

Dear Senators BAIR, Siddoway, Stennett, and
Representatives GIBBS, Gestrin, Erpelding:

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

IDAPA 26.01.10 - Rules Governing the Administration of Temporary Permits on Lands Owned
by the Idaho Department of Parks and Recreation (Fee Rule) - Proposed Rule (Docket
No. 26-0110-1701);

IDAPA 26.01.20 - Rules Governing the Administration of Park and Recreation Areas and Facilities -
Proposed Rule (Docket No. 26-0120-1701);

IDAPA 26.01.23 - Rules Governing Filming Within Idaho State Parks - Proposed Rule (Docket
No. 26-0123-1701).

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 07/31/2018. 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 08/28/2018.

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: Deputy Division Manager - Katharine Gerrity

DATE: July 11, 2018

SUBJECT: Department of Parks and Recreation

IDAPA 26.01.10 - Rules Governing the Administration of Temporary Permits on Lands Owned by the Idaho Department of Parks and Recreation (Fee Rule) - Proposed Rule (Docket No. 26-0110-1701)

IDAPA 26.01.20 - Rules Governing the Administration of Park and Recreation Areas and Facilities - Proposed Rule (Docket No. 26-0120-1701)

IDAPA 26.01.23 - Rules Governing Filming Within Idaho State Parks - Proposed Rule (Docket No. 26-0123-1701)

1. IDAPA 26.01.10 - Rules Governing the Administration of Temporary Permits on Lands Owned by the Idaho Department of Parks and Recreation (Fee Rule)

Summary and Stated Reasons for the Rule

The Department of Parks and Recreation submits notice of a fee rule at IDAPA 26.01.10 - Rules Governing the Administration of Temporary Permits on Lands Owned by the Idaho Department of Parks and Recreation. The department states that the reason for the proposed change is to increase application and modification fees associated with permits for private and commercial use of department lands from \$100 to \$300. In addition, the rule proposes to increase assignment and renewal fees from \$25.00 to \$300. Finally, the maintenance of a temporary permit requires an annual payment to the department of \$50.00 per acre utilized by a permit holder. The department states that this formula is inadequate and that compensation should be tied to the fair market value of the utilized property, with a minimum permit fee of \$300. The department also notes that current fees were established in 1993.

Negotiated Rulemaking / Fiscal Impact

The department notes that negotiated rulemaking was conducted. The department states that there is no anticipated negative impact on the general fund and that it anticipates that an additional \$2,000 to \$3,000 of revenue will be generated per year.

Kristin Ford, Manager
Research & Legislation

Paul Headlee, Manager
Budget & Policy Analysis

April Renfro, Manager
Legislative Audits

Glenn Harris, Manager
Information Technology

Statutory Authority

The rulemaking appears to be authorized pursuant to sections 67-4210 and 67-4223, Idaho Code.

2. IDAPA 26.01.20 - Rules Governing the Administration of Park and Recreation Areas and Facilities - Proposed Rule

Summary and Stated Reasons for the Rule

The Department of Parks and Recreation submits notice of proposed rule at IDAPA 26.01.20 - Rules Governing the Administration of Park and Recreation Areas and Facilities. According to the department, the rule clarifies that failure to properly display proof of payment of motor vehicle entrance and camping fees may result in a surcharge assessment. This is the current practice.

Negotiated Rulemaking / Fiscal Impact

Negotiated rulemaking was conducted. There is no fiscal impact.

Statutory Authority

The rulemaking appears to be authorized pursuant to sections 67-4210, 67-4223 and 67-4249, Idaho Code.

3. IDAPA 26.01.23 - Rules Governing Filming Within Idaho State Parks - Proposed Rule

Summary and Stated Reasons for the Rule

The Department of Parks and Recreation submits notice of proposed rule at IDAPA 26.01.23 - Rules Governing Filming Within Idaho state parks. According to the department, the proposed rule amends rules governing commercial film production in Idaho State Parks to better define the permitting requirements of commercial photographers and to limit existing permitting requirements on casual photographers.

