

Senate Bill 417

Sponsored by Senator BEYER (at the request of Jessie McCluskey) (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Directs Department of Transportation to establish State Parks registration plate program for issuance of special registration plate. Imposes surcharge per year of registration.

Directs that moneys from surcharge on registration plate be transferred to State Parks and Recreation Department Fund.

Appropriates moneys from General Fund to Department of Transportation for purpose of initiating program.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to the State Parks registration plate program; creating new provisions; amending ORS
3 390.124 and 390.134; and prescribing an effective date.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. Sections 2, 3 and 4 of this 2017 Act are added to and made a part of the**
6 **Oregon Vehicle Code.**

7 **SECTION 2. (1) The Department of Transportation shall establish a State Parks regis-**
8 **tration plate program to issue special registration plates called "State Parks registration**
9 **plates" upon request to owners of motor vehicles registered under ORS 803.420 (1). In addi-**
10 **tion, the department may adopt rules for issuance of State Parks registration plates for ve-**
11 **hicles not registered under ORS 803.420 (1).**

12 **(2) In addition to any other fee authorized by law, for each State Parks registration plate**
13 **issued under subsection (1) of this section, the department shall collect a surcharge of \$40**
14 **per year of registration, payable when the plate is issued and upon each subsequent renewal**
15 **of registration of a vehicle bearing the plate. The department shall distribute the surcharge**
16 **as provided in section 3 of this 2017 Act.**

17 **(3) Notwithstanding ORS 803.530, State Parks registration plates may be transferred from**
18 **vehicle to vehicle if the department stops issuing the plates, as long as the plates are not**
19 **so old, damaged, mutilated or otherwise rendered illegible as to be not useful for purposes**
20 **of identification.**

21 **SECTION 3. Moneys from the surcharge imposed by section 2 of this 2017 Act shall be**
22 **transferred to the State Parks and Recreation Department Fund established under ORS**
23 **390.134, after deduction of the cost of administration of the State Parks registration plate**
24 **program, including but not limited to the costs of collecting the State Parks registration**
25 **plate surcharge and transferring State Parks registration plates that are above the normal**
26 **costs of issuing, renewing and transferring registration plates in the normal course of busi-**
27 **ness of the Department of Transportation.**

28 **SECTION 4. (1) The Department of Transportation, after consultation with the State**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **Parks and Recreation Department, shall design the State Parks registration plates issued**
2 **under section 2 of this 2017 Act.**

3 **(2) Except as otherwise required by subsection (1) of this section, State Parks registra-**
4 **tion plates shall comply with the requirements of ORS 803.535.**

5 **SECTION 5. (1) There is appropriated to the Department of Transportation, for the**
6 **biennium beginning July 1, 2017, out of the General Fund, the amount of \$_____ for the**
7 **purpose of initiating the State Parks registration plate program established under section 2**
8 **of this 2017 Act, including but not limited to the State Parks registration plate design, com-**
9 **puter programming and production setup. Any portion of the appropriation not used for ini-**
10 **tiating the State Parks registration plate program shall be transferred to the account**
11 **described in subsection (2) of this section.**

12 **(2) Notwithstanding section 3 of this 2017 Act, after deduction of the cost of adminis-**
13 **tration of the State Parks registration plate program, as described in section 3 of this 2017**
14 **Act, the department shall transfer the moneys from the surcharge imposed by section 2 of**
15 **this 2017 Act to an account in the General Fund until sufficient funds have accumulated for**
16 **the purpose described in subsection (3) of this section.**

17 **(3) When the department determines that moneys in sufficient amount are available in**
18 **the account described in subsection (2) of this section, but no later than June 30, 2019, the**
19 **department shall reimburse the General Fund, without interest, in an amount equal to the**
20 **amount appropriated from the General Fund under subsection (1) of this section. The moneys**
21 **used to reimburse the General Fund under this subsection may not be considered a budget**
22 **item on which a limitation is otherwise fixed by law, but shall be in addition to any specific**
23 **biennial appropriation or amount authorized to be expended from continuously appropriated**
24 **moneys for any biennial period.**

25 **(4) Any moneys remaining in the account described in subsection (2) of this section after**
26 **the reimbursement required under subsection (3) of this section shall be transferred to the**
27 **State Parks and Recreation Department Fund as provided in section 3 of this 2017 Act.**

