

Date of Hearing: March 10, 2015

ASSEMBLY COMMITTEE ON VETERANS AFFAIRS

Irwin, Chair

AB 240 (Wilk) – As Introduced February 5, 2015

SUBJECT: Department of Parks and Recreation: park passes

SUMMARY: Expands the scope of the existing Distinguished Veteran park pass (Pass) benefit. Specifically, this bill:

- 1) Extends the Pass benefit by amending Public Resources Code section 5011.5 to require the Department of Parks and Recreation (department) to issue the Pass to a person who has been issued license plates by the Department of Motor Vehicles pursuant to the following Vehicle Code sections:
 - a) 5101.3, pertaining to survivors of the attack on Pearl Harbor on December 7, 1941;
 - b) 5101.4, pertaining to recipients of the Army Medal of Honor, Navy Medal of Honor, Air Force Medal of Honor, Army Distinguished Service Cross, Navy Cross, or Air Force Cross;
 - c) 5101.5, pertaining to former American prisoners of war;
 - d) 5101.6, pertaining to Congressional Medal of Honor recipients;
 - e) 5101.8, pertaining to Purple Heart recipients; and
 - f) Subdivision (d) of section 5156 pertaining to Gold Star Families. This section states in pertinent part concerning eligibility for the Gold Star Plate:
 - i) ...[A plate shall be issued to a] person who bears, and shows proof satisfactory to the Department of Veterans Affairs of, one of the following relationships to the member of the Armed Forces killed in the line of duty while serving on active duty:
 - (i) Widow.
 - (ii) Widower.
 - (iii) Biological parent.
 - (iv) Adoptive parent.
 - (v) Stepparent.
 - (vi) Foster parent in loco parentis.
 - (vii) Biological child.
 - (viii) Adoptive child.
 - (ix) Stepchild.
 - (x) Sibling.
 - (xi) Half-sibling.
 - (xii) Grandparent.
 - (xiii) Grandchild.
 - (2) Upon the death of a person issued a Gold Star Family specialized license plate, the license plate shall be transferred to the surviving spouse, ...
- 2) Requires that the department issue the Pass on the following conditions:
 - a) Upon presentation to the department of evidence of currently valid vehicle registration associated with any one of those license plate programs; and
 - b) Upon application therefor.

- 3) States that Passes so issued shall entitle the bearer to the use of all facilities, including boat launching facilities, in units of the state park system for a period of time coinciding with the validity of the vehicle registration.

EXISTING LAW: The department has an existing Pass program. The code pertaining to it is Public Resources Code section 5011.5, et seq., which states:

5011.5. (a) A veteran of a war in which the United States has been, or may be engaged, who is a resident of this state, upon presentation to the department of proof of disability, proof of being held captive as a prisoner of war, or proof of being a recipient of a Congressional Medal of Honor, and proof of an honorable discharge from service, upon application therefor, shall be issued a pass entitling the bearer to the use of all facilities, including boat launching facilities, in units of the state park system.

(b) As used in this section:

(1) "Veteran" means a former member of the Armed Forces of the United States who has a 50 percent or greater service-connected disability, or who was held as a prisoner of war by forces hostile to the United States, as certified by the United States Department of Veterans Affairs, and who was honorably discharged from service.

(2) "War" means that period of time commencing when Congress declares war or when the Armed Forces of the United States are engaged in active military operations against a foreign power, whether or not war has been formally declared, and ending upon the termination of hostilities as proclaimed by the President of the United States.

FISCAL EFFECT: Unknown at this time.

COMMENTS: The policy foundation of this bill is to recognize the more extreme sacrifices of certain veterans and their families; a policy this state has consistently supported.

Under the existing Pass program the following categories of honorably discharged veterans are eligible to receive the Pass: Veterans with a disability rating of 50% or more and Congressional Medal of Honor recipients. Although the language is somewhat ambiguous, former prisoners of war are eligible without regard to disability rating.

To this list of eligible people, the bill would add those who hold a valid registration associated with the following specialized license plates: Prisoner of War, Congressional Medal of Honor, Pearl Harbor Survivor, Army Medal of Honor, Navy Medal of Honor, Air Force Medal of Honor, Air Force Medal of Honor, Army Distinguished Service Cross, Navy Cross, AF Cross, Purple Heart recipients, and Gold Star Families. According to the author, DMV reports that as of December 31, 2014 there were a combined 8,405 license plates issued of all the above types.

Adding these people is clearly aligned with existing policy. Without going through each category, these are recipients of the United States' highest military honors, servicemembers who have been wounded in combat, and families who have experienced the loss of a family servicemember killed in the line of duty. It is not at all incongruous to include them, and indeed there is overlap with the existing categories of those people who are eligible for the Pass.

Policy Questions for Members:

Don't these people merit the Pass and privilege regardless of their license plate? The use of the license plates as a way for the department to determine eligibility and quantify the likely number of people who might now get the Pass is a novel solution. It helps resolve the logistical challenges in verifying eligible status and in increases the predictability of the extent to which revenue might be lost to the department. The Pass, once issued, is a lifetime Pass.

However, once it is determined that a person is a member of group whose sacrifice we want to honor, why withdraw their eligibility or take away their access privileges once their registration expires? That person's status as, for example, a Purple Heart recipient or Gold Star Family member does not change if they choose not to have the specialized plate.

Should the registered owner have to be present for free park access? Staff is aware that the author is contemplating amendments to give *day use* access, but not the Pass, to those *vehicles* bearing a currently registered specialized plate. This is an easy way to facilitate entry to state parks, though not much easier than showing a Pass at the gate. It also relieves eligible persons from having to contact and apply to the department for a pass/relieves the department from the administrative burden of issuing a Pass.

However, unlike the lifetime Pass, the plated vehicle may be used by anyone who is driving the vehicle, without regard to the presence of the person entitled to the benefit. If the plate is used as a proxy for the Pass, should the registered owner have to be present for free entry to the parks?

Why differentiate between various veterans? These veterans and family members are being added to the Pass program because their sacrifices are deemed among the most extreme. Might it make sense to recognize the sacrifice of all veterans?

REGISTERED SUPPORT / OPPOSITION:**Support**

None on File.

Opposition

None on File.

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