

JAN 17 2002
NATURAL RESOURCES

HOUSE FILE 2072
BY JENKINS and KLEMME

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to a park user permit system for state lands
2 under the jurisdiction of the natural resource commission,
3 providing for permit fees and a writing fee, providing civil
4 and criminal penalties, and providing effective and
5 applicability dates.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2072

1 Section 1. Section 461A.35A, Code 2001, is amended by
2 striking the section and inserting in lieu thereof the
3 following:

4 461A.35A PARK USER PERMIT FEES -- EXCEPTIONS -- PENALTIES.

5 1. DEFINITIONS. As used in this section, unless the
6 context otherwise requires:

7 a. "State land" means a state park or recreation area or
8 state forest or parts of state park or recreation area or
9 state forest under the jurisdiction of the commission.

10 b. "Motor vehicle" means a motor vehicle required to be
11 registered under chapter 321 or a nonresident motor vehicle
12 which is registered in another state.

13 2. PARK USER PERMITS REQUIRED. A person shall not park a
14 motor vehicle on state land where a park user permit is
15 required to be displayed unless a park user permit is attached
16 to the motor vehicle as required by this section. The
17 requirement of a park user permit applies to all state land
18 designated by the commission. The commission shall designate,
19 by rule adopted pursuant to chapter 17A, all or parts of state
20 land where the display of a park user permit is required.
21 However, the requirement to display a park user permit shall
22 not apply to any land acquired by gift if a condition of the
23 gift is the free, public use of the land. The rules shall
24 provide for the display of the park user permit on a motor
25 vehicle and may specify time periods during which a park user
26 permit is not required to be displayed in order to park on
27 designated state land. A park user permit is not transferable
28 between motor vehicles. However, if the ownership of a motor
29 vehicle is transferred, the commission, by rule, shall provide
30 for the return and reissue of a lifetime park user permit
31 without fee and for the return and issuance of a new annual
32 park user permit with credit given for the remainder of the
33 calendar year.

34 3. PARK USER PERMITS -- KINDS -- FEES. The fees for the
35 park user permits shall be as follows:

	Resident	Additional	Nonresident
	Vehicle	Resident	Vehicle
		Vehicle	
4 Annual:	\$ 20.00	\$ 10.00	\$ 30.00
5 Fourteen-day:	\$ 10.00	\$ 5.00	\$ 20.00
6 One-day:	\$ 4.00	\$ 4.00	\$ 5.00
7 Daily Group:	\$ 50.00		\$ 100.00
8 Lifetime			
9 60 Years & Older:	\$ 50.00		\$ 100.00

10 4. GROUP PARK USER PERMITS. The commission shall provide,
 11 by rule pursuant to chapter 17A, for the issuance of a daily
 12 group park user permit for vehicles of persons attending a
 13 service club activity, church activity, family reunion,
 14 scouting activity, or other bona fide group activity on state
 15 land where a park user permit is required to be displayed.

16 5. DURATION OF PARK USER PERMITS. The park user permits
 17 issued by the department are valid for the calendar year for
 18 which the permit is issued, for fourteen consecutive days from
 19 the date of purchase, or twenty-four hours from the time of
 20 purchase.

21 6. ISSUANCE OF PARK USER PERMITS.

22 a. The park user permits shall be issued by the department
 23 or the depositaries as specified by rules of the commission.
 24 A county recorder may issue park user permits subject to the
 25 rules of the commission. The rules shall include the
 26 application procedures as necessary, shall provide for the
 27 issuance of the permits on designated state lands and at times
 28 and other locations of convenience to park users, and shall
 29 provide for the issuance of additional resident permits for
 30 motor vehicles owned or ordinarily driven by immediate family
 31 members residing at the same address as the person issued the
 32 first annual permit. The park user permits shall show the
 33 cost of the permit and a writing fee of fifty cents each if
 34 sold by a county recorder or a depository. The director may
 35 designate depositaries for the sale of park user permits but

1 the interest of the state shall be fully protected. A county
2 recorder shall be responsible for all fees for the issuance of
3 park user permits sold through the recorder's office. All
4 unused park user permits shall be surrendered to the
5 department upon request of the director. A duplicate park
6 user permit shall not be issued.

