

Enrolled
House Bill 2549

Sponsored by Representative HELM; Representative HOLVEY (Presession filed.)

CHAPTER

AN ACT

Relating to public access site reports; creating new provisions; amending ORS 273.500; and prescribing an effective date.

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

SECTION 1. ORS 273.500 is amended to read:

273.500. (1) As used in this section:

(a) "Public access site" means a site on state public lands where the public may access the lands for recreational use of a floatable natural waterway.

(b) "State public lands" means any land, or improvements thereon, owned by the State of Oregon.

(2)(a) Before a state agency may restrict or close access to a public access site, the agency shall post notice on the agency's website for 30 days prior to the date that the restriction or closure is proposed to take effect.

(b) Paragraph (a) of this subsection does not apply to a restriction or closure for:

(A) An emergency, including but not limited to an emergency related to a domestic water supply source.

(B) Fire prevention pursuant to the provisions of ORS 401.165 to 401.236 or 477.535 to 477.550.

(C) Critical wildlife management activities.

(D) A restriction or closure adopted by rule by the State Land Board.

(E) A temporary restriction or closure, if the restriction or closure is for not more than 30 days.

(F) A temporary restriction or closure, if the restriction or closure is for routine maintenance or construction and lasts for more than 30 days.

(3) On or before January 1 of each year, any state agency that restricted, closed, opened or reopened access to a public access site in the previous calendar year, **not including closures or restrictions lasting less than 24 hours**, shall submit a report to **the State Marine Board and the Legislative Assembly** that describes:

(a) The number and location of restrictions or closures to public access sites in the previous calendar year, including any restrictions or closures that were found to be exempt from public notice requirements under subsection (2)(b) of this section;

(b) The reasons for any restrictions or closures identified under paragraph (a) of this subsection;

(c) The number and location of public access sites that the agency opened in the previous calendar year;

(d) The number and location of public access sites that had been closed and that the agency reopened in the previous calendar year; and

(e) The number and location of public access sites where access had been restricted and where the agency restored access in the previous calendar year.

(4) The State Marine Board shall compile and make public information in the reports received under subsection (3) of this section, by means including a website with a map of the reported public access sites.

[(4)] **(5)** Nothing in this section shall be construed to affect the jurisdiction or responsibility of any state agency with respect to the operation of boats, hunting and fishing seasons, method of take or limits for hunting and fishing, water pollution or fire control, except that a state agency shall endeavor to perform the agency’s responsibilities in a manner that is consistent with the provisions of this section.

[(5)] **(6)** State agencies may adopt rules to carry out the provisions of this section.

[(6)] **(7)** This section may not be interpreted to:

(a) Restrict the federal navigational servitude; or

(b) Restrict or expand any rights a person has under existing common law.

SECTION 2. (1) The amendments to ORS 273.500 by section 1 of this 2021 Act become operative on January 1, 2022.

(2) The State Marine Board may take any action before January 1, 2022, necessary for the board to exercise, on and after January 1, 2022, the duties conferred on the board by the amendments to ORS 273.500 by section 1 of this 2021 Act, which must include at least one opportunity for affected agencies and the public to provide comments on the form of the reports and website required by the amendments to ORS 273.500 by section 1 of this 2021 Act.

SECTION 3. This 2021 Act takes effect on the 91st day after the date on which the 2021 regular session of the Eighty-first Legislative Assembly adjourns sine die.

Passed by House April 10, 2021

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate May 20, 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