28 **SECTION 6. ORS 390.124 is amended to read:**

29 **390.124. (1) In accordance with any applicable provision of ORS chapter 183, the State Parks and**
30 **Recreation Commission may adopt rules necessary to carry out the duties, functions and powers**
31 **imposed by law upon the commission and the State Parks and Recreation Department. Rules adopted**
32 **pursuant to this section shall be duly entered in the minutes and records of the commission.**

33 **(2) The commission may adopt rules that assess reasonable charges for the use of areas estab-**
34 **lished and maintained by the department. The department may also adopt rules establishing re-**
35 **ductions in waivers of or exemption from the charges. However, the commission shall authorize the**
36 **use of any state park, individual campsite or day use fee area without charge:**

37 **(a) Upon the showing of proper identification, by a person maintaining a foster home, as defined**
38 **by ORS 418.625, and the person's children, when accompanied by a foster child residing in the home.**

39 **(b) Upon the showing of proper identification, by a person maintaining a developmental disabil-**
40 **ity child foster home, as defined by ORS 443.830, and the person's children, when accompanied by**
41 **a foster child residing in the home.**

42 **(c) If a deed to, lease of or contract to use the property used as a state park, campsite or day**
43 **use fee area prohibits the charging of fees for use of the property.**

44 **(d) Upon the showing of proper identification, by either a disabled veteran or a person on leave**
45 **from military active duty status on Memorial Day, Independence Day or Veterans Day.**

1 **(e) Upon showing that the vehicle being used by the person has a registration plate that**
 2 **is a State Parks registration plate issued under section 2 of this 2017 Act.**

3 (3) The commission shall adopt any rules pursuant to ORS chapter 183 that the commission
 4 considers necessary to carry out ORS 273.563 to 273.591.

5 **SECTION 7.** ORS 390.134 is amended to read:

6 390.134. (1) As used in this section:

7 (a) “Camper” has the meaning given that term in ORS 801.180.

8 (b) “County” includes a metropolitan service district organized under ORS chapter 268, but only
 9 to the extent that the district has acquired, through title transfer, and is operating a park or re-
 10 creation site of a county pursuant to an intergovernmental agreement.

11 (c) “Motor home” has the meaning given that term in ORS 801.350.

12 (d) “Travel trailer” has the meaning given that term in ORS 801.565.

13 (2) The State Parks and Recreation Department Fund is established separate and distinct from
 14 the General Fund. Moneys in the fund are continuously appropriated to the State Parks and Recre-
 15 ation Department for the purposes provided by law. The fund shall consist of the following:

16 (a) All moneys placed in the fund as provided by law. Any interest or other income derived from
 17 the depositing or other investing of the fund must be credited to the fund.

18 (b) All registration fees received by the Department of Transportation for campers, motor homes
 19 and travel trailers that are transferred to the fund under ORS 366.512. The funds must be deposited
 20 in a separate subaccount established under subsection (3) of this section.

21 (c) Revenue from charges pursuant to ORS 390.124.

22 (d) All funds received by the State Parks and Recreation Department under ORS 390.141. The
 23 funds must be deposited in a separate subaccount established under subsection (3) of this section.

24 **(e) Funds transferred under section 3 of this 2017 Act from the issuance or renewal of**
 25 **the State Parks registration plates.**

26 (3) Any moneys placed in the fund for a particular purpose may be placed in a separate subac-
 27 count within the fund. Each separate subaccount established under this subsection must be sepa-
 28 rately accounted for. Moneys placed in a subaccount must be used for the purposes for which they
 29 are deposited.

30 (4) All of the moneys in the fund except those moneys described in subsection (3), (5), (6), (7), (8)
 31 or (9) of this section must be deposited in a separate subaccount within the fund and used by the
 32 State Parks and Recreation Department for the acquisition, development, maintenance, care and use
 33 of park and recreation sites. The moneys deposited in the subaccount under this subsection must
 34 be accounted for separately and stated separately in the State Parks and Recreation Department’s
 35 biennial budget.

36 (5)(a) Forty-five percent of the amount transferred to the State Parks and Recreation Depart-
 37 ment under ORS 366.512 from the registration of travel trailers, campers and motor homes and under
 38 ORS 803.601 from recreational vehicle trip permits must be deposited in a separate subaccount
 39 within the fund to be distributed for the acquisition, development, maintenance, care and use of
 40 county park and recreation sites. The moneys deposited in the subaccount under this paragraph
 41 must be accounted for separately. The following apply to the distribution of moneys under this par-
 42 agraph:

43 (A) The moneys must be distributed among the several counties for the purposes described in
 44 this paragraph. The distribution shall be made at times determined by the State Parks and Recre-
 45 ation Department but must be made not less than once a year.