7 b. The department or a participating county recorder shall
8 issue a park user permit without fee to individuals who
9 present a current medical assistance identification card
10 provided by the department of human services or to individuals
11 who declare themselves in writing to be current food stamp
12 recipients and who sign a release allowing the department of
13 human services to confirm or deny their eligibility status
14 upon request of the county recorder or the department. A
15 writing fee shall not be charged for the issuance of a free
16 park user permit.

17 7. EXEMPT MOTOR VEHICLES. This section does not apply to
18 the following motor vehicles:

19 a. Official government motor vehicles or motor vehicles
20 operated by state, county, city, or federal officers or
21 employees while in the performance of official government
22 business.

23 b. Any vehicle towed behind or carried on another motor
24 vehicle.

25 c. A motor vehicle traveling on a public highway in or
26 through state land.

27 d. A school bus as defined in section 321.1.

28 e. A motor vehicle displaying a person with disabilities
29 parking permit issued under chapter 321L.

30 f. A motor vehicle operated by family members or guests of
31 an officer or employee of the department residing on state
32 land designated as an area subject to the park user permit
33 requirement.

34 g. A motor vehicle transporting employees or furnishing
35 services or supplies to the commission or a designated

1 concessionaire.

2 8. ENFORCEMENT -- CIVIL AND CRIMINAL PENALTY.

3 a. A full-time or temporary officer of the commission who
4 observes a motor vehicle parked in violation of this section
5 shall take the vehicle's registration number and may take
6 other information displayed on the vehicle which may identify
7 its operator and deliver to the operator or conspicuously
8 affix to the motor vehicle a written citation of violation on
9 a form provided by the commission. A person who receives the
10 citation or knows that a citation has been affixed to the
11 motor vehicle owned or controlled by the person shall pay a
12 civil penalty equal to the cost of an annual park user permit
13 to the department within twenty days. If the civil penalty is
14 not timely paid, the department shall cause a complaint to be
15 filed against the owner or operator of the motor vehicle
16 before a magistrate for the violation of this section in the
17 manner provided in section 804.1. Timely payment of the civil
18 penalty shall be a bar to any prosecution for that violation
19 of this section. All civil penalties collected under this
20 subsection shall be deposited in the general fund of the
21 state.

22 b. If a citation is issued for a violation of this section
23 and a plea of guilty is entered on or before the time and date
24 set for appearance, the fine shall be twice the cost of an
25 annual park user permit, but the court costs and criminal
26 penalty surcharge specified in section 911.2 shall not be
27 imposed.

28 c. If a citation is issued for a violation of this section
29 and the defendant is found guilty, the fine shall be twice the
30 cost of an annual park user permit. Court costs and the
31 criminal penalty surcharge specified in section 911.2 shall
32 also be imposed.

33 d. The commission shall provide its officers with sets of
34 triplicate notices each identified by separate serial numbers
35 on each copy of the notice. One copy shall be used as a

1 citation of violation and delivered to the person charged or
2 affixed to the motor vehicle illegally parked, one copy shall
3 be sworn to by the officer as a complaint and may be filed
4 with the clerk of the district court of the county if the
5 civil penalty is not timely paid to the department, and one
6 copy shall be retained by the department for record purposes.

7 9. REMITTANCE OF PARK USER FEES -- STATE CONSERVATION
8 FUND. Each depositary and each participating county recorder
9 shall remit to the department all fees from the sale of park
10 user permits within ten days from the end of the month. The
11 department shall remit the fees from the sales of park user
12 permits to the treasurer of state who shall credit the moneys
13 to the state conservation fund. Notwithstanding section
14 12C.7, interest or earnings on investments or time deposits of
15 the moneys in the state conservation fund received from the
16 sales of park user permits shall be credited to the state
17 conservation fund.

