Agenda Item: 9a  Action

Topic: Request to adopt rulemaking – Fee waiver calendar month (OAR 736-015-0035)

Presented by: Katie Gauthier

**Background:** OPRD provides Special Access Passes to service-connected disabled veterans and adoptive and foster families. The Special Access Passes provide participants with a free day use and a limited number of free nights of camping. Service-connected disabled veterans receive 10 nights per 30 day period and foster families receive 14 nights in the same period.

In February 2016, a number of Special Access Pass program rules were changed including allowing for online reservations with a pass, adding showers and imposing penalties for cancelations. At that time, stay limits moved to a rolling period based on an assertion from the reservation contractor that the change was necessary to electronically track usage. This change has been difficult to explain and caused confusion for program participants. Based on user feedback and recent changes in the reservation vendors capabilities, rulemaking was opened to move back to a calendar month system for tracking stay limitations.

Public comment was opened from December 1, 2019 through January 6, 2020. Four comments were received- two in favor, one opposed and one question. Attachment C includes the comments received.

Concerns raised in comments are addressed through existing state park rules around stay limits. All park visitors, including those utilizing the special access pass, must leave for a minimum of three nights after staying 14 nights.

**Prior Action by Commission:** November 2019 commission approved opening rulemaking.

**Action Requested:**
Staff requests approval to adopt rulemaking to amend OAR 736-015-0035 to change fee waiver limitations from a 30 day rolling window to a calendar month. A copy of the proposed rules is included in Attachment A and B.

**Prepared by:** Katie Gauthier

**Attachments:**
Attachment A – proposed rule amendments- marked copy
Attachment B- proposed rule amendments- clean copy
Attachment C- comments from public on proposed rule change
9a Attachment A. Marked Copy Fee waiver calendar month

736-015-0035
Fee Waivers and Refunds

(1) The director, at the direction of the commission, may waive, reduce or exempt fees established in this division under the following conditions:

(a) A person or group provides in-kind services or materials equal to or greater than the value of the applicable rate, as determined by criteria approved by the director;

(b) Marketing or promotional considerations, including but not limited to special events and commercial filming, that promote the use of park areas and Oregon tourism;

(c) Traditional tribal activities in accordance with policy adopted by the Commission;

(d) Reduced service levels at a park, campsite or other facility as determined by the park manager.

(2) Reservation Facility Deposit Fee Waivers for individual primitive, tent, electric, full hook-up or horse camp campsites only:

(a) The facility deposit fee is waived for reservations on State Parks Day (first Saturday of June). All other fees apply.

(b) The facility deposit fee is waived for foster families and adoptive foster families as defined in OAR 736-015-0006. The fee waiver is limited to the first two campsites, and an adult care provider must be present with the foster children. All other fees apply.

(c) The facility deposit fee is waived for U.S. veterans with a service connected disability or active duty U.S. military personnel as provided in ORS 390.124. All other fees apply.

(d) The person making the reservation must pay the $8 non-refundable transaction fee at the time the reservation is made. This fee is not included in the fee waiver.

(3) Overnight Rental Fee Waivers for individual primitive, tent, electric, full hook-up or horse camp campsites only:

(a) The overnight rental fee, including any extra vehicle fees, is waived for all persons on the night of State Parks Day (first Saturday of June). All other fees apply.

(b) The overnight rental fee is waived for foster families and adoptive foster families as defined in OAR 736-015-0006. The fee waiver is limited to the first two campsites, and an adult care provider with one or more foster children must be present. The overnight rental fee waiver is limited to no more than fourteen nights total in a 30-day period calendar month. All other fees and rules apply.

(c) The overnight rental fee is waived for U.S. veterans with a service connected disability or active duty U.S. military personnel on leave as provided in ORS 390.124. The overnight rental fee waiver is limited to no more than ten nights total in a 30-day period calendar month. The qualifying veteran or active duty military personnel on leave must be present in the site to qualify for the waiver. All other fees and rules apply.

(d) The director may waive the overnight rental fee for volunteer hosts traveling to or from an
assignment at a park area.

(4) Day Use Parking Permit Fee Waivers:

(a) The day use parking permit fee is waived for all persons on State Parks Day (first Saturday of June).

(b) The day use parking permit fee is waived for U.S. veterans with a service connected disability or active duty U.S. military personnel on leave as provided in ORS 390.124.

(c) The day use parking permit fee is waived for foster families and adoptive foster families as defined in OAR 736-015-0006. The waiver shall be valid until the expiration date of the Certificate of Approval to Provide Foster Care or the adopted foster child turns 18 years of age.

(d) All other fees apply.

(5) At those parks offering showers to non-campers, the shower use fee is waived for individuals with an OPRD Special Access Pass.

(6) Proof of Eligibility for Fee Waivers

(a) The department will issue Veterans and Foster families who have provided the department valid proof of eligibility an OPRD Special Access Pass. Pass holders must use the pass to identify themselves as a qualified recipient of fee waivers at state park campgrounds and day use areas. They must also provide valid government-issued picture identification that matches the name on the pass. Proof of eligibility must be provided through an application process outlined on the OPRD web site at www.oregonstateparks.org or by calling the OPRD Information Center at 1-800-551-6949 for instructions.