Negotiated Rulemaking / Fiscal Impact

Negotiated rulemaking was conducted. There is no fiscal impact.

Statutory Authority

The rulemaking appears to be authorized pursuant to sections 67-4210 and 67-4223, Idaho Code.

cc: Department of Parks and Recreation
Anna Canning

***** PLEASE NOTE *****

Per the Idaho Constitution, all administrative rules must 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.

IDAPA 26 – DEPARTMENT OF PARKS AND RECREATION

26.01.10 – RULES GOVERNING THE ADMINISTRATION OF TEMPORARY PERMITS ON LANDS OWNED BY THE IDAHO DEPARTMENT OF PARKS AND RECREATION

DOCKET NO. 26-0110-1701 (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 Sections 67-4210 and 67-4223, Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing concerning this rulemaking will be held as follows:

PUBLIC HEARING
Monday, July 23, 2018 – 5:30 pm to 6:30 pm

Idaho Dept. of Parks & Recreation
(Panhandle Room)
2885 Kathleen Ave.
Coeur d'Alene, ID 83815

The hearing site 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 Proposed rule modifies the current rule to allow the department to charge processing fees comparable to associated costs and to be compensated at a reasonable rate based upon Fair Market Value of the site as if it were held in a fee simple state.

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

The rule change would increase Application and Modification fees from \$200 to \$300 and Assignment and Renewal fees from \$25 to \$300 per transaction as well as change the current permit compensation fee from \$50 per acre to the Fair Market Value per acre with a minimum permit fee of \$300.

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:

The only negative fiscal impact is the cost of promulgating the rule changes. The positive fiscal impacts are the additional revenues generated to cover the cost of processing applications and modifications as well as assignments and renewals per transaction plus the additional revenue generated from charging Fair Market Value per acre for the property with an established minimum fee. The change should generate an additional \$2,000–\$3,000/year.

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 October 4, 2017 Idaho Administrative Bulletin, [Volume 17-10, page 389](#).

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 Keith Hobbs, Operations Administrator, (208) 514-2450. 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 July 25, 2018.

DATED this 5th day of June, 2018.

Keith Hobbs, Operations Administrator
Idaho Department of Parks and Recreation
(208) 514-2450

5657 Warm Springs Avenue
P.O. Box 83720
Boise, ID 83720-0065

THE FOLLOWING IS THE PROPOSED TEXT OF FEE DOCKET NO. 26-0110-1701
(Only Those Sections With Amendments Are Shown.)

010. DEFINITIONS.

- 01.** Assignment. The Department-approved transfer of a valid permit from a current Grantee to a new Grantee. ()
- 012.** **Board.** The Idaho Park and Recreation Board or such representative as may be designated by the board. (7-1-93)
- 023.** **Department and IDPR.** The Idaho Department of Parks and Recreation. (7-1-93)
- 034.** **Director.** The Director of the Idaho Department of Parks and Recreation or such representative as may be designated by the Director. (7-1-93)
- 045.** **Grantee.** The party to whom a temporary permit is granted and their assigns and successors in interest. (7-1-93)
- 056.** **Grantor.** The State of Idaho and its assigns and successors in interest. (7-1-93)
- 067.** **Park Manager.** The person responsible for administering and supervising a specific state park area, or department owned land not yet a state park, as designated by the Director of the Idaho Department of Parks and Recreation. (7-1-93)
- 078.** **Person.** An individual, partnership, association, or corporation qualified to do business in the state of Idaho, and any federal, state, county or local unit of government. (7-1-93)
- 089.** **Temporary Permit.** An instrument authorizing a temporary use of IDPR owned land for the construction, operation and maintenance of specific typically linear elements including but not limited to power and telephone lines, roadways, driveways, sewer lines, natural gas lines and water lines. (7-1-93)

011. -- 049. (RESERVED)

050. POLICY.

- 01.** **Issuing Authority.** Temporary permits are issued by the Director in lieu of easements, and shall be required for all associated activities on or over IDPR owned land. (7-1-93)()
- 02.** **Discretion.** The Board retains absolute discretion to grant or withhold a temporary permit on land which it owns. (7-1-93)
- 03.** **Consent Required.** Temporary permits, their amendment, renewal and assignment and all subsequent actions are not valid without the written consent of the Director. (7-1-93)
- 04.** **Modifications.** Temporary permits and subsequent modifications, assignments and renewals require a formal application, and payment of a processing fee to reimburse the agency Department for staff time

devoted to processing the request.

