

LEGISLATIVE BILL 81

Approved by the Governor April 27, 1977

Introduced by Schmit, 23; Reutzel, 15

AN ACT relating to the Game and Parks Commission; to state a purpose; to define terms; to provide for permits to enter the Nebraska state park areas as prescribed; to provide for issuance of permits; to provide for fees and disbursement thereof; to provide duties for the Game and Parks Commission; to provide for violations and penalties; and to provide an operative date.

Be it enacted by the people of the State of Nebraska,

Section 1. For the purpose of supplying additional revenue to better accommodate the increasing public use of the Nebraska state park system by providing improved operation and maintenance, the Game and Parks Commission shall require an entry permit to be affixed to motor vehicles which enter areas of the Nebraska state park system which are designated as permit areas by the commission as provided by this act.

Sec. 2. As used in this act, unless the context otherwise requires:

(1) Commission shall mean the Game and Parks Commission;

(2) Motor vehicle shall mean any self-propelled vehicle lawfully registered and licensed for operation on the highways of the state;

(3) Permit areas shall mean those areas, or portions of areas, of the Nebraska state park system which are defined in section 81-815.22, subdivisions (2), (3), (4), and (5), Reissue Revised Statutes of Nebraska, 1943, and which are designated as provided in sections 81-815.23 and 81-815.24, Reissue Revised Statutes of Nebraska, 1943, for which entry permits shall be required by the commission as provided in this act; and

(4) Permit shall mean motor vehicle entry permit.

Sec. 3. Permits shall be furnished for sale in such form and manner as prescribed in this act and shall be required to be permanently affixed to all motor vehicles entering designated permit areas except:

(1) Motor vehicles bearing tax-exempt state licenses;

(2) Motor vehicles in use for law enforcement or emergency purposes;

(3) Motor vehicles engaged in the servicing, enforcement, administration, repair, maintenance, or construction of facilities or property and motor vehicles engaged in the delivery of commodities or materials to the permit areas;

(4) Motor vehicles being operated on a federal, state, or county highway which crosses a permit area, entering at one point and exiting at another;

(5) Motor vehicles which are traveling directly between the permit boundary and the site within the area where permits are vended; and

(6) Motor vehicles being operated by the holders of easements across permit areas or their agents, employees, or contractors.

Sec. 4. A permit shall entitle the vehicle for which it is issued access to any permit area and no other right or privilege shall be conveyed. A permit shall not entitle the holder, or any occupant of the vehicle, to any service, facility, or activity for which a separate fee is imposed.

Sec. 5. The commission shall devise permits in four forms: Annual and temporary for residents and nonresidents.

(1) The annual permit may be purchased by any person and shall be valid through December 31 of the year for which issued. The fee for the annual permit shall be seven dollars and fifty cents for residents and twelve dollars and fifty cents for nonresidents per permit.

(2) A temporary permit may be purchased by any person and shall be valid until noon of the day following the date of issue. The fee for the temporary permit shall be one dollar and fifty cents for residents and two dollars for nonresidents.

Sec. 6. No duplicate permits shall be issued for any reason. In the event of the sale of a vehicle to which a permit is attached, the remaining value of the permit shall accrue to the purchaser.

Sec. 7. Permits shall be furnished for sale in the form of a gummed sticker to be permanently affixed to the inside, lower right corner of the windshield of motor vehicles with windshields. The method of display of permits on motor vehicles which do not have windshields shall be as prescribed by the commission.

Sec. 8. Permits shall be issued for sale in such type and design of gummed sticker that may be determined by the commission and may be procured at the central and district offices of the commission, at areas of the Nebraska state park system where commission offices are maintained, from designated commission employees, from appropriate offices of county government, and from various private persons, firms, or corporations designated by the commission as permit vendors. Such county offices or permit vendors shall be entitled to collect and retain a fee of twenty-five cents for each permit as reimbursement for the clerical work of issuing the permits and remitting therefor.

Sec. 9. The commission shall evaluate the areas of the Nebraska state park system and designate those areas, or portions of areas, for which a permit shall be required. The commission shall periodically reevaluate the Nebraska state park system and designate additional permit areas or reclassify permit areas as nonpermit areas as conditions and public use warrant. The commission may designate the dates for which a permit shall be required for any permit area.

Sec. 10. The commission shall post signs at all entrances to permit areas and the text of such signs shall clearly convey the fact that motor vehicles using the area are required to display a permit. The commission may issue free permits for the private motor vehicles of its employees who are required to reside on a permit area by the terms of their employment.

Sec. 11. It shall be unlawful for any motor vehicle to enter a permit area unless such motor vehicle has permanently affixed thereto a valid permit, except as provided by this act. Any operator of a motor vehicle which enters a permit area without a valid permit, unless in direct and continuous travel to the commission office at such area for the purpose of procuring such permit or as otherwise excepted under section 3 of this act, shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not less than fifteen dollars.

Sec. 12. (1) The commission may adopt or enact such rules and regulations as are necessary to administer

the entry permit program and to carry out the purposes and intents of this act.

(2) The commission, its agents and officers, and any other peace officer of this state shall be empowered to enforce the provisions of this act.

Sec. 13. All money received by county clerks or other persons or corporations entitled to sell permits as provided by this act shall be remitted monthly to the secretary of the commission. All remittances shall be upon a form to be furnished by the commission and a duplicate copy shall be retained by the county clerk and such persons and corporations as may be authorized by the commission to sell permits for it. Any person or corporation who shall receive permit fees under this act, and who shall fail to pay over such fees to the commission in accordance with this act and upon demand, shall be liable to the commission in damages for double the amount of the funds wrongfully withheld and shall be liable criminally for embezzlement.

Sec. 14. Such permit fees shall be deposited in the State Park Cash Revolving Fund, and shall be disbursed for the administration, improvement, operation, and maintenance of those areas, or portion of areas, of the state park system which are designated as fee use areas.

Sec. 15. This act shall become operative on January 1, 1978.