

Dear Senators BAIR, VICK, Stennett, and
Representatives RAYBOULD, Gestrin, Pence:

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

IDAPA 26.01.06 - Rules Governing Cooperator Recognition and Sale of Advertising - Proposed
Rulemaking (Docket No. 26-0106-1501).

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 10/26/2015. 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 11/24/2015.

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 334-4834, or send a written request to the address on the
memorandum attached below.



Eric Milstead
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: October 06, 2015

SUBJECT: Department of Parks and Recreation

IDAPA 26.01.06 - Rules Governing Cooperator Recognition and Sale of Advertising - Proposed Rulemaking (Docket No. 26-0106-1501)

The Idaho Department of Parks and Recreation submits notice of proposed rule at IDAPA 26.01.06 - Rules Governing Cooperator Recognition and Sale of Advertising. This is a new chapter. The department notes that the rulemaking is a result of the legislature passing S1098aaH during the 2015 session which authorized the Park and Recreation Board to enter into agreements to secure long-term funding sources and also authorized the recognition of cooperators, as well as the sale of advertising.

The department indicates that negotiated rulemaking was conducted. The rule appears to be authorized pursuant to Sections 67-4210, 67-4223 and 67-4249, Idaho Code.

cc: Department of Parks and Recreation
Anna Canning

IDAPA 26 - IDAHO DEPARTMENT OF PARKS AND RECREATION
26.01.06 - RULES GOVERNING COOPERATOR RECOGNITION AND SALE OF ADVERTISING
DOCKET NO. 26-0106-1501 (NEW CHAPTER)
NOTICE OF RULEMAKING - PROPOSED RULEMAKING

AUTHORITY: In compliance with Sections 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 67-4210, 67-4223, and 67-4249, 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 21, 2015.

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:

During the 2015 Regular Legislative Session, the Legislature passed S1089aaH that authorized the Park and Recreation Board to enter into agreements to secure long-term funding sources and authorized the recognition of cooperators as well as the sale of advertising. The Senate Committee on Resources and Environment requested that IDPR develop associated administrative rules.

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 resulting from this rulemaking:

There is no expected negative fiscal impact. IDPR is requesting the rules as part of our ongoing efforts to provide additional revenue sources through cooperator recognition and the sale of advertising.

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 5, 2015 Idaho Administrative Bulletin, [Vol. 15-8, page 105](#).

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:

No documents or materials are incorporated by reference in this rule.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this proposed rulemaking, contact Anna Canning at 208-514-2252.

All written comments must be directed to the undersigned and must be delivered on or before October 28, 2015. Please send electronic submissions to anna.canning@idpr.idaho.gov.

DATED this September 3rd, 2015.

Anna Canning, Management Services Administrator
Idaho Department of Parks and Recreation
5657 Warm Springs Avenue, Boise, ID 83716-8700
P.O. Box 87320, Boise ID 83720-0065
Telephone: 208-514-2252; FAX 208-334-5232

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 26-0106-1501

**IDAPA 26
TITLE 01
CHAPTER 06**

26.01.06 - RULES GOVERNING COOPERATOR RECOGNITION AND SALE OF ADVERTISING

000. LEGAL AUTHORITY.

These rules, promulgated by the Idaho Parks and Recreation Board pursuant to Section 67-5201, et seq., Idaho Code, and Section 67-4223, Idaho Code, are intended to further define and implement Section 67-4223(15), Idaho Code, which deals with sponsorship and the sale of advertising. ()

001. TITLE AND SCOPE.

01. Title. The title of this chapter will be cited in full as Idaho Department of Parks and Recreation Rules, IDAPA 26.01.06, "Rules Governing Cooperator Recognition and Sale of Advertising." ()

02. Scope. The purpose of this chapter is to establish and document appropriate recognition for cooperators that provide financial assistance to Idaho Department of Parks and Recreation; and set appropriate criteria for the sale of advertising. ()

002. WRITTEN INTERPRETATIONS.

This agency has no written interpretations of these rules. ()

003. ADMINISTRATIVE APPEAL.

Any person who may be adversely affected by a final decision, ruling, or direction of the director may appeal the decision, ruling, or direction as outlined under IDAPA 26.01.01.250, Rules of Administrative Procedure of the Idaho Park and Recreation Board. ()

004. INCORPORATION BY REFERENCE.

There are no documents incorporated by reference into these rules. ()

005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS.

