

CHAPTER 232**(HB 632)**

AN ACT relating to boat launching fees.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 148.021 is amended to read as follows:

- (1) The Department of Parks shall exercise all administrative functions of the state relating to the operation of state parks, shrines, monuments, and museums except those allocated to the historical society.
- (2) The department may request acquisition, subject to the provisions of KRS Chapters 42, 45, 45A, 56, and the provisions made in this chapter, of lands by purchase, lease, or otherwise, on which to operate state parks.
- (3) The department may improve said parks by constructing and equipping improvements or facilities in said parks.
- (4) The department may operate said parks, and fix fees and charges for the use of said parks and the improvements and facilities constructed therein, and provide for the collection of said fees and charges and the proper accounting therefor, *except that*:
 - (a) *The department shall not impose boat launching fees at any boat ramp over which it has authority and control; and*
 - (b) *The department shall not allow, grant permission to, or permit any individual, sole proprietorship, partnership, corporation, limited liability company, or other form of business arrangement to which the department has granted a rental or leasehold interest, or has engaged to manage or operate facilities that include a public boat launching ramp, to charge a boat launching fee at any boat ramp.*
- (5) The Department of Parks is authorized to enter into any agreement with the Breaks Interstate Park Commission for the operation of any facilities in the Breaks Interstate Park.
- (6) The Department of Parks is authorized to accept, for deposit in a trust and agency fund account in accordance with KRS 45.253, on behalf of the state any grant or contribution, federal or otherwise, to assist in meeting the cost of carrying out the functions assigned to the Department of Parks.
- (7) Notwithstanding any provision in KRS Chapter 41, 45, 45A, or 47 to the contrary, there may be established separate cash funds and depositories at each state park from which immediate payment of refunds may be made to a patron or guest of such state park of any unearned money advanced or paid by such guest or patron. The department may accept from a guest or patron an amount which includes the fee for the service rendered plus a gratuity for the waitress or other designated person and remit the gratuity directly from the depository or cash fund to the designated recipient thereof. Such funds or depositories shall be governed by regulations established by the Department of Parks and approved by the Finance and Administration Cabinet.
- (8) The commissioner may promulgate administrative regulations in accordance with provisions of KRS Chapter 13A in order to carry out the provisions of this section.

Section 2. Any person who has purchased and has in their possession evidence of the purchase of an annual ramp pass from the Department of Parks may apply for and shall receive a prorated refund for the cost of the unexpired portion of the annual ramp pass.

Approved April 22, 2006.