

**Enrolled**  
**House Bill 2171**

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor Kate Brown for Office of the Governor)

CHAPTER .....

AN ACT

Relating to outdoor recreation; creating new provisions; amending ORS 390.233 and section 2, chapter 531, Oregon Laws 2019; repealing sections 4, 5 and 6, chapter 531, Oregon Laws 2019; and declaring an emergency.

**Be It Enacted by the People of the State of Oregon:**

**OREGON CONSERVATION AND RECREATION FUND**

**SECTION 1.** Section 2, chapter 531, Oregon Laws 2019, is amended to read:

**Sec. 2.** (1) The Oregon Conservation and Recreation Advisory Committee is established as an advisory committee to the State Fish and Wildlife Commission and the State Department of Fish and Wildlife for the purpose of carrying out the duties described in subsection (2) of this section. The commission shall determine the number of members of the committee and the geographical representation by the members. The Governor shall appoint the members of the committee. **The Associate Director of Outdoor Recreation, or the associate director's designee, shall serve as a nonvoting, ex officio member.**

(2) The committee shall review department policies regarding the use of Oregon Conservation and Recreation Fund moneys and make recommendations to the commission and the department regarding the use of fund moneys for implementing and administering department activities.

(3) Members of the committee may not receive compensation for service as members. However, subject to any applicable law regulating travel and other expenses of state officers and employees, a member may be reimbursed for actual and necessary travel and other expenses incurred in the performance of official duties from moneys available to the department for the purpose of reimbursement of committee members.

(4) The department and the committee jointly shall submit a biennial report to the Legislative Assembly as provided in ORS 293.640 regarding the expenditure of moneys deposited in the Oregon Conservation and Recreation Fund established under section 1 [of this 2019 Act], **chapter 531, Oregon Laws 2019**, and on the status of various activities funded by the moneys.

**SECTION 2. Sections 4, 5 and 6, chapter 531, Oregon Laws 2019, are repealed.**

**SECTION 3. If this 2021 Act does not become effective until after June 30, 2021, any otherwise lawful action or obligation undertaken under authority of section 1, chapter 531, Oregon Laws 2019, on or after July 1, 2021, and before the effective date of this 2021 Act is ratified and approved.**

**SECTION 3a.** (1) In addition to and not in lieu of any other appropriation, there is appropriated to the Emergency Board, for the biennium beginning July 1, 2021, out of the General Fund, the amount of \$1,000,000, to be allocated to the State Department of Fish and Wildlife for the purposes of the Oregon Conservation and Recreation Fund.

(2) The State Fish and Wildlife Director may request that the board release funds appropriated under this section. The board may only release the appropriated funds in increments that match deposits into the Oregon Conservation and Recreation Fund between July 1, 2019, and June 30, 2023, from sources other than state government, as defined in ORS 174.111.

#### STATEWIDE DESIGN STANDARDS

**SECTION 4.** (1) The State Parks and Recreation Department shall establish statewide recommended standards for the design of recreation projects, including trails, docks and public recreation access points, to ensure that state recreation areas are accessible to members of the public of all mobility levels.

(2) The department shall apply the statewide recommended standards to all future department recreation projects.

**SECTION 5.** The State Parks and Recreation Department shall develop the standards described in section 4 of this 2021 Act no later than September 15, 2022.

**SECTION 6.** Section 5 of this 2021 Act is repealed on July 31, 2025.

#### OUTDOOR RECREATION ADVISORY COMMITTEE

**SECTION 7.** (1) The Outdoor Recreation Advisory Committee is established as an advisory committee to the Office of Outdoor Recreation for the purpose of carrying out the duties described in subsection (2) of this section. The State Parks and Recreation Director, upon consultation with the State Parks and Recreation Commission, shall determine the number of members of the committee. The Governor shall appoint the members of the committee, taking into consideration the geographic, racial, ethnic and gender diversity of this state and ensuring that a majority of the committee members represent historically underserved communities.

(2) The committee shall advise the Associate Director of Outdoor Recreation and make recommendations on statewide outdoor recreation policy under ORS 390.233 by:

(a) Reviewing statewide capacity for civic engagement in outdoor recreation planning and making recommendations to the office regarding options for increasing civic engagement;

(b) Evaluating and making recommendations for improvements to current equity, diversity and inclusion efforts regarding outdoor recreation planning;

(c) Providing recommendations for establishing and enhancing opportunities for safe and comfortable outdoor tourism and recreation for communities of color, members of lesbian, gay, bisexual, transgender, queer or questioning (LGBTQ) communities, people with disabilities and other historically marginalized groups;

(d) Facilitating input from Indian tribes and tribal organizations;

(e) Facilitating collaboration with other agency advisory committees; and

(f) Providing recommendations and facilitating public input regarding any other issues regarding increasing public access to outdoor recreation.

(3) Members of the advisory committee are not entitled to compensation, but in the discretion of the State Parks and Recreation Director may be reimbursed from funds available to the State Parks and Recreation Department for actual and necessary travel and other expenses incurred by them in the performance of their official duties in the manner and amount provided in ORS 292.495.

## OUTDOOR RECREATION PASSES

**SECTION 8.** The Office of Outdoor Recreation shall work with each state agency that issues outdoor recreation passes, permits or licenses, including the State Parks and Recreation Department, State Department of Fish and Wildlife, Department of Transportation and State Marine Board, to add links from the Office of Outdoor Recreation website to the agency websites that provide information about how to purchase the outdoor recreation passes, permits or licenses.

