

Date of Hearing: March 28, 2023

ASSEMBLY COMMITTEE ON WATER, PARKS, AND WILDLIFE

Rebecca Bauer-Kahan, Chair

AB 308 (Alanis) – As Amended March 1, 2023

SUBJECT: State parks: free entry and access: Gold Star Family members

SUMMARY: Requires the Department of Parks and Recreation (State Parks) to grant free entry and access to any unit of a state park system to eligible Gold Star Family members. Specifically, **this bill:**

- 1) Defines Eligible Gold Star Family members as a person who is:
 - a) A resident of California
 - b) Eligible to receive a gold star lapel button.
- 2) Enables State Parks to adopt regulations to implement this bill.

EXISTING LAW:

- 1) Establishes the California state park system and vests State Parks with control of the state park system and responsibility for administering, protecting, developing, and interpreting state parks for the use and enjoyment of the public. Requires State Parks to protect the state park system from damage and to preserve the peace therein [Public Resources Code (PRC) § 5001 *et seq.*].
- 2) Limits attendance at the state park system to within limits established by carrying capacity (PRC § 5001.96, § 5019.5).
- 3) Authorizes State Parks to collect fees, rents, and returns for use of any state park system area with some exceptions including:
 - a) Prohibits State Parks from collecting any fee from students in kindergarten through 12th grade on a school outing (PRC § 5010.2).
 - b) Authorizes State Parks to provide discounted passes to certain groups of people including fourth graders, seniors over the age of 62, disabled persons, and low-income residents, as defined (PRC § 5010.2.5, § 5011).
 - c) Authorizes State Parks to issue a parks a reduced fee or free day use permit to veterans, active duty military, and reserve military personnel on Memorial Day and Veterans Day. (PRC § 5011.5, § 5011.6).
- 4) Allows the Department of Veterans Affairs to sponsor a Gold Star Family specialized license plate programs and issue a license plate for a vehicle owned by an eligible Gold Star Family member (Vehicle Code § 5156).
- 5) Requires the National Park and Federal Recreational Lands Pass be made available, at no charge, for the lifetime of the pass holder, to any member of a gold Star family who meets

the eligibility requirements of section 3.2 of Department of Defense Instruction 1348.36, and other listed persons (U.S. Code Title 16 § 6804).

FISCAL EFFECT: Unknown. This bill is keyed fiscal.

COMMENTS:

- 1) **Purpose of this bill.** This bill requires that State Parks provide free entry and access to any state park system to Gold Star Family members. According to the author, this bill would continue California’s long set precedent of “leading the way in honoring our state’s fallen heroes and their immediate family members. This exemption would do more than just honor fallen Service members (and their family); it would help provide additional access to therapeutic outdoor activities, historical sites, and museums.”
- 2) **Background.** There are 280 park units (beaches, historic sites, museums, off-highway vehicle recreation areas, parks, etc.) in the state park system. State Parks fully operates 189 of those park units. The remaining 91 park units are either fully operated or co-managed by park partners; of these, public agencies operate 44 park units, concessionaires operate 1 park unit, and 45 units are either fully operated or co-managed by nonprofit entities. Currently, 19 of the 91 park units operated by nonprofits, public agencies, or concessionaires do not accept passes. At most parks, day use fees are charged for vehicle day use only with no charge to walk or bike into the parks. Most historical parks and museums charge a day use fee per person.

Discounted passes. State Parks offers several forms of discounted pass. These include a Disabled Discount Pass (\$3.50), a California State Parks Golden Bear Pass for low income individuals (no cost), a California State Parks Limited Use Golden Bear Pass (\$20), and a Distinguished Veteran Pass (no cost). Distinguished veterans are considered honorably discharged war veterans with 50% or greater service-connected disability, individuals held as prisoners of war, or recipients of the Medal of Honor. There are also two free entry pilot programs including the (1) California State Parks Adventure Pass that provides free entry for fourth graders and their families at 19 state parks throughout the state and (2) the California State Parks Library Pass that provide free passes to every public library throughout the state in which library patrons can check out passes for free vehicle day-use access to parks across the state.¹ All free and discounted passes are generally provided by a pass, with the exception being active duty and reserve military personnel and veterans receive free entry to most park units upon proof of service on Memorial Day and Veterans Day.

Gold Star Families. The phrase “Gold Star Family” dates back to World War I when military families displayed service flags featuring a blue star for every immediate family member serving in the Armed Forces. If the Service member died in the line of duty, the blue star was changed to gold and eligible next of kin receive a gold star lapel button in adherence to the U.S. Department of Defense guidelines. According to Section 1126 of Title 10 of the United States Code, Service members who lost their life during World War I, World War II, while engaged in action against opposing foreign forces, or as a result of an international terrorist attack or as a part of a peace keeping force may qualify for a Gold Star Lapel Button.

According to Section 553.36 of Title 32 of the Code of Federal Regulations, ‘next of kin’ is

¹ See <https://www.parks.ca.gov/30806> for more information.

defined as the spouse, children (natural, step, adopted), parents (natural, step, adopted), siblings (natural, half, adopted), and grandparents of a Service member who lost their life in a qualifying situation. The Gold Star Lapel Button definition of ‘next of kin’ is different and is based on the definition in the Department of Defense Instruction 1348.36. The Department of Defense Instruction does not include grandparents.