01. Office. The central office of the department and the board is in Boise, Idaho. The telephone number for the board and the department is: (208) 334-4199. ()

02. Office Hours. The central office is open from 8 a.m. until 5 p.m., Mountain Time, Monday through Friday. The central office is closed Saturdays, Sundays, and holidays. ()

006. PUBLIC RECORDS ACT COMPLIANCE.

Any records associated with these rules are subject to the Idaho Public Records Act, Title 9, Chapter 1, Idaho Code. ()

007. (RESERVED)

008. DEFINITIONS.

01. Advertisement. Any message distributed by any means that promotes or markets a business,

service, facility, or product. Something that is shown or presented to the public to help sell a product or service. ()

02. Board. The Idaho Park and Recreation Board. ()

03. Cooperator. An individual, foundation, corporation, government agency, not-for-profit organization, friends groups, concessionaire, or other entity that acts as a benefactor by donating, contributing, granting, subscribing, leasing, or providing other funds, materials, or labor for the purpose of maintenance, improvement, restoration, enhancement, reclamation, addition or enlargement of programs, holdings, properties, resources, or facilities of the department. ()

04. Department. The Idaho Department of Parks and Recreation. ()

05. Director. The Idaho Department of Parks and Recreation director or designee. ()

06. Facilities. Any constructed feature or object within a state park including but not limited to, shelters, visitor centers, storage structures, work centers, entrance kiosks, campground loops, restroom and shower facilities, amphitheaters, lodges, overnight lodging, group use area, concessionaire facilities, boat launches and ramps, playground equipment, fire rings, paddocks, pathways, roads, pay stations, or trail and directional signs. ()

07. Recognition Plan. An agreement describing the arrangement between the department and the cooperator. ()

009. -- 049. (RESERVED)

050. PROVISIONS REGARDING COOPERATOR RECOGNITION.

01. Applicability. These rules apply to recognition given in consideration of financial, in-kind, or material assistance from cooperators. Financial assistance may be in the form of donations, grants, inter-governmental agreements or partnerships, sponsorships, endowments, concessionaire agreements, or other working agreements with the department. These rules focus on appropriate recognition of cooperators, regardless of the form of the working agreement. Recognition of cooperators must be consistent with the department's mission, goals, and policies. ()

02. Appropriate Forms of Recognition. The following forms of recognition among others may be appropriate: "thank you" message; commemorative object; acknowledgement on materials or equipment; acknowledgement on department-published media; temporary display of cooperator logos, branding, products, or signs at events; verbal recognition; temporary construction signs; recognition boards; exhibit labels; semi-permanent signs; permanent signs; and naming rights. ()

03. Recognition Plan. The recognition plan must include, but is not limited to: ()

a. A detailed statement of how the department is improving services through the arrangement and how the arrangement supports the mission of the department. ()

b. A detailed statement of the department's and the cooperator's responsibilities and roles. ()

c. A detailed plan for recognition of cooperators contributions to include display, type, location, size, design, content, and duration. ()

d. Term and termination provisions. ()

04. Cumulative Impacts. The department will minimize the impacts of visual clutter to natural, cultural, historic, and built environments. ()

05. Maintenance and Repair. The department is under no obligation to maintain or replace

recognition signs, plaques, or structures if they are vandalized, lost, stolen or otherwise destroyed, or need to be relocated as a result of necessary park operations. ()

06. Special Privileges. Providing financial assistance to the department on a project does not entitle the cooperator to any special privileges other than recognition as set forth in this chapter. ()

