

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 566

BY RESOURCES AND CONSERVATION COMMITTEE

AN ACT

1 RELATING TO THE STATE TRUST FOR OUTDOOR RECREATION ENHANCEMENT; PROVIDING  
2 LEGISLATIVE INTENT; REPEALING SECTION 67-4245, IDAHO CODE, RELATING TO  
3 A SHORT TITLE; REPEALING SECTION 67-4246, IDAHO CODE, RELATING TO LEG-  
4 ISLATIVE INTENT; REPEALING SECTION 67-4247, IDAHO CODE, RELATING TO THE  
5 CREATION, ADMINISTRATION, AND ELIGIBLE RECIPIENTS OF THE STATE TRUST  
6 FUND FOR OUTDOOR RECREATION ENHANCEMENT; REPEALING SECTION 67-4248,  
7 IDAHO CODE, RELATING TO MANAGEMENT OF FUNDED PROJECTS AND LANDS; RE-  
8 PEALING SECTION 67-4249, IDAHO CODE, RELATING TO PROMULGATION OF RULES  
9 RELATED TO THE STATE TRUST FOR OUTDOOR RECREATION ENHANCEMENT; AMENDING  
10 SECTION 67-4223, IDAHO CODE, TO REMOVE A REFERENCE TO THE STATE TRUST  
11 FOR OUTDOOR RECREATION ENHANCEMENT FUND; AND DECLARING AN EMERGENCY AND  
12 PROVIDING AN EFFECTIVE DATE.  
13

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

15 SECTION 1. IDAHO CODE CLEANUP -- LEGISLATIVE INTENT. It is the intent  
16 of the Legislature to ensure that the state laws provided in Idaho Code are  
17 streamlined, up-to-date, and essential for the citizens of Idaho, while best  
18 serving the public health, safety, and welfare. In accordance with the Idaho  
19 Code Cleanup Act, following comprehensive review, the Legislature has iden-  
20 tified the provisions of this act as obsolete, outdated, or unnecessary.

21 SECTION 2. That Section [67-4245](#), Idaho Code, be, and the same is hereby  
22 repealed.

23 SECTION 3. That Section [67-4246](#), Idaho Code, be, and the same is hereby  
24 repealed.

25 SECTION 4. That Section [67-4247](#), Idaho Code, be, and the same is hereby  
26 repealed.

27 SECTION 5. That Section [67-4248](#), Idaho Code, be, and the same is hereby  
28 repealed.

29 SECTION 6. That Section [67-4249](#), Idaho Code, be, and the same is hereby  
30 repealed.

31 SECTION 7. That Section 67-4223, Idaho Code, be, and the same is hereby  
32 amended to read as follows:

33 67-4223. POWERS OF BOARD. The park and recreation board shall:  
34 (1) Adopt, amend or rescind rules as may be necessary for the proper ad-  
35 ministration of the provisions of section 67-4218, et seq., Idaho Code, and  
36 the use and protection of park and recreational areas subject to its juris-  
37 diction. A violation of any rule promulgated by the board pursuant to this

1 provision that concerns the use and protection of park and recreation areas  
2 is an infraction.

3 (2) Make expenditures for the acquisition, leasing, care, control,  
4 supervision, improvement, development, extension and maintenance of all  
5 lands under the control of the department and to make arrangements, agree-  
6 ments, contracts or commitments, which may or may not involve expenditures  
7 or transfer of funds, with the head of any state institution, department or  
8 agency for the improvement or development of lands or properties under the  
9 control of the board, or any other department or agency of the state of Idaho.

10 (3) Appoint advisory, local and regional park and recreational coun-  
11 cils, to consider, study and advise in the work of the department for the ex-  
12 tension, development, use and maintenance of any areas which are to be con-  
13 sidered as future park or recreational sites or which are designated as park  
14 recreational areas.

15 (4) Appoint a six (6) member recreational vehicle advisory committee,  
16 who shall be compensated as provided in section 59-509(f), Idaho Code, and  
17 act in an advisory capacity to the board on matters relating to the devel-  
18 opment and improvement of recreational vehicle related facilities and ser-  
19 vices as provided in subsection (5) of this section. Each member of the ad-  
20 visory committee shall be representative of recreational vehicle users with  
21 one (1) from each of the districts described in section 67-4221, Idaho Code.  
22 The terms of appointment shall be three (3) years, except that the initial  
23 appointees shall commence on the date of appointment and shall be of stag-  
24 gered lengths so that the term of two (2) members will expire annually.

25 (5) Administer the funds derived from the state recreational vehicle  
26 fund established in section 49-448, Idaho Code, to provide financial assis-  
27 tance in the form of grants to public entities for the acquisition, lease,  
28 development, improvement, operations and maintenance of facilities and ser-  
29 vices designed to promote the health, safety and enjoyment of recreational  
30 vehicle users. Up to fifteen percent (15%) of the recreational vehicle fund  
31 generated each year may be used by the department to defray recreational ve-  
32 hicle program administrative costs. Any moneys unused at the end of the fis-  
33 cal year shall be returned to the state treasurer for deposit in the recre-  
34 ational vehicle fund.

