

Dear Senators BURTENSHAW, Adams, Semmelroth, and
Representatives MENDIVE, Shepherd, Burns:

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

IDAPA 26.01.37 - Rules Governing Test Procedures and Instruments for Noise Abatement of Off
Highway Vehicles (ZBR Chapter Rewrite) - Proposed Rule (Docket No. 26-0137-2401).

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 11/08/2024. 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 12/06/2024.

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 334-4854, or send a written request to the address on the
memorandum attached below.



Terri Kondoff
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: Legislative Drafter - Alli Olson

DATE: October 22, 2024

SUBJECT: Department of Parks and Recreation

IDAPA 26.01.37 - Rules Governing Test Procedures and Instruments for Noise Abatement of Off Highway Vehicles (ZBR Chapter Rewrite) - Proposed Rule (Docket No. 26-0137-2401)

Summary and Stated Reasons for the Rule

The Department of Parks and Recreation submits notice of proposed rulemaking related to the Rules Governing Test Procedures and Instruments for Noise Abatement of Off Highway Vehicles, IDAPA 26.01.37. The Department of Parks and Recreation states that it is proposing to repeal this chapter, in its entirety, and place it in Idaho statute.

Negotiated Rulemaking / Fiscal Impact

The Department states that negotiated rulemaking was conducted and notice was published in the August 7, 2024, Idaho Administrative Bulletin, Vol. 24-8, pg. 183. The Department also states that there are no new fees associated with this rulemaking and that there is no fiscal impact to the General Fund exceeding \$10,000.

Statutory Authority

The Department of Parks and Recreation appears to have the authority to promulgate its proposed rules pursuant to Sections 67-4223, 67-4249, and 67-7125 Idaho Code.

cc: Department of Parks and Recreation
Seth Hobbs

*** PLEASE NOTE ***

Per the Idaho Constitution, all administrative rules may be reviewed by the Legislature during the next legislative session. The Legislature has 3 options with this rulemaking docket: **1)** Approve the docket in its entirety; **2)** Reject the docket in its entirety; or **3)** Reject the docket in part.

Paul Headlee, Deputy Director Matt Drake, Manager Keith Bybee, Manager April Renfro, Manager Norma Clark, Manager
Legislative Services Office Research & Legislation Budget & Policy Analysis Legislative Audits Information Technology

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IDAPA 26 – DEPARTMENT OF PARKS AND RECREATION
26.01.37 – RULES GOVERNING TEST PROCEDURES AND INSTRUMENTS
FOR NOISE ABATEMENT OF OFF HIGHWAY VEHICLES
DOCKET NO. 26-0137-2401 (ZBR CHAPTER REPEAL)
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 Sections 67-4223, 67-4249, and 67-7125 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 October 16, 2024.

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 a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The Idaho Department of Parks and Recreations is proposing to repeal this chapter and place it in Idaho statute.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: 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 resulting from this rulemaking: None.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the August 07, 2024, Idaho Administrative Bulletin, [Volume 24-8 page 183](#).

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 proposed rule, contact Seth Hobbs, (208) 514-2427, seth.hobbs@idpr.idaho.gov.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 23, 2024.

DATED this 19th day of September, 2024.

Seth Hobbs
Idaho Department of Parks and Recreation
5657 Warm Springs Ave.
Boise, ID 83716
Phone: (208) 514-2427

IDAPA 26.01.37 IS PROPOSED TO BE REPEALED IN ITS ENTIRETY.