**SECTION 9.** (1) The Office of Outdoor Recreation, in consultation with the Outdoor Recreation Advisory Committee, shall study and make recommendations for legislation necessary to create a single online storefront for outdoor recreation passes.

(2) The office shall submit the legislation recommended under this section to the appropriate committee or committees of the Legislative Assembly no later than September 15, 2021.

**SECTION 10.** Sections 8 and 9 of this 2021 Act are repealed on January 2, 2023.

## INVENTORY AND GAP ANALYSIS

**SECTION 11.** ORS 390.233 is amended to read:

390.233. (1) The Office of Outdoor Recreation is established as an administrative section within the State Parks and Recreation Department, subject to the supervision of the Associate Director of Outdoor Recreation and the policies and procedures established by, and recommendations of, the State Parks and Recreation Director and the State Parks and Recreation Commission.

(2) The office shall consist of the associate director and all personnel employed in the office.

(3) Subject to subsection (1) of this section, the office shall, in furtherance of the state policy declared in ORS 390.010:

(a) Coordinate outdoor recreation policy:

(A) Within the administrative divisions of the department; and

(B) Between the department and federal, state, regional and local government entities and non-governmental entities.

(b) Assist in developing or updating the outdoor recreation management strategies of the department.

(c) Collaborate with the Oregon Tourism Commission and the Travel Information Council to create effective forums for communicating recreation-based initiatives and for sharing best practices.

(d) Serve as a clearinghouse and information center for outdoor recreation stakeholders.

(e) Develop data, independently or through contracts with appropriate public or private agencies, on the social, economic and resource impacts of outdoor recreation in this state.

(f) Promote the health and social benefits of outdoor recreation in coordination with other related state programs and initiatives.

(g) Report on the office's activities to the State Parks and Recreation Commission four times per year or as otherwise directed by the commission.

(4) The office shall coordinate and collaborate with the **Outdoor Recreation Advisory Committee established under section 7 of this 2021 Act**, the Oregon Business Development Department, representatives of regional and local governments, the outdoor recreation industry and other outdoor recreation stakeholders to promote economic development in this state. In furtherance of promoting economic development, the office may recommend, adopt or assist in the implementation of policies and initiatives that:

(a) Encourage development of the outdoor recreation industry in a manner that improves recreational opportunities in this state.

(b) Maximize public and private investment in the outdoor recreation industry and in outdoor recreation activities in this state.

(c) Enhance quality of life and economic vibrancy in communities across the state.

(d) Strike a sensitive balance between development and preservation of the unique natural experience provided by Oregon's outdoor recreation resources, and between motorized and nonmotorized outdoor recreation activities.

(e) Take a proactive approach to enhancing regional and local outdoor recreation infrastructure.

(5) The office shall [*annually submit a report*] **submit to the appropriate committee or committees of the Legislative Assembly [on], at least once every five years, a report that includes an inventory and gap analysis of outdoor recreation infrastructure in this state and a description of the impacts of outdoor recreation in this state.** The report required under this section may include:

(a) Other information about the office's activities; or

(b) Recommendations, which may include recommendations for legislation, on policies and initiatives that may be adopted by the legislature, the State Parks and Recreation Department or other state agencies to enhance the experiences of persons engaging in outdoor recreation in this state.

**SECTION 11a. The report under ORS 390.233 (5), as amended by section 11 of this 2021 Act, is first due on or before September 15, 2026.**

## INCREASING ACCESS TO OUTDOOR RECREATION AND PRODUCTS

**SECTION 12. (1) The Office of Outdoor Recreation shall study and make recommendations for legislation regarding options for increasing public access to outdoor recreation, including by:**

(a) Addressing disincentives in Oregon's recreational immunity law.

(b) Increasing public and private funding to support outdoor recreation access in Oregon.

(c) Expanding access and habitat programs.

(d) Collaborating with state institutions of higher education to expand educational offerings related to the outdoor recreation economy.

(e) Increasing the availability of prize moneys for state-permitted recreation events.

**(2) The office shall submit reports on its findings and any proposed legislation under this section to the appropriate committee or committees of the Legislative Assembly no later than September 15, 2022.**

**SECTION 13. (1) The Office of Outdoor Recreation shall, in collaboration with the Oregon Business Development Department, design and propose legislation to implement a grant program to support outdoor recreation products organizations and accelerators.**

**(2) The office shall submit the proposed legislation under this section to the appropriate committee or committees of the Legislative Assembly no later than September 15, 2022.**

**SECTION 14. Sections 12 and 13 of this 2021 Act are repealed on July 31, 2023.**

## CAPTIONS

**SECTION 15. The unit captions used in this 2021 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2021 Act.**

## EFFECTIVE DATE

**SECTION 16. This 2021 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect on its passage.**

**Passed by House June 24, 2021**

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

**Passed by Senate June 26, 2021**

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Peter Courtney, President of Senate

**Received by Governor:**

.....M.,....., 2021

**Approved:**

.....M.,....., 2021

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Kate Brown, Governor

**Filed in Office of Secretary of State:**

.....M.,....., 2021

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Shemia Fagan, Secretary of State