(7-1-93)()

05. Purpose Compatible. The purpose for which the temporary permit is sought must not interfere with the existing or anticipated values, objectives, or operation of Department-owned lands. (7-1-93)

06. Compensation. An appropriate compensation for use of Department-owned lands, as set out in Section 150 of this chapter, shall be paid to the IDPR in cash or in the form of offsetting benefits to be determined by the Director. (7-1-93)

07. Control. At all times the control of gates, roads and park lands shall be retained by the State. The permit granted shall be for the Grantee's use only, shall be revocable for cause, shall be issued for a specific period of time, not to exceed ten (10) years, but usually five (5) years or less, and shall automatically expire if not used for a period of one (1) year. (7-1-93)

051. -- 099. (RESERVED)

100. PROCESSING FEES.

01. Issuance or Modification. The processing fee for a new temporary permit, or modification of an existing temporary permit, is ~~one~~ **three** hundred dollars (~~\$1300~~), which must be received from all applicants before processing can proceed. The processing fees are designed to offset processing costs and are nonrefundable.

(7-1-93)()

02. Assignment or Renewal. The processing fee for assignment or renewal of an existing temporary permit is ~~twenty-five~~ **three hundred** dollars (~~\$25300~~), and must be received before processing can proceed. The processing fees are designed to offset processing costs and are nonrefundable.

(7-1-93)()

101. -- 149. (RESERVED)

150. COMPENSATION.

01. Payable in Advance. Cash compensation for the entire term of the temporary permit shall be collected from the applicant prior to issuance. (7-1-93)

02. Cost per Acre Permit Rate. ~~Cash compensation for a temporary permit shall be charged at a rate of fifty dollars (\$50) per acre of IDPR land utilized per year or any portion thereof, and shall be specified in the temporary permit~~ The cash compensation rate for a temporary permit shall be set so as to provide the Department a reasonable return based upon the fair market value (FMV) of the permit site as if it was held in fee simple estate. Cash compensation is calculated as a percentage of the FMV of the permit site as determined by the Department in consultation with real estate professionals. In the event permit applicant disputes the FMV established by the Department, the Department may hire a certified appraiser to establish the FMV of the permit site. Permit applicant will pay for the cost of the appraisal. The minimum cash compensation for a temporary permit shall be three hundred dollars (\$300). Temporary permits of less than one (1) year in duration will not be prorated. (7-1-93)()

03. Noncash Compensation. Offsetting (non-cash) compensation for a temporary permit may be approved on an individual basis by the Director, and the terms of the agreement shall be outlined in the temporary permit. (7-1-93)

04. Nonrefundable. Compensation to IDPR for a temporary permit is non-refundable, except as set out in Subsection 200.08 of this chapter. (7-1-93)

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: Keith Hobbs Phone: 208-514-2450

Date: June 6, 2018

IDAPA, Chapter and Title Number and Chapter Name:

IDAPA 26.01.10 – Rules Governing the Administration of Temporary Permits on Lands Owned by the Idaho Department of Parks and Recreation

Fee Rule Status: XX Proposed ___ Temporary

Rulemaking Docket Number: 26-0110-1701

STATEMENT OF ECONOMIC IMPACT:

The Idaho Department of Parks and Recreation proposes to amend IDAPA 26.01.10 – Rules Governing the Administration of Temporary Permits on Lands Owned by the Idaho Department of Parks and Recreation. These amendments would increase the application fee for the issuance of a new Temporary Permit, or the modification of an existing permit from \$100 to \$300. Assignment and Renewal fees, currently \$25, would also be raised to \$300. The current fees for these transactions were established in 1993 and no longer reflect the true costs of the staff time required to evaluate requests and administer permits for private/commercial use of Department lands.

