Oregon Parks and Recreation Commission
February 20, 2020

Agenda Item: 3b Information
Topic: 2021 Legislative Concept
Presented by: Katie Gauthier, Government Relations and Policy Manager

Background:
Development of OPRD’s 2021 Legislative Concepts began with a request to all staff and many volunteer committees in Fall 2019 to solicit ideas for changes to statutes to improve agency outcomes for visitors or those we serve. Staff-submitted ideas were reviewed by managers with the Director’s Group providing strategic direction.

This process resulted in the following seven concepts to move forward as OPRD’s proactive legislation for the 2021 session.

- **ATV Class Sizes and Windshields.** Last session, Class IV ATVs were expanded to include wider and heavier ATVs but still only apples to vehicles with wheels that are 14 inches or less. Many new vehicles have 15 inch tires and would still be class II. This will confuse the public, law enforcement and vehicle dealers. Staff will work with proponents of prior changes to clarify and eliminate wheel size requirements in class IV definition. Stakeholder discussions will be around clarification of the four classes for long term needs. Additionally, current law requires all vehicles, except motorcycles, with a windshield to have windshield wipers. Side-by-sides don’t come equipped with wipers, but often have half windshields or plexiglass windshields that scratch if wipers are installed. Legislation would eliminate windshield requirement for half windshields or plexiglass windshields.
  - This concept was proposed by the ATV Advisory Committee.

- **ATV Safety Education Cards.** ATV Safety Education Cards are currently required for Class I (Four-wheelers) and Class III (motorcycle) operators for all ages and Class IV (side-by-side) operators under age 16. Currently Class II (Jeeps, Trucks, Sand-rails) and Class IV operators age 16 or over only need a state issued driver license to operate off-road. In the last 2 years about 30% of the accidents that law enforcement reported in our Law Enforcement Tracking System (LETS) were for class IV vehicles, but they only make up about 12% of ATVs in Oregon. The legislative concept proposal would be to add safety education cards for all Class IV ATV Operators.
  - This concept was proposed by the ATV Advisory Committee.
  - In 2019, OPRD proposed a similar concept that also included class II (jeeps) operators. The recommendation is to narrow the concept and focus on the highest risk category.
• **Historic Cemetery Expansion.** Currently to be considered historic a cemetery must be include burial of someone who died before Feb. 14, 1909. This limits their ability to apply for grants, vandalism and other protections and costs for maintenance. This legislative concept would change the date for historic cemetery to those that include burial of a person who died 75 years from the current date. This timeframe was selected to align with state archaeology laws.
  
  o This concept was proposed by the Oregon Commission on Historic Cemeteries.

• **Residential Historic Property Incentive Program.** The current historic preservation incentive program requires the user to possess money up front to qualify. This limits accessibility to the program to those property owners who have thousands of dollars ready to spend and can make it difficult for some to participate, especially residential owners in lower-income neighborhoods or rural areas. This legislative concept would create an incentive to address the contemporary preservation needs specifically for owners of owner-occupied properties listed in the National Register of Historic Places. Further research, refinement and stakeholder involvement will define recommendation for a revolving loan fund, income tax credit, surcharge/trust fund grants or special taxing district.

• **Special Assessment for Historic Properties.** The Special Assessment for Historic Properties Tax Assessment was extended until 2022. The program needs to be redesigned to better address current challenges for businesses, residential property owners and counties. Since this program requires a large amount of upfront cash to participate, users tend to be those who already have the means to maintain and improve their properties, particularly the residential owners. Counties are forced to support the deferment of taxes on these high-revenue properties, as lower-income owners go unassisted because they cannot meet the spending threshold to participate. This legislative concept would provide a new statute for the program and establish a new sunset date of 2031. The new law will address administrative complexities, reduce uncertainties for users, and better leverage the efforts of the most catalytic preservation projects.

• **Assault of OPRD Employees.** Some OPRD staff have job duties that include rule enforcement, issuing citations and exclusions. Unfortunately, OPRD staff have been subject to harassment or assault while performing their official duties. In Oregon, certain crimes add aggravating factors to the charge if it was committed against some professionals acting in their official capacity. Those crimes include: aggravated murder, assault in the 3rd degree, assaulting public safety officer and aggravated harassment. This legislative concept would add OPRD uniformed employees acting within the scope of their official duties to list of public officials for aggravating factors in certain crimes. Current officials listed include: OLCC regulatory specialists, public safety officer, EMS providers, fire service, parole and probation, police, DOC, OYA, flaggers, highway workers, public transit, taxi operators, judicial officers, juror, court of justice employee or officer.

• **Drone takeoff and landing rules.** Increased drone activity in state parks has led to recreational conflict, resource damage concern and confusion among drone operators about where flights are permissible. Due to a statute that prohibits local preemptions, legislative permission is needed in order to enter into rulemaking to address the takeoff and landing of drones on state park and ocean shore properties.

**Next Steps:**
Staff will continue to research, discuss with stakeholders and refine concepts. A full proposal will be brought to the Commission as an action item in April and then submitted to the Governor’s office.

Action Requested: Information only

Prepared by: Katie Gauthier

Attachments: None