

## **IDAPA 26 – DEPARTMENT OF PARKS AND RECREATION**

### **Management Services Division**

#### **26.01.22 – Rules Governing Cooperating Associations**

##### **Who does this rule apply to?**

*These rules apply to how the Idaho Department of Parks and Recreation manages their relationships with cooperating associations.*

##### **What is the purpose of this rule?**

*These rules are promulgated by the Idaho Park and Recreation Board to further define and make specific how recreation registration program vendors will administer the Idaho Safe Boating Act and the statues regarding Recreational Activities in Idaho Code.*

##### **What is the legal authority for the agency to promulgate this rule?**

*This rule implements the following statute passed by the Idaho Legislature:*

State Government and State Affairs -

State Parks:

- [Section 67-4223, Idaho Code](#) – Powers of Board

##### **Who do I contact for more information on this rule?**

Idaho Department of Parks and Recreation

8:00 am to 5:00 pm MT

P.O. Box 83720, Boise, ID 83720

5657 Warm Springs Avenue, Boise, ID 83716

Phone: (208) 334-4199

Fax: (208) 334-3741

Email: [inquiry@idpr.idaho.gov](mailto:inquiry@idpr.idaho.gov)

<https://parksandrecreation.idaho.gov>

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## 26.01.22 – RULES GOVERNING COOPERATING ASSOCIATIONS

### 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 make specific Section 67-4238, Idaho Code, which deals with establishment of cooperating associations. (3-18-22)

### 001. -- 009. (RESERVED)

### 010. DEFINITIONS.

When used in these rules, the terms set forth below have the following definitions: (3-18-22)

**01. Agreement.** A written document between the association and the Department which defines a specific facility, terms, and conditions of operation to which both parties agree. (3-18-22)

**02. Cooperating Association.** Any private, nonprofit organization that enters into an agreement with the Department to aid the interpretive, educational, and related visitor service activities of a state park facility in which the cooperating association is authorized to function. (3-18-22)

**03. Department.** The Idaho Department of Parks and Recreation. (3-18-22)

**04. Director.** The director of the Idaho Department of Parks and Recreation or his designee. (3-18-22)

**05. State Park Facility.** A structure or area within an Idaho state park, the entire state park, state park region or state park system. (3-18-22)

### 011. -- 049. (RESERVED)

### 050. PURPOSE OF COOPERATING ASSOCIATIONS.

**01. Generally.** The purpose of a cooperating association is to assist the Department at a local, regional, or statewide level to enhance the interpretive, educational, and/or related visitor services activities. (3-18-22)

**02. Authorized Organizations and Activities.** The Department may enter into agreements with private nonprofit scientific, historic or educational organizations for the purpose of providing interpretive services to state park facilities in Idaho. Said associations may provide such services as educational or interpretive material for sale; acquire display materials and equipment for exhibits; provide support for park interpretive programs or environmental education programs; support park facility libraries; provide support for other interpretive projects related to a specific park facility; provide fund raising activities within the park facility; or other specifically approved activities. All proposed services or activities must receive approval of the director prior to the activity taking place. (3-18-22)

### 051. -- 099. (RESERVED)

### 100. CRITERIA FOR COOPERATING ASSOCIATIONS.

**01. Number Limited.** No more than one (1) association may be created on behalf of any park. (3-18-22)

**02. Requirements.** Associations are encouraged to incorporate under the laws of the state of Idaho and to attain nonprofit, tax-exempt status under provisions of Section 501(c)3 of the federal Internal Revenue Service tax code, but it is neither a requirement nor a responsibility of the Department. Requirements of an association are that they have, as a minimum, a chairman, vice-chairman, secretary and treasurer, who may also serve on the board of directors of the association. Each association determines the number of association board members. Summary minutes of official association meetings must be forwarded to the Department within thirty (30) days after the meeting. A department representative, designated by the director, is an ex-officio member of the board. Association membership dues may be established by the association. (3-18-22)

### 101. -- 149. (RESERVED)

### 150. DEPARTMENT ASSISTANCE TO ASSOCIATIONS.

If the association desires, the Department, in its discretion, may provide assistance to the association on an incidental basis. The Department may provide space at a state park facility for the interpretive materials provided by the

association. (3-18-22)

**151. -- 199. (RESERVED)**

**200. AGREEMENT REQUIRED/PRIOR APPROVAL OF ACTIVITIES REQUIRED.**

An agreement must be signed between officials of the association and the Department prior to an association undertaking activities enumerated under Subsection 050.02 of this chapter. Agreements signed by officials of the association and the Department are binding on successor officers of the association and the Department. Association activities at a park may not conflict with park resources or objectives, must comply with all applicable statutes, rules and regulations, and are subject to prior approval of the director. Decisions of the director are deemed to be a final decision. (3-18-22)

**201. -- 249. (RESERVED)**

**250. DISPOSITION OF ASSETS AND PROFITS.**

**01. Profits to Benefit Park Facilities.** Any profits received from the sale of publications or other materials provided by an association pursuant to an agreement entered into under these rules must be used by the association for interpretive or educational purposes to benefit the state park facility for which the association provides services. (3-18-22)

**02. Dissolution of Association.** In the event that the association disbands, dissolves, or the agreement between the association and the Department is terminated for any reason whatsoever, all profits that have accrued to the association as a result of the association/Department agreement must be donated to the Department. The Department will use such assets or profits for interpretive and educational purposes at the designated state park facility. (3-18-22)

**251. -- 299. (RESERVED)**

**300. ACCOUNTABILITY.**

**01. Annual Statements Required.** An annual financial statement of the association must be prepared and presented to the department director by May 1 of each year. (3-18-22)

**02. Department Not Liable.** In no event will the Department be held liable for any debts incurred by the association. (3-18-22)

**301. -- 349. (RESERVED)**

**350. TERMINATION.**

An agreement between an association and the Department may be terminated upon thirty (30) days written notice by either party to the other at the address for "Notices" listed in the agreement. (3-18-22)

**351. -- 999. (RESERVED)**