Additionally, the maintenance of a Temporary Permit requires an annual payment to the department of \$50/acre utilized by the Temporary Permit holder. It is felt by the Department that this formula for compensation to the State of Idaho for private/commercial use of state lands is inadequate and that compensation to the State of Idaho should be tied to the Fair Market Value (FMV) of the utilized property

The Department currently maintains eleven Temporary Permits, almost all with utility companies. Temporary Permits are issued for 10-year periods, at the end of which a renewal is required. The proposed fees would be applied to the Temporary Permits as they reach their endpoint and require renewal and not be retroactively imposed upon existing permit holders.

After an examination of the end dates of these eleven existing Temporary Permits, the Department anticipates a renewal request for an existing permit to average approximately one per year. Requests for Temporary Permits are infrequent, with the most recent occurring in 2007. For this reason, the Department anticipates no more than one new Temporary Permit request each five years. Based upon this historical use, the Department anticipates one Temporary Permit renewal per year and one new Temporary Permit issuance each five years. The following analysis is based upon this projected usage and using an average cost per acre of \$10,000.

If the existing fee structure were to stay in place, the Department would anticipate collecting, on average, \$828 annually, using this projected usage.

Under the proposed rule change, the Department anticipates collecting, on average, \$11,486 annually, with 97% of the increase due to associating the annual compensation to the State of Idaho with the actual FMV of the property in use.

IDAPA 26 – DEPARTMENT OF PARKS AND RECREATION

**26.01.20 – RULES GOVERNING THE ADMINISTRATION OF PARK
AND RECREATION AREAS AND FACILITIES**

DOCKET NO. 26-0120-1701

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 67-4210, 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 July 18, 2018.

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 rule change clarifies that failure to properly display proof of payment of motor vehicle entrance and camping fees may result in a surcharge assessment.

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

The rule change would not impose a new fee or increase an existing fee.

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 fiscal impact, as this rule change clarifies the current enforcement practice at IDPR.

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 October 4, 2017 Idaho Administrative Bulletin, [Volume 17-10, page 390](#).

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 Anna Canning, Management Services Administrator, (208) 514-2252. 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 July 25, 2018.

DATED this 10th day of May, 2018.

Anna Canning, Management Services Administrator
Idaho Department of Parks and Recreation
5657 Warm Springs Avenue
P.O. Box 83720
Boise, ID 83720-0065
(208) 514-2252

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 26-0120-1701
(Only Those Sections With Amendments Are Shown.)

151. PARKING VIOLATIONS.

01. Land or Facilities Administered by the Department. No person shall stop, stand, or park a motor vehicle or trailer anywhere within land or facilities administered by the Department unless proof of payment of all required fees or other lawful authorization for entry is plainly visible and properly displayed. (4-4-13)

02. Designated Campgrounds. No person shall stop, stand, or park a motor vehicle within designated campgrounds unless proof of payment of the applicable campsite fees as set forth in Section 250 of this chapter is plainly visible and properly displayed on either the lower windshield or dashboard of the driver's side of the vehicle. (4-4-13)

03. Designated Overnight Use Area. Except for authorized campers, no person shall stop, stand, park, or leave a motor vehicle or trailer unattended outside day use hours unless the motor vehicle or trailer is in a designated overnight use area and proof of payment of the overnight-use fee is plainly visible and properly displayed. (4-4-13)

04. Fee Collection Surcharge. Any person stopping, standing, or parking a motor vehicle or trailer without payment or properly displaying proof of payment of all required fees is subject to the fee collection surcharge as provided in Subsection 225.06 of this chapter. (~~4-4-13~~)()

05. Citations for Violations. Citations for violations of this Section may be issued to the operator of the motor vehicle. If the operator cannot be readily identified, the citation may be issued to the registered owner or lessee of the motor vehicle, subject to the provisions of Section 67-4237, Idaho Code. (4-4-13)

(BREAK IN CONTINUITY OF SECTIONS)

