SPONSOR: Rep. Bennett & Rep. Carson & Sen. Bunting
Reps. Atkins, Bolden, Brady, Briggs King, Heffernan, Hudson, Jaques, Keeley, Kenton, Kowalko, Longhurst, Manolakos, Miro, Mitchell, Peterman, Scott, B. Short, D. Short, M. Smith, Viola, Walker, D.E. Williams, Willis, Wilson; Sens. Connor, Hall-Long, McBride, Sokola

HOUSE OF REPRESENTATIVES

146th GENERAL ASSEMBLY

HOUSE BILL NO. 235
AS AMENDED BY
SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO STATE PARKS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §4701(a)(5), Title 7 of the Delaware Code by making insertions as shown by underlining as follows:

(5)(A) Establish and collect such user charges, which shall approximate and reasonably reflect all costs necessary to defray the expenses of the Department for the use of the facilities and services it provides in areas it administers. The Department shall, in addition, establish and impose a schedule of fees for entrance to state parks and for surf fishing vehicles and snowmobiles on said lands, with the concurrence and approval of the General Assembly. The Secretary of the Department of Natural Resources and Environmental Control shall establish the period and areas on which park fees and user charges shall be imposed. The Secretary shall annually prepare a schedule of park entrance and surf fishing vehicle and snowmobile fees pursuant to this section and submit the same as part of the Department's annual operating budget proposal. All of the fees collected pursuant to this section shall be deposited in the General Fund of this State and designated solely for park operations and maintenance; provided, however, that no fee shall be imposed on any recognized veteran's service organization for the use of any state park or portion thereof for purposes of patriotic or memorial services, provided that advance written notification of not less than 15 days is given to the agency and does not conflict with other previously scheduled activities within the park;

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(B)(i) Delaware residents who are 62 years of age or older and who own a motor vehicle validly registered in Delaware may pay an annual fee of not less than 1/2 of the annual fee established for Delaware residents pursuant to paragraph (a)(5)(A) of this section for each such registered motor vehicle which shall permit such vehicle entrance to any state park or recreation area during the calendar year for which the fee was paid. Persons who are 62 years of age or older and who own a motor vehicle validly registered in another state may pay an annual fee of not less than 1/2 of the annual fee established for out-of-state registered vehicles pursuant to paragraph (a)(5)(A) of this section for each such registered motor vehicle which shall permit the vehicle entrance to any state park or recreation area during the calendar year for which the fee was paid. Each applicant under this paragraph shall furnish proof of age, vehicle ownership and vehicle registration at the time such application is made. Annual permits issued under this paragraph will be valid for any day excluding holidays. No annual permit issued under this paragraph will be honored on any day unless the owner of the vehicle for which such permit is issued is the operator of the vehicle at the time of entrance to the state park or recreation area to which admission is sought. All the fees collected under the authority of this section shall be deposited in the General Fund, and designated solely for park operations and maintenance;

(ii) A Delaware resident who is 65 years of age or older may pay a 1-time fee of $45, which will permit the resident to enter any state park or recreation area for the lifetime of the resident, so long as the resident is the operator of or a passenger in a Delaware-registered vehicle at the time of entrance to the state park or recreation area to which admission is sought. An applicant for a lifetime permit must furnish proof of age and Delaware residency at the time application for the permit is made. All fees collected under the authority of this paragraph must be deposited in the General Fund and designated solely for park operations and maintenance.

(C) Delaware residents who are disabled, and who hold a valid and current Gold Access Passport Card, as issued by the National Park Service of the United States Department of the Interior, shall be exempted from the annual or daily entrance fees required by this section;

(D) Any resident who has served honorably for 90 or more consecutive days on active duty in the armed forces of the United States, including service as member of the Delaware National Guard, in military actions in Southwest Asia associated with Operation Iraqi Freedom or Operation Enduring Freedom may, for the first 12 months following the date the resident was honorably discharged or removed from active status, receive a pass granting the resident free admission to any state park in this State without charge.

(E) Any resident, who does not qualify for free admission pursuant to paragraph (a)(5)(D), who has honorably served or is honorably serving in the armed forces of the United States, including service as a member of the Delaware

National Guard, and who owns a motor vehicle validly registered in Delaware may pay an annual fee of 1/2 of the annual fee established for Delaware residents pursuant to paragraph (a)(5)(A) of this section for each such registered motor vehicle which shall permit such vehicle entrance to any state park or recreation area during the calendar year for which the fee was paid. Each applicant under this paragraph shall furnish proof of service in the armed forces of the United States, vehicle ownership and vehicle registration at the time such application is made. All the fees collected under the authority of this paragraph shall be designated solely for park operations and maintenance.

Section 2. The provisions of this bill shall become effective January 1, 2013.

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