1 (B) The sums designated under this paragraph must be remitted to the county treasurers of the
2 several counties by warrant.

3 (b) The department shall establish an advisory committee to advise the department in the per-
4 formance of its duties under this subsection. The composition of the advisory committee under this
5 subsection is as determined by the department by rule. In determining the composition of the advi-
6 sory committee, the department shall attempt to provide reasonable representation for county offi-
7 cials or employees with responsibilities relating to county parks and recreation sites.

8 (c) The department, by rule, shall establish a program to provide moneys to counties for the
9 acquisition, development, maintenance, care and use of county park and recreation sites. The rules
10 under this paragraph shall provide for distribution of moneys based on use and need and, as the
11 department determines necessary, on the need for the development and maintenance of facilities to
12 provide camping sites for campers, motor homes and travel trailers.

13 (d) The counties may not use the moneys received under this subsection to supplant moneys
14 otherwise made available to the counties for the acquisition, development, maintenance, care and
15 use of county park and recreation sites.

16 (e) On or before January 15 of each odd-numbered year regular session of the Legislative As-
17 sembly, the State Parks and Recreation Director and a representative of the directors of county
18 park and recreation sites shall submit a report to the Joint Committee on Ways and Means created
19 by ORS 171.555, or the Joint Interim Committee on Ways and Means, that describes the measurable
20 biennial and cumulative results of county activities and programs financed by moneys transferred
21 to the counties from the registration of travel trailers, campers and motor homes and from recre-
22 ational vehicle trip permits. Notwithstanding ORS 192.230 to 192.250, the report shall be made in a
23 manner as the committee may prescribe.

24 (6) The department shall create a separate City and County Subaccount within the fund to be
25 used to reimburse cities and counties as provided in ORS 390.290.

26 (7) The department shall create a separate rural Fire Protection District Subaccount to be used
27 to provide funds for the fire protection districts as provided in ORS 390.290.

28 (8) Twelve percent of the amount transferred to the State Parks and Recreation Department
29 Fund from the Parks Subaccount shall be used only to carry out the purposes and achievements
30 described in ORS 390.135 (2) and (3) through the awarding of grants to regional or local government
31 entities to acquire property for public parks, natural areas or outdoor recreation areas or to develop
32 or improve public parks, natural areas or outdoor recreation areas. Moneys described in this sub-
33 section may not be used to pay the cost of administering grants or the cost of any Secretary of State
34 audit required under section 4c, Article XV of the Oregon Constitution.

35 (9) If the amount transferred to the State Parks and Recreation Department Fund from the Parks
36 Subaccount during a biennium is more than 150 percent of the amount that was transferred during
37 the 2009-2011 biennium, the State Treasurer shall, during the next following biennium, deposit for
38 use as described in subsection (8) of this section the amount required under subsection (8) of this
39 section plus an amount equal to the difference between the amount deposited for use as described
40 in subsection (8) of this section during the preceding biennium and 25 percent of the moneys trans-
41 ferred to the State Parks and Recreation Department Fund from the Parks Subaccount during the
42 preceding biennium.

43 (10) Subsections (8) and (9) of this section apply only for biennia in which the Legislative As-
44 sembly does not require a greater percentage of the amount transferred to the State Parks and Re-
45 creation Department Fund from the Parks Subaccount to be used for the purposes described in

1 subsection (8) of this section. The Legislative Assembly may not authorize the percentage of the
2 amount transferred to the State Parks and Recreation Department Fund from the Parks Subaccount
3 that is deposited for use as described in subsection (8) of this section in a biennium to be less than
4 the percentage required to be deposited under subsections (8) and (9) of this section.

5 (11) On or before January 15 of each odd-numbered year, the director shall submit a report to
6 the Joint Committee on Ways and Means created by ORS 171.555, or the Joint Interim Committee
7 on Ways and Means, that describes the measurable biennial and cumulative results of activities and
8 programs financed by moneys transferred to the State Parks and Recreation Department Fund from
9 the Parks Subaccount. Notwithstanding ORS 192.230 to 192.250, the director shall make the report
10 in a form and manner as the committee may prescribe.

11 **SECTION 8. This 2017 Act takes effect on the 91st day after the date on which the 2017**
12 **regular session of the Seventy-ninth Legislative Assembly adjourns sine die.**

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