

# Senate Bill 388

Sponsored by Senator BATES (Pre-session filed.)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires State Parks and Recreation Commission to designate segments of five waterways for use by public under certain pilot project management plans. Requires commission to adopt pilot project management plans for waterways. Requires State Parks and Recreation Director to report to Legislative Assembly.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to waterways; and declaring an emergency.

3       Whereas the waterways of Oregon are an integral part of the scenic beauty and the history of  
4 this state; and

5       Whereas many people use the waterways of Oregon for recreation and other activities; and

6       Whereas the waterways of Oregon should, to the greatest extent practicable, be enjoyed by all  
7 who live in and visit this state; and

8       Whereas the rights of owners of property adjacent to the waterways of Oregon should be re-  
9 spected by those who use these waterways; and

10       Whereas the designation of certain segments of waterways of Oregon for use by the public under  
11 a pilot project management plan developed by the State Parks and Recreation Commission will help  
12 ensure the best use of the waterways of Oregon; now, therefore,

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

14       **SECTION 1. After consultation with the Department of State Lands and the State De-**  
15 **partment of Fish and Wildlife, and after consideration of the use of waterways in this state**  
16 **by the public, the State Parks and Recreation Commission by rule shall designate one seg-**  
17 **ment for each of five waterways for use by the public pursuant to the pilot project manage-**  
18 **ment plans specified in section 3 of this 2013 Act. Following adoption of the pilot project**  
19 **management plans by the commission pursuant to section 3 of this 2013 Act, the segments**  
20 **of waterways designated by the commission under this section shall be available for use by**  
21 **the public pursuant to the pilot project management plans.**

22       **SECTION 2. The State Parks and Recreation Commission shall adopt the rules specified**  
23 **in section 1 of this 2013 Act not later than April 1, 2014.**

24       **SECTION 3. The State Parks and Recreation Commission by rule shall adopt a pilot**  
25 **project management plan for each of the segments designated in section 1 of this 2013 Act.**  
26 **The rules adopted under this section shall address matters related to the use of the**  
27 **waterways in this state by the public, including but not limited to:**

28       **(1) Educational initiatives to be carried out by the State Parks and Recreation Depart-**  
29 **ment to educate the public regarding use of the waterways.**

30       **(2) Educational initiatives to be carried out by the department to educate owners of**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.  
New sections are in **boldfaced** type.

1 property adjacent to the waterways regarding use of the waterways by the public.

2 **SECTION 4.** The State Parks and Recreation Commission shall adopt the rules specified  
3 in section 3 of this 2013 Act not later than April 1, 2015.

4 **SECTION 5.** Sections 1 and 3 of this 2013 Act do not apply to:

5 (1) Any treaty or right of any federally recognized Indian tribe.

6 (2) Land held in trust by the federal government for Indian tribes or individual members  
7 of Indian tribes.

8 (3) The rights of a person who owns property immediately adjacent to a waterway to  
9 engage in farming practices, as defined in ORS 30.930, on that property, except that the  
10 person may not erect a barrier.

11 **SECTION 6.** Not later than February 1, 2016, the State Parks and Recreation Director  
12 shall submit a report to the Seventy-eighth Legislative Assembly describing the activities of  
13 the State Parks and Recreation Commission and the State Parks and Recreation Depart-  
14 ment, as specified in sections 1 and 3 of this 2013 Act. The report also shall contain recom-  
15 mendations regarding whether segments of other waterways in this state should be  
16 designated for use by the public pursuant to pilot project management plans.

17 **SECTION 7.** This 2013 Act being necessary for the immediate preservation of the public  
18 peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect  
19 on its passage.

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