

In the last two years, side-by-sides have continued to be the fastest growing class of ATV, however, changes in technology make some a class II vehicle. OPRD's ATV Advisory Committee recommends pursuing legislation that would expand safety education card requirements for all class IV drivers and drivers of class II vehicles that are not registered under ORS 803.420 or considered "street legal." This would ensure larger side-by-side and sand rail drivers have education on the safety concerns for this type of vehicle.

ATV Class IV Sizes and Windshields

This would be the same as SB 107 from 2021. In 2019, the definition of ATV side-by-sides was changed to allow for wider, heavier vehicles, but it did not accommodate all vehicles in the class due to tire size restrictions. This bill would move the definition for a Class IV ATV to an industry standard of vehicles with engine sizes of up to 1000 cc. There are a few new side-by-side vehicles with larger engines that would continue to be part of class II.

This concept would also eliminate current windshield wiper requirement for ATVs. Many side-by-sides have half windshields or plexiglass windshields and do not come equipped with windshield wipers. The proposed change would simply require windshields to remain free from obstruction. During discussions with legislators after the 2021 session, staff were encouraged to reintroduce both ATV concepts in a future session. This concept is also supported by the ATV Advisory Committee.

Assault of OPRD Employees

Under statute, specific OPRD employees are trained as enforcement rangers who as part of their official duties enforce park administrative rules and may issue citations, orders to leave, and exclusions from parks. Unfortunately, there have been recent instances where in the performance of their duties, park staff have been subject to harassment and assault. HB 2124, from 2021 would have added OPRD enforcement rangers acting within the scope of their official duties to list of public officials for third degree assault. Continued conversations with stakeholders and legislators will refine this concept with the goal of providing resources to improve OPRD staff safety.

Governance structure

This legislative concept would begin the transition of OPRD away from strategically-selected state statutes and rules required of all state agencies that do not meet the long-term business needs of the agency mission. While still a placeholder concept, the goal of the final concept will be to seek legislative approval for removing requirements in statute that restrict the agency from pursuing our vision to take the long view to protect Oregon's special places and provide the greatest experience while creating stable future funding.

Below is the beginning of our analysis of agency programs to find exceptions in statute or efficiencies in operations while continuing to serve the public and provide opportunities for our employees. Some programs or portions of a program may be better served by another agency or partner.

- Consider options for changes to statute to exempt entire agency in the following areas:
 - Human Resources (hiring, firing, benefits)
 - Retain participation in PERS
 - Evaluate OPRD specific labor coalitions to better meet the need of the staff and agency.
 - DOJ consultation.
 - Consider State Fair example to find a method to retain option to both hire our own and tap DOJ for special issues.

- Procurement/contracting.
- Budget and Accounting.
 - Review Treasury rules, especially for managing transactions.
 - Consider options for flexibility for agency (except for constitutional funds).
- Information Technology
 - Consider options for flexibility for the agency.
- SHPO and Heritage programs.
 - Consider changes in statutes that could improve efficiency in operations such as conference planning, grant deadlines and nominations. Continuing to be a part of OPRD provides efficiencies in administrative operations, political support and grant funding. Federal requirements would not change based on structure.
- Scenic waterways and ocean shores
 - Review regulatory role and change or broaden language to collaborate with, or transfer some responsibilities to, other agencies.
- Recreation grants
 - Consider potential efficiencies including combining heritage and community grants or transferring some grant programs out to or in from another entity.
- Statewide Trails
 - Staff recommend deferring a discussion on this topic to a later date. It will not be part of the initial concept.
- State Natural Areas Register
 - Consider if another agency could be a more appropriate manager of this program.
- ATV program
 - Continue our role in the program, with the caveat that the agency continues to not manage ATV riding areas. It is possible efficiencies could be gained with the addition of the snowmobile program management.

This placeholder concept will be refined by an agency staff workgroup based on a review of research on rules, statutes and policies over the next few months. The concept will begin transitioning the agency to a governance model that provides flexibility to strategically respond to operational needs while continuing to provide exceptional public service and opportunities for employees.

Commission Membership

As a result of the last census Oregon gained a sixth congressional district. ORS 390.114 specifies the State Parks and Recreation Commission will consist of seven members appointed by the Governor. It also specifies the commission will consist of one member will be from each congressional district, one from west of the Coast range and one east of the Cascades.

In order to resolve this inconsistency, staff recommend removing language specifying commissioners for each congressional district. Instead the requirement in statute would be for the Governor to appoint members taking into consideration geography, outdoor recreation and heritage interests, racial, ethnic, and gender diversity. The Commission would remain seven members.

Oregon Fish and Wildlife Commission has a similar statute with a seven-member commission and is also considering moving away from appointing members based on congressional districts.

Next Steps:

If approved, staff will submit legislative concept descriptions to DAS in April. Staff will then work with stakeholders, DAS, Legislative Counsel and the Governor's office to further develop, refine and draft concepts.

Prior Action by Commission: The Commission reviewed proposed legislative concepts as an information item in February 2022.

Action Requested: Approval to move forward with development of the four legislative concepts described above for possible introduction in the 2023 legislative session.

Attachments: none

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