35 (6) Cooperate with the United States and its agencies and local gov-  
36 ernments of the state for the purpose of acquiring, leasing, supervising,  
37 improving, developing, extending or maintaining lands which are designated  
38 as state parks, state monuments or state recreational areas and to secure  
39 agreements or contracts with the United States and its agencies or local  
40 governments of the state for the accomplishment of the purposes of section  
41 67-4218, et seq., Idaho Code.

42 (7) Construct, lease or otherwise establish public park or recre-  
43 ational privileges, facilities and conveniences and to operate said recre-  
44 ational services and to make and collect reasonable charges for their use or  
45 to enter into contracts for their operation. The board may discount fees in  
46 order to offer use incentives to generate additional revenue for operation  
47 of the state park system. The net proceeds derived shall be credited to the  
48 park and recreation fund established in section 67-4225, Idaho Code, and are  
49 hereby specifically appropriated to defray the cost of the public park or  
50 recreational services. The department is specifically authorized to enter

1 into contracts with the United States and its agencies which require that the  
2 state expend any excess of revenue above expenses for improvements of the  
3 recreational or park area from which the excess was derived.

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

7 (b) The board may provide for a reduction of no more than fifty percent  
8 (50%) of the fee charged for recreational vehicle camping, effec-  
9 tive Monday night through Thursday night, for any senior citizen who  
10 possesses a valid federal "golden age passport" or other equivalent  
11 successor, as issued by a federally operated facility where an entrance  
12 fee is charged.

13 (c) If any state recognizes senior citizens by offering a special park  
14 pass for use in that state, the board may provide for a reduction of no  
15 more than fifty percent (50%) of the fee charged for recreational ve-  
16 hicle camping, effective Monday night through Thursday night, for any  
17 person who possesses such a state park pass.

18 (d) Nonresident fees for camping must be substantially double the same  
19 camping fees charged to residents at no fewer than five (5) state parks  
20 by January 1, 2022. Nonresident entry fees must be substantially double  
21 the same entry fees charged to residents at no fewer than five (5) state  
22 parks by January 1, 2022. A single park may have more than one (1) non-  
23 resident fee substantially doubled. Other than previously made reser-  
24 vations as of the effective date of this act, the minimum number of sub-  
25 stantially doubled nonresident fees referenced in this paragraph must  
26 be in place by January 1, 2022. The board has the authority to increase  
27 fees for nonresidents beyond the fee caps established in the Idaho ad-  
28 ministrative code and other fees may also be increased for nonresidents  
29 if allowed by law and preexisting contractual obligations. Nothing in  
30 this paragraph limits the amounts or types of fees the board may charge  
31 nonresidents.

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

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

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

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

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

35 (12) Establish, develop, supervise and maintain through cooperative  
36 agreement, lease, purchase or other arrangement the Idaho recreation trail  
37 system, with the advice of the coordinator created in section 67-4233, Idaho  
38 Code, and consistent with the goals of recreation, transportation and public  
39 access to outdoor areas.

40 (13) Enter into agreements with cities, counties, recreation districts  
41 or other political subdivisions of the state to cost-effectively provide  
42 recreational facilities, opportunities and services to the citizens of the  
43 state.

44 (14) Have the authority to regulate firearm discharges in state parks  
45 for the protection of the public. However, this subsection shall not apply  
46 to or affect a person discharging a firearm in the lawful defense of person,  
47 persons or property or to a person discharging a firearm in the course of law-  
48 ful hunting. The possession or carrying of firearms is otherwise regulated  
49 by chapter 33, title 18, Idaho Code.

1           (15) Enter into agreements with private, nonprofit public benefit  
2 corporations and other persons, corporations and entities, as may be appro-  
3 priate, to assist the department in its efforts to secure long-term funding  
4 sources for the state park and recreation system to ensure state parks are  
5 preserved and open for public use and enjoyment. Such agreements may in-  
6 clude, but shall not be limited to, memberships, corporate and individual  
7 sponsorships, the sale of advertising, and marketing agreements to fund or  
8 promote, in whole or in part, state park and recreation events, programs and  
9 facilities. The board may encourage sponsorships by providing appropri-  
10 ate recognition to sponsors consistent with the mission of the department  
11 of parks and recreation as set forth in section 67-4219, Idaho Code. All  
12 revenue received from such agreements shall be deposited into the park and  
13 recreation fund pursuant to section 67-4225, Idaho Code.

14           SECTION 8. An emergency existing therefor, which emergency is hereby  
15 declared to exist, this act shall be in full force and effect on and after  
16 July 1, 2026.