07. Right to Refuse. The department will, among other matters, consider the qualifications and experience of any individual or entity seeking to become a cooperator, and the ability of any individual or entity to abide by the recognition plan authorized by these rules. The primary consideration in any arrangement is the benefit to the department and the compatibility of the cooperator's products, services, and mission with the department's mission, goals, and policies. The department may refuse to enter into a recognition plan with any potential cooperator. The department will not enter into a recognition plan with political organizations, adult entertainment establishments, or companies whose primary business is selling tobacco or pornography. ()

08. Prohibited Arrangements. The department will not approve a recognition plan that contains the following prohibited arrangements: ()

- a. Qualitative or comparative language; ()
- b. Endorsements by the department; ()
- c. Price information or indications of savings or value; or ()
- d. Non-commercial speech that may be construed as political, religious, or as asserting a position on a public issue. ()

09. Recognition Plan Approval. The board has approval authority for any recognition plan that includes naming rights. The director has approval authority for all other recognition plans. ()

051. NAMING RIGHTS.

01. Geographic Features. The department will not name geographic features, whether natural or man-made, for cooperators. ()

02. State Park or Unit. ()

a. Because state parks are public places owned by the people of Idaho, simply having made a significant monetary contribution to the department is not compelling justification to associate the name of a cooperator with a state park or unit. For this reason, recognizing cooperators by naming state parks or units should be carefully considered so that the perceptions of the public are positive and the recognition does not imply private or exclusive use or ownership. ()

b. State parks and units, in most cases, should bear the name to which they have been historically known due to location, topography, natural resources, or cultural values. ()

c. For new and existing state parks, the board may recommend naming the state park in honor of an individual, living or deceased, or an entity that has contributed specifically to the park and that represents achievement of highest distinction in a professional or public service role which does not conflict with the department mission and goals. The state legislature will have final approval of the state park name. ()

d. For new and existing state park units, the board may name the park unit in honor of an individual, living or deceased, or an entity that has contributed specifically to the park unit and that represents achievement of highest distinction in a professional or public service role which does not conflict with the department mission and goals. ()

03. State Park Facilities. The board may name facilities, structures, or rooms within a structure to recognize a cooperator. The department cannot assure cooperators that the name will be permanently affixed to the

facility. Any sign displaying the name may be removed and replaced within an established time frame, when the facility is being renovated, or if there are problems of vandalism or other maintenance concerns. ()

052. PROVISIONS REGARDING THE SALE OF ADVERTISING.

01. Applicability. The sale of advertising must be consistent with the department’s mission, goals, and policies. These rules apply to: ()

a. The direct sale of advertising by the department; and ()

b. Arrangements with a vendor to sell advertising space on specific media. ()

02. Prohibited Content. The department will not display or approve advertising that: ()

a. Implies endorsement of products or services by the department; ()

b. Advocates an illegal use or activity; ()

c. Contains non-commercial speech that advocates a position regarding a political, religious, or public issue; ()

d. Is clearly defamatory, obscene, or sexually suggestive; or ()

e. Denigrates groups or individuals on the bases of gender, race, religion, ethnicity, national origin, disability, or political affiliation, or otherwise debases the dignity or stature on any individual or group of individuals. ()

03. Cumulative Impacts. The department will minimize the impacts of visual clutter to natural, cultural, historic, and built environments. ()

04. Maintenance and Repair. The department is under no obligation to maintain or replace advertising materials if they are vandalized, lost, stolen, or otherwise destroyed, or need to be relocated as a result of necessary park operations. ()

05. Special Privileges. Purchasing advertising does not entitle the purchaser to any special privileges other than advertising as set forth in this chapter. ()

06. Right to Refuse. The department will, among other matters, consider the qualifications and experience of any individual or entity seeking an advertising opportunity. The primary consideration in any arrangement is the benefit to the department and the compatibility of the advertiser’s products, services, and mission with the department’s mission, goals, and policies. The department may refuse to sell advertising to any potential purchaser. The department will not sell advertising to political organizations, adult entertainment establishments, or companies whose primary business is selling tobacco or pornography. ()

07. Approval for the Sale of Advertising. The director has approval authority for the sale of advertising. ()

053. -- 999. (RESERVED)