225. FEES AND SERVICES.

01. Authority. (3-13-97)

a. The Board shall adopt fees for the use of lands, facilities, and equipment. Visitors shall pay all required fees. (3-27-13)

b. Park managers or designees may set fees for goods available for resale and services provided by staff to enhance the users experience unique to the individual park. Fees for lands, facilities, and equipment unique to an individual park will be posted at that site. (3-27-13)

02. General Provisions. All fees in this chapter are maximum fees unless otherwise stated. Actual fees charged shall be established by Board Policy. (3-7-03)

03. Camping. Camping fees include the right to use designated campsites and facilities for the period camp fees are paid. Utilities and facilities may be restricted by weather or other factors. (3-16-04)

04. Group Use. (7-1-93)

a. Groups of twenty-five (25) persons or more, or any group needing special considerations or deviations from these rules shall obtain a permit. Permits may be issued after arrangements have been made for proper sanitation, population density limitations, safety of persons and property, and regulation of traffic. (3-30-06)

b. Permits for groups of up to two hundred fifty (250) people may be approved by the park manager with thirty (30) days advance notice. Permits for groups of two hundred fifty (250) or more people may be approved by the Director with forty-five (45) days advance notice. (3-27-13)

c. The motor vehicle entrance fee may be charged to groups entering a designated area for a non-camping visit. (3-27-13)

05. Fees and Deposits. Fees and deposits may be required for certain uses or the reservation of certain facilities unique to an individual park and will be posted at that site. (3-30-06)

06. Fee Collection Surcharge. A ten dollar (\$10) surcharge may be added to all established fees when the operator of a motor vehicle or responsible party of a camping unit fails to pay all required fees or fails to properly display proof of payment for required fees prior to entering a park area or occupying a campsite. If the surcharge is assessed, and the operator of the vehicle or responsible party is not present, all required fees in addition to the ten dollar (\$10) surcharge will be assessed against the registered owner of the motor vehicle or camping unit. (3-27-13)()

07. Admission Fees. A maximum per person fee of ten dollars (\$10) may be charged for internal park facilities which provide an educational opportunity or require special accommodations. (3-10-00)

08. Cooperative Fee Programs. The Department may collect and disperse fees in cooperation with fee programs of other state and federal agencies. (3-10-00)

09. Encroachment Permit Application Fee. The Department may assess an encroachment application fee as set by the Board to cover administrative costs incurred by the Department in reviewing the application and the site, and in preparing the appropriate document(s). (3-27-13)

IDAPA 26 – DEPARTMENT OF PARKS AND RECREATION
26.01.23 – RULES GOVERNING FILMING WITHIN IDAHO STATE PARKS
DOCKET NO. 26-0123-1701
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 67-4210 and 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 July 18, 2018.

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:

This rule change amends rules governing commercial film production in Idaho State Parks to better define the permitting requirements of commercial photographers and to limit existing permitting requirements on casual photographers.

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

The rule change would not impose a new fee or increase an existing fee.

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 fiscal impact.

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 October 4, 2017 Idaho Administrative Bulletin, **Volume 17-10, page 391**.

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 Keith Hobbs, Operations Administrator, (208) 514-2450. 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 July 25, 2018.

DATED this 30th day of May, 2018.

Keith Hobbs, Operations Administrator
Idaho Department of Parks and Recreation
5657 Warm Springs Avenue
P.O. Box 83720
Boise, ID 83720-0065
(208) 514-2450

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 26-0123-1701
(Only Those Sections With Amendments Are Shown.)

000. LEGAL AUTHORITY.

These rules are promulgated by the Idaho Parks and Recreation Board pursuant to Section 67-5201, et seq., Idaho Code, and Sections 67-4210 and 67-4223, Idaho Code, in order to establish procedures for the issuance of permits for Commercial ~~f~~filming within state parks. (7-1-93)()

(BREAK IN CONTINUITY OF SECTIONS)

010. DEFINITIONS.

Certain terminology and phrases used in these rules shall have the following meanings unless a different meaning is expressly provided or unless the context clearly indicates otherwise. (7-1-93)

01. Applicant. An individual or organization who submits an application to the Department ~~to~~ for Commercial ~~f~~filming within state parks, ~~for other than personal or news purposes~~ or within lands managed by the Department. (7-1-93)()

