Toilets/Showers. The Amenity Fee is charged in addition to the Standard Campsite fee.	\$2/night
Use of Campground Showers by Non-campers	\$3/person
Overnight Use Fee per motor vehicle or trailer per night Applies to non-campers leaving a motor vehicle or trailer on park property overnight.	\$10/night
Limited Income Discount - Idaho residents showing proof of limited income (Medicaid card or other evidence approved by the Board) may receive a camping fee discount of:	\$4/day
Resident Disabled Idaho Veterans - Campsite fees are waived for resident Idaho veterans showing proof of a one hundred percent (100%) permanent and total service related disability	
Senior Citizen Discount - Pursuant to Section 67-4223, Idaho Code, and at the discretion of the Director, IDPR may provide, at selected under-utilized locations and times, a senior citizen discount.	Maximum 50% of RV camping fee
Camping Cabins and Yurts	\$150 200/night

CAMPSITE FEE TABLE Maximum Fee Allowed	
Each additional person above the sleeping capacity of camping cabin or yurt	\$12/night

~~(3-27-13)~~()

02. Reservation Service Fees, Individual Campsite or Facility. A non-refundable non-transferable (from one party to another) service charge of ten dollars (\$10) may be assessed for each individual campsite or facility reserved. This fee will be waived for campers with a current Idaho RV registration sticker and reimbursed to the Department by the RV Program. A service charge of ten dollars (\$10) or the first night's fee, whichever is less, will be assessed for the cancellation or modification of each individual campsite or facility reserved that involves reducing the planned length of stay or to change the reservation dates where part of the new stay includes part of the original stay booked (rolling window) if notice is received more than twenty-four (24) hours in advance of the scheduled arrival time. Cancellations or modifications made less than twenty-four (24) hours in advance of the scheduled arrival time shall result in assessment of a ten dollar (\$10) service charge and may require the forfeiture of the first night's camping fee. Modifications that change the original stay so that no part of the new stay includes part of the original stay are to be considered a cancellation and a re-book will be required. (3-30-06)

PROPOSED RULE COST/BENEFIT ANALYSIS

Section 67-5223(3), Idaho Code, requires the preparation of an economic impact statement for all proposed rules imposing or increasing fees or charges. This cost/benefit analysis, which must be filed with the proposed rule, must include the reasonably estimated costs to the agency to implement the rule and the reasonably estimated costs to be borne by citizens, or the private sector, or both.

Department or Agency: Idaho Department of Parks and Recreation

Agency Contact: Tammy Kolsky **Phone:** 208-514-2427

Date: August 28, 2013

IDAPA, Chapter and Title Number and Chapter Name:

26.01.20 - Rules Governing the Administration of Park and Recreation Areas and Facilities

Fee Rule Status: Proposed Temporary

Rulemaking Docket Number: 26-0120-1302

STATEMENT OF ECONOMIC IMPACT:

Total economic impact is a revenue gain of \$29,636

IDAPA 26 - PARKS AND RECREATION

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

DOCKET NO. 26-0120-1302 (FEE RULE)

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section(s) 67-4210, 67-4223, and 67-4249, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be held as follows:

October 21, 2013 (Monday); 6 P.M. – 8 P.M.	October 23, 2013 (Wednesday); 6 P.M. – 8 P.M.	October 24, 2013 (Thursday); 6 P.M. – 8 P.M.
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The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made no later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The Idaho Department of Parks and Recreation proposes changes to IDAPA 26, Title 1, Chapter 20, Section 258.05 which increase the established IDAPA fee caps for the Winter Access Program passes offered by Harriman and Ponderosa State Parks. Additionally, this rule change will add two new pass types to better meet the pass needs of the program’s customers.

In order to allow time for user notification and system implementation, it is further requested that, if approved, these rule changes go into effect on Tuesday, July 1, 2014.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

This rule change will increase the IDAPA fee caps for the Winter Access Program’s existing passes as follows

Daily Per Person Pass	\$6	(currently \$4)
Family Season Pass	\$100	(currently 35)

Additionally, this rule change will establish two new Winter Access Program pass types and set IDAPA fee caps for them to be as follows

Individual Season Pass	\$50
Couples Season Pass	\$75

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 as a result of this rulemaking:

Fiscal impact is based upon historical usage trends computed against new rates. Total projected positive fiscal impact is \$29,636.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted as the changes being requested were first submitted as Temporary Rules. Upon notification that the Temporary Rules were denied, the agency immediately scheduled public hearings.

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: Not Applicable

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Tammy L. Kolsky, 208-514-2427.

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 Monday, October 28, 2013.

DATED this September 3, 2014.

Tammy L. Kolsky
Program Manager
Idaho Department of Parks and Recreation
5657 Warm Springs Avenue, Boise, ID 83716-8700
P.O. Box 87320, Boise ID 83720-0065
Telephone: 208-514-2427; FAX 208-334-3741

THE FOLLOWING IS THE PROPOSED FEE TEXT FOR DOCKET NO. 26-0120-1302

258. FEE SCHEDULE: SPECIAL FEES.

01. Modification of Fees. Additional fees or deposits may be required for certain uses or for the reservation of certain facilities. The Department reserves the right to waive or reduce fees and charges for Department sponsored promotions. (7-1-93)

02. Sales Tax. Applicable sales tax may be added to all sales excluding the day use fee. (3-30-06)

03. Special Charges. The cost to the agency for returned checks will be passed on to the issuer of the insufficient funds check. (4-4-13)

04. Length of Stay. Fifteen (15) days in any consecutive thirty (30) day period. (3-30-06)

~~**05. Winter Access Program Fee.** A fee of four dollars (\$4) per person per day and thirty five dollars (\$35) per family per season will be required at Board approved premium winter access locations. These programs may include: maintained parking areas, warming facilities, winter accessible restroom facilities, regularly groomed trails, extensive signing, trail mapping and ski patrol services. (4-4-13)~~

259. FEE SCHEDULE: WINTER ACCESS PROGRAM FEES.

<u>WINTER ACCESS PROGRAM FEE TABLE</u>	
<u>Maximum Fee Allowed</u>	
<u>Winter Access Daily per Person Pass – per person per season</u>	<u>\$6</u>
<u>Winter Access Daily Family Pass – per family per season</u>	<u>\$100</u>
<u>Winter Access Individual Season Pass -- per person per season</u>	<u>\$50</u>
<u>Winter Access Couples Season Pass -- per couple per season</u>	<u>\$75</u>

01. Winter Access Program Fee – Daily Pass. A fee of six dollars (\$6) per person per day and one hundred dollars (\$100) per family per season will be required at Board-approved premium winter access locations. These programs may include: maintained parking areas, warming facilities, winter accessible restroom facilities, regularly groomed trails, extensive signing, trail mapping, and ski patrol services. ()

02. Winter Access Program Fee – Season Pass. A fee of fifty dollars (\$50) per Individual Season Pass per person per winter access season and a fee of seventy-five dollars (\$75) per Couples Season Pass per couple per winter access season will be required at Board-approved premium winter access locations. These programs may include maintained parking areas, warming facilities, winter accessible restroom facilities, regularly groomed trails, extensive signing, train mapping, and ski patrol services. ()

~~259~~60. -- 274. (RESERVED)