(b) The department will accept the following forms of proof to qualify for fee waivers as a U.S. veteran with a service connected disability:

(A) Disabled Veteran's license plate issued by the Oregon DMV;

(B) A current Disabled Veteran Permanent Hunting/Angling License issued by the Oregon Department of Fish and Wildlife;

(C) A Washington State Parks Disabled Veteran's ID card;

(D) A United States Department of Veterans Affairs (VA) photo identification card bearing the words "service connected";

(E) A letter issued by the VA stating eligibility for any of the above programs, or bearing the words "service-connected disability."

(c) The department will accept the following forms of proof to qualify for fee waivers as an adoptive foster family, as defined in OAR 736-015-0006, with an adopted foster child under 18 years of age or a foster family, as defined in OAR 736-015-0006:

(A) Certificate of Approval to Maintain a Foster Home for Children with Developmental Disabilities;

(B) Certificate of Approval to Maintain a Foster Home for Children;
(C) Certificate of Approval to Maintain a Relative Home for Children;

(D) Written certification from Department of Human Services identifying the applicant as an adoptive or guardian foster family.

(d) The department will not issue an Active Duty Military on official leave a Special Access Pass. Such customers must pay any applicable fee and may contact the department after their visit to request a refund. The department may request supporting documentation in the form of a letter from the commanding officer on official letterhead stating that the person was on leave for the dates they camped and the camping receipt. Refund requests must be received within 30 days after departure date of the stay. A refund of applicable fees will be sent within three weeks of the receipt of their valid request.

(7) There will be no charge for issuing a Special Access Pass or renewing an expired pass. There will be a processing fee of $5.00 for replacement of a lost pass that is still valid.

(8) The department may revoke or temporarily suspend an OPRD Special Access Pass issued under section (6) if:

(a) The pass is used to waive fees beyond the allowable limits in a 30-day period calendar month;

(b) The pass holder does not occupy a site when fees have been waived under authority of their pass; or

(c) The pass holder transfers their pass to another person to use.

(9) Pass holders must cancel their reservation three days prior to arrival to avoid a penalty. Cancellations made within the three day period will reduce the benefit by one night in the applicable 30-day period calendar month.

(10) Pass holders who make a reservation and do not check in at the park or notify park staff that they will be delayed, prior to 1:00 p.m. of the second day of the reservation, will be considered a “no show” and the entire reservation will be cancelled. The pass holder’s benefit will be reduced by one night in the applicable 30-day period calendar month.

(11) If a pass holder vacates their site one or more days prior to checkout without notifying park staff, any days remaining on the reservation will be counted against their monthly waiver limit.

(12) A person may request a refund under the following circumstances.

(a) The Oregon State Parks Reservation Center may refund a reservation fee when the department has made a reservation error.

(b) The Oregon State Parks Reservation Center may refund a facility deposit and may waive the cancellation or change rules when requested by the person due to the following emergency situations:

(A) Emergency vehicle repair creates a late arrival or complete reservation cancellation;

(B) A medical emergency or death of a family member creates a late arrival or complete reservation cancellation;

(C) Acts of nature create dangerous travel conditions; or
(D) Deployment of military or emergency service personnel creates a late arrival or complete reservation cancellation.

(c) The director or his/her designee may approve a refund under other special circumstances.

(d) The department will accept refund requests via phone through the Oregon State Parks Reservation Center, email, fax or surface mail. The department may ask for supporting documentation to help determine if a refund is warranted.

(e) The department will issue refunds for specific site or park area closures and no customer request is required.

(f) The park manager may only issue a refund at the park due to the person leaving earlier than expected, and while the person is present and has signed for the refund. Once the person has left the park, refund requests must be sent to the department for processing.

Statutory/Other Authority: ORS 390.124
Statutes/Other Implemented: ORS 390.111, 390.121, 390.124
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The proposed “calendar month” verbiage change will make it easier as a veterans service officer to explain to veterans who are entitled to this benefit.

Name: Kayla Goodman

I think this a beneficial rule change that will make it much easier for special pass holders to track and manage visits to Oregon State Parks.

Name: Brian Zmolek
Email: bszmolek@gmail.com

Under the amendment will the veteran be able to camp more than 14 days a month at one Park and go to another park 14 days in the same 30 days?

Kenneth Peden

I am a disabled veteran and really appreciate the pass but am against changing from rolling 30 day to calendar month. The current state parks are very crowded in the summer. This change would allow a pass holder to keep a spot for 28 days in a row, end of one month and beginning or the next. It just takes making two reservations. If feel this is an abuse of the pass especially as it allows the pass holder to reserve an accessible camping spot.

Having an RV and camping in State Parks I refrain from using accessible spots unless nothing else is available.

James Gindlesperger USAF Ret
541-389-7603

Sent from my iPad