According to the Gold Star Family Registry, which is “the first comprehensive data base of the United States’ fallen Heroes,” since World War II, 32,448 California residents have lost their lives in the line of duty. Since not all Gold Star Family members are residents of the same state as their deceased loved ones, it is still unclear how many California residents would qualify to receive a no-cost lifetime license.

California’s Gold Star Family License Plates. The California Department of Veterans Affairs authorizes the Department of Motor Vehicles (DMV) to issue Gold Star Family specialized license plates for vehicles owned by eligible Gold Star Family members (Vehicle Code § 5156). The departments use the same definition of qualifying situation and qualified family members as the Code of Federal Regulations with the exception of including grandchildren. As of January 31, 2023, the DMV has issued 866 Gold Star Family license plates (650 on registered vehicles). This may be the closest proxy for the number of individuals that might be interested in accessing parks.

Military Lifetime Pass. The National Defense Authorization Act of 2022 authorized a free lifetime pass to national parks and other federal recreation lands for eligible Veteran and Gold Star Families. Previously, Gold Star Families were able to receive an annual pass. Before visiting a national park site, Gold Star Family members must download and print a voucher to present to park staff, exchange for a Military Lifetime Pass, or place on the vehicle dashboard at unstaffed sites. By downloading and signing the voucher, Gold Star Family members are self-certifying that they meet the required criteria. According to the National Park Service (NPS), most national parks do not have entrance fees. NPS allows free admission to more than 400 national parks on five different days and weekends in 2023.² According to NPS, national parks are always economical, with entrance fees typically from \$5 to \$35.³

- 3) **Policy considerations.** According to the author, this bill will honor the sacrifice of the Service member by supporting the members of their families and provide additional access to therapeutic outdoor activities. Generally, time spent outdoors is believed to reduce stress and improve mental health.

While the fiscal impact of this bill is outside the scope of this committee’s jurisdiction, given previous legislative efforts aimed at stabilizing State Parks’ revenues, a broad-based, discounted fee day may run counter to the continued implementation of those reforms, as day-use fees are important to the financial stability of the park system. However, a reduced fee day could be viewed as complementary to other policies that encourage access to parks, which has been a priority for the Legislature in recent years. Additionally, free day use may

² See <https://www.nps.gov/planyourvisit/fee-free-parks.htm> for more information

³ See <https://www.nps.gov/aboutus/entrance-fee-prices.htm> for more information.

encourage additional spending. According to data from the 2007–2009 Visitor Survey Report commissioned by State Parks, park visitors spend on average \$80.85 per visit, including \$31.32 within a 25 mile radius of the park and \$49.53 outside the 25 miles radius. Extrapolating from the 26 studied parks to park units statewide, state park visitors annually spend an estimated \$6 billion.⁴

- 4) **Suggested committee amendments.** With the exception of allowing veterans and active Service members free entry to most parks, all free or discounted park entry is permitted through application to State Parks and the receipt and display of a pass. Furthermore, the creation of a pass would be beneficial as it would not require individual State Parks employees to identify eligible Gold Star Family members and enable State Parks to track the quantity of passes distributed. The committee may wish to amend this bill to align with current implementation of other free or discounted passes by replacing subdivision (b) as follows:

~~(b) The department shall grant free entry and access to any unit of the state park system to a person who provides at entry to the unit any form of government-issued proof that the person is an eligible Gold Star Family member.~~

(b) An eligible Gold Star Family member as defined in this section, upon presentation of proof to the department, shall be issued a pass entitling the bearer to free day use of any unit of the state park that is operated by the state.

- 5) **Arguments in support.** Two Stanislaus County Supervisors write in support, stating that “[e]very day, there are service members that choose to selflessly make sacrifices to keep us safe and protect our freedoms, supporting AB 308 is one small way we can selflessly support their family members and show appreciation for their sacrifices as well.”
- 6) **Related legislation.** AB 293 (Alanis), of this Session, would allow for free lifetime hunting and sport fishing licenses. AB 293 passed out of Assembly Water, Parks, and Wildlife Committee.

AB 2128 (Cooley), 2021–2022 Session, would have required State Parks to grant 50 percent discounted admission to the general public to each unit of the state park system operated by State Parks every year on September 9th, California Admissions Day. AB 2128 died in Senate Appropriations Committee.

AB 1358 (Cooley), 2017–2018 Session, would have provided 50 percent discounted admission to California State Parks on California Admission Day. AB 1358 was vetoed by Governor Brown. The veto message stated: “While this bill is well-intentioned, the department already has the authority to offer discounted or free park admissions to the public. Furthermore, for the past few years the department has worked closely with the Parks Forward Commission to develop initiatives to expand visitations, increase access, and ensure the system's long-term sustainability. The public and our state parks are better served by allowing the department the flexibility to manage its operations without mandates that may harm its fiscal stability.”

⁴ Litzky, K. “California state parks: economic impact of visitor expenditures” Master of Public Policy and Administration, California State University, 2010.

AB 240 (Wilk), 2015–2016 Session, would have allowed free day use entry to state park to vehicles with specialized license plates for veterans who are high military honor recipients and Gold Star families. SB 240 was held in Senate Appropriations.

REGISTERED SUPPORT / OPPOSITION:

Support

Stanislaus County Board Supervisor, Terry Withrow, District 3

Stanislaus County Board Supervisor, Vito Chiesa, District 2

Opposition

None on file.

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