18 10. MULTISTATE PARK USER PERMITS. The commission may
19 negotiate agreements with other states to issue multistate
20 park user permits which are recognized by the states that are
21 party to the agreement. If the commission enters into an
22 agreement with one or more states, the agreement shall provide
23 that the commission receive a fee for each multistate park
24 user permit issued at least equal to seventy-five percent of a
25 comparable nonresident vehicle permit fee specified in
26 subsection 3.

27 Sec. 2. EFFECTIVE AND APPLICABILITY DATES. This Act takes
28 effect December 15, 2002, and applies to park user permits and
29 fees for the years beginning on and after January 1, 2003.

30 EXPLANATION

31 This bill provides for the establishment of park user
32 permits and fees for state land under the jurisdiction of the
33 natural resource commission of the department of natural
34 resources. State land is defined to include state parks,
35 recreation areas, and state forests. The commission is

1 directed to designate, by rule adopted pursuant to Code
2 chapter 17A, the state parks, recreation areas, and state
3 forests or parts of the state parks, and state forests where a
4 park user permit is required for motor vehicles to park. The
5 fees for park user permits are as follows: an annual fee of
6 \$20 for a resident vehicle, an annual fee of \$10 for a second
7 resident vehicle, and an annual fee of \$30 for a nonresident
8 vehicle; a 14-day fee of \$10 for a resident vehicle, a 14-day
9 fee of \$5 for an additional resident vehicle, and a 14-day fee
10 of \$20 for a nonresident vehicle; a one-day fee of \$4 for a
11 resident vehicle, a one-day fee of \$4 for an additional
12 resident vehicle, and a one-day fee of \$5 for a nonresident
13 vehicle; a daily group fee of \$50 for resident vehicles, and a
14 daily group fee of \$100 for nonresident vehicles, and a
15 lifetime fee of \$50 for residents 60 years of age or older and
16 a lifetime fee of \$100 for nonresidents 60 years of age or
17 older. Permits are not transferable, but if the ownership of
18 a motor vehicle is transferred, a holder of a lifetime permit
19 shall be issued another lifetime permit without fee and the
20 holder of an annual permit shall be issued another annual
21 permit with credit for the remainder of the calendar year.

22 Free park user permits shall be issued to individuals who
23 present a current medical assistance identification card
24 provided by the department of human services and to
25 individuals who declare themselves in writing to be current
26 food stamp recipients and who sign a release allowing the
27 department of human services to confirm or deny their
28 eligibility status upon request of a county recorder or the
29 department. Exemptions are provided for official government
30 motor vehicles on official business, a vehicle being towed or
31 carried by a motor vehicle, a motor vehicle traveling on a
32 public highway in or through state land, a school bus, a motor
33 vehicle displaying a person with disabilities parking permit,
34 a motor vehicle operated by friend or family members of an
35 officer or employee of the department residing on state land,

1 and a motor vehicle transporting employees or furnishing
2 services or supplies to the commission or a designated
3 concessionaire.

4 The park user permits are to be issued for a calendar year,
5 fourteen consecutive days, or 24 hours. The park user permits
6 are to be sold by the department and depositaries designated
7 by the department. A county recorder may also sell the park
8 user permits. A writing fee of \$.50 shall be collected by a
9 county recorder or depositary who sells the permit.

10 A full-time or temporary officer of the commission who
11 observes a motor vehicle parked in violation of the park user
12 permit requirement shall take the vehicle's registration
13 number and may take other information displayed on the vehicle
14 which may identify its operator and deliver to the operator or
15 conspicuously affix to the motor vehicle a written citation of
16 violation. A person who receives the citation or knows that a
17 citation has been affixed to the motor vehicle owned or
18 controlled by the person shall pay a civil penalty equal to
19 the cost of an annual park user permit to the department
20 within 20 days. If the civil penalty is not timely paid, the
21 department shall cause a complaint to be filed against the
22 owner or operator before a magistrate. Timely payment of the
23 civil payment shall be a bar to any criminal prosecution for
24 that violation. All civil penalties are credited to the
25 general fund of the state. If a citation is issued for a
26 violation and a plea of guilty is entered on or before the
27 time and date set for appearance, the fine shall be twice the
28 cost of an annual park user permit, but the court costs and
29 criminal penalty surcharge shall not be imposed.