02. Commercial Filming. Unless as defined in Exempt Filming, all recording of moving images by use of film, magnetic, digital media or other recording media, for the purpose of generating revenue. Or the recording of still or moving images that makes use of sets, props or models, or requires on-site management to protect park resources or minimize visitor conflicts. ()

023. Department. The Idaho Department of Parks and Recreation. (7-1-93)

034. Director. The director of the Idaho Department of Parks and Recreation or the designee of the director. (7-1-93)

05. Exempt Filming. All recording of moving images by use of film, magnetic, digital media or other recording media, not for the purpose of generating revenue, or still photography which does not require the use of sets, props or models, or require on-site management to protect park resources or minimize visitor conflicts. Filming for news purposes is considered Exempt Filming. ()

046. Film and Filming. ~~Still and movie camera filming and video taping~~ The recording of moving or still images by use of film, magnetic, digital media or other recording media. (7-1-93)()

057. Filmmaker. An applicant who has received approval ~~to~~ for Commercial ~~f~~filming within state parks, or lands managed by the Idaho Department of Parks and Recreation through the issuance of a filming permit by the director. (7-1-93)()

011. -- 049. (RESERVED)

050. FILMING WITHIN STATE PARKS.

The Department recognizes the desire of individuals and organizations to film within the state parks, or within lands managed by the Department. Individuals and organizations may film within state parks ~~in a manner which is not disruptive to park users or resources when the filming is for personal or news purposes~~ without a filming permit, when the filming purpose is consistent with the definition of Exempt Filming. Individuals and organizations that desire to conduct Commercial ~~f~~filming within state parks, ~~for other than personal or news purposes~~ may do so only after acquiring a filming permit, in accordance with the filming permit requirements of Section 100 of this chapter. (7-1-93)()

051. -- 099. (RESERVED)

100. FILMING PERMIT APPLICATION, FEE, AND CONDITIONS.

Persons or organizations that desire to conduct Commercial ~~filming~~ within a state park, ~~for other than personal or news purposes~~ or within lands managed by the Department, shall complete and submit a film permit application, on forms provided by the director, to the ~~Idaho Department of Parks and Recreation, Statehouse Mail, Boise, ID 83720~~ Park Manager of the park, or parks, in which the filming will take place. (7-1-93)()

01. Application Fee. Each application shall be accompanied by a nonrefundable application fee of one hundred dollars (\$100) which shall be in the form of a check or money order payable to the Idaho Department of Parks and Recreation. (7-1-93)

02. Conditions. All applicants shall agree to film in a manner which is compatible with the activities of park visitors, does not damage facilities or resources, does not disrupt wildlife, does not imply the endorsement of the Department for the content of the film, acknowledges the cooperation of the Department, and conforms with all of the applicable statutes, rules, policies, and procedures of the Department and the instructions of the department staff who supervise the filming. (7-1-93)

101. -- 149. (RESERVED)

150. APPROVAL OR DISAPPROVAL OF FILM PERMIT APPLICATION.

The director shall approve or disapprove a film permit application and establish the filming locations, time periods, and conditions for an approved application. The director may require an approved applicant to submit the following to the Department prior to the issuance of a film permit: (7-1-93)

01. Fees. Fees payable to the Idaho Department of Parks and Recreation in the form of a check or money order in an amount, as determined by the director, which will at a minimum, covers the charges for the facilities to be used by a filmmaker and any staff costs to be incurred by the Department due to the filming that are beyond the regular responsibilities of the staff of the Department. (7-1-93)()

02. Security. A bond or damage deposit payable to the Idaho Department of Parks and Recreation in an amount, as determined by the director, which is sufficient to cover any damages to park resources or facilities which may occur during the filming; and (7-1-93)

03. Proof of Insurance. Certification that an approved applicant has liability insurance in an amount, as determined by the director, which is sufficient to cover any liability costs associated with the actions of a filmmaker during filming, and that the State of Idaho and the Idaho Department of Parks and Recreation be named as insured parties. (7-1-93)