30 The department shall provide its officers with sets of
31 triplicate notices. One copy shall be used as a citation of
32 violation and delivered to the person charged or affixed to
33 the vehicle illegally parked, one copy shall be sworn to by
34 the officer as a complaint and may be filed with the clerk of
35 the district court if the civil penalty is not timely paid,

1 and one copy shall be retained by the department for record
2 purposes.

3 Each depositary and each participating county recorder
4 shall remit all fees from the sale of the park user permits
5 within 10 days from the end of the month to the department.
6 The moneys shall be credited by the treasurer of state to the
7 state conservation fund. Notwithstanding Code section 12C.7,
8 interest or earnings on investments or time deposits of the
9 moneys in the state conservation fund received from the sales
10 of the park user permits shall be credited to the state
11 conservation fund.

12 The bill also authorizes the natural resource commission to
13 negotiate an agreement with other states to issue multistate
14 park user permits. If negotiated, the agreement shall provide
15 that the commission receive a fee for each multistate park
16 user permit issued at least equal to 75 percent of a
17 comparable nonresident vehicle permit fee specified in the
18 bill.

19 The bill also strikes and reenacts Code section 461A.35A
20 which prohibits the imposition of a fee upon a person for
21 entering into a state park or preserve.

22 The bill takes effect December 15, 2002, and applies to
23 park user permits and fees for the years beginning on and
24 after January 1, 2003.

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Legislative Fiscal Bureau Fiscal Note

HF 2072 – State Park User Fees (LSB 5097 HH)
 Analyst: Deb Kozel (Phone: (515) 281-6767) (Deb.Kozel@legis.state.ia.us)
 Fiscal Note Version – New
 Requested by Representative Willard Jenkins

Description

House File 2072 requires persons parking their motor vehicle in a State park, recreation area, or forest, to have a park user permit displayed. The Bill specifies vehicles that are exempt and allows some persons to receive a free permit. The following is a schedule of permit fees:

Permit Type	Resident Vehicle	Additional Resident Vehicle	Non-Resident Vehicle
Annual	\$ 20.00	\$ 10.00	\$ 30.00
14 Day	14.00	5.00	20.00
One Day	4.00	4.00	5.00
Daily Group	50.00	N/A	100.00
Lifetime (60 Years & Older)	50.00	N/A	100.00

The county recorder or other vendor selling the permit will receive a \$0.50 writing fee.

Assumptions

1. Gross receipts from park entrance fees would be \$2.4 million per year.
2. Annual expenditures for additional staffing would be \$700,000.
3. First-year start up costs would be approximately \$30,000 to build entrance structures for personnel to check vehicles permits.

Correctional Impact

It is estimated there will be 320 citations issued during calendar year 2003, 380 tickets in 2004, and 360 tickets in 2004. Persons receiving the citations must purchase a permit within a 20-day period.

Fiscal Impact

House File 2072 will result in increased revenue to the Conservation Fund and the General Fund as follows:

Fund	FY 2003	FY 2004	FY 2005
Conservation Fund			
Revenue:			
Permit Fees	\$ 1,200,000	\$ 2,400,000	\$ 2,400,000
Expenditures:			
Staffing	350,000	700,000	700,000
Entrance Structures	30,000	0	0
Total Expenditures	<u>\$ 380,000</u>	<u>\$ 700,000</u>	<u>\$ 700,000</u>
Net Revenue	<u>\$ 820,000</u>	<u>\$ 1,700,000</u>	<u>\$ 1,700,000</u>

<u>Fund</u>	<u>FY 2003</u>	<u>FY 2004</u>	<u>FY 2005</u>
General Fund			
Revenue:			
Citation Fees	\$ 3,000	\$ 8,000	\$ 7,000

Source

Department of Natural Resources

_____/s/ Dennis C Prouty_____

February 12, 2002

The fiscal note and correction impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.
