Enrolled
House Bill 2453

Introduced and printed pursuant to House Rule 12.00. Presession filed (at the request of Governor John A. Kitzhaber, M.D., for State Forestry Department)

CHAPTER .....

AN ACT

Relating to commercial events on state forestlands.

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

SECTION 1. As used in sections 1 to 7 of this 2015 Act:
(1) "Large commercial event":
(a) Means a gathering that:
(A) Has an organizer;
(B) Is held for the purpose of a shared or common activity or experience;
(C) Has more than 50 participating individuals or more than 15 motor vehicles of participating individuals present at any time; and
(D) Continues or is scheduled to continue for more than four consecutive hours.
(b) Does not mean:
(A) An outdoor mass gathering regulated under ORS 433.735 to 433.770; or
(B) A gathering held by arrangement with the State Forestry Department at a permanent facility or officially designated area that is designed and equipped for accommodating gatherings of that type and size.
(2) "Organizer":
(a) Means a person that organizes, holds or sponsors a gathering having the characteristics described in subsection (1)(a)(B) to (D) of this section and directly or indirectly accepts moneys or other items of value, whether or not resulting in a profit, from one or more persons participating or reasonably expected to participate in the gathering in exchange for:
(A) Admittance;
(B) Parking;
(C) The receipt of on-site goods or services;
(D) The reservation or rental of camping or commercial space;
(E) Rights to sell on-site goods or services; or
(F) On-site advertising rights.
(b) Does not mean:
(A) A person acting in a regular business relationship with, on behalf of or under contract with the department;
(B) A person that receives money only from a coapplicant for purposes of obtaining a permit under section 3 of this 2015 Act; or
(C) An individual receiving only hourly wages, commissions or tips for services personally provided by that individual.

SECTION 2. **The Legislative Assembly finds that:**

(1) State forestlands are especially vulnerable to the effects of uncontrolled gatherings of persons at large commercial events; and

(2) To avoid detriment to the best interest of the state it is necessary to protect the health of state forestlands, the viability of state forestlands as a public resource, the well-being of fish and wildlife and the health and safety of persons on state forestlands through the establishment of reasonable health and safety standards to mitigate the adverse effects of large commercial events held on state forestlands.

SECTION 3. **(1) An organizer may not organize, hold or sponsor a large commercial event on state forestland unless the organizer holds a large commercial event permit issued by the State Forestry Department.**

(2) A permit issued under this section does not entitle an organizer to make any permanent physical alterations to or on state forestland.

(3) The department may issue a permit to a person that demonstrates compliance with, or the ability and willingness to comply with, applicable health and safety standards governing large commercial events on state forestland. The application shall include all of the following:

(a) The name and address of the applicant.

(b) A description adequate to allow the department to accurately identify the location of the proposed event.

(c) The dates of the proposed event.

(d) Estimated total and peak attendance at the proposed event.

(e) Estimated total and peak demand for parking at the proposed event.

(f) The nature of the proposed event.

(g) Other information the department deems appropriate in order to ensure the identification of and compliance with applicable health and safety standards.

(4) The department may not issue a permit that authorizes a large commercial event to continue for more than 120 hours in any 90-day period.

(5) Subsection (3) of this section does not require the department to issue a large commercial event permit to a person that has a history of:

(a) Acting as an organizer for a gathering without obtaining a required large commercial event permit; or

(b) Violating, or recklessly allowing others to violate, the terms and conditions of a large commercial event permit issued to the person.

(6) The department, with the consent of the permit holder, may amend a large commercial event permit.

(7)(a) The department may charge a fee for reviewing and processing an application for a large commercial event permit. The fee may not exceed an amount reasonably calculated to reimburse the department for its reasonable and necessary costs in receiving, processing and reviewing applications for permits. An application fee is refundable only if the application is withdrawn prior to any review of the application by the department.

(b) The department may adopt rules establishing a fee schedule for large commercial event permits. The department may establish fees under the schedule in amounts that the department deems adequate to fund an effective monitoring and enforcement program for large commercial events.

(c) The fees established or authorized under this subsection are in addition to any other fees or charges authorized by law.

SECTION 4. **(1) The State Forestry Department may adopt rules establishing health and safety standards for large commercial events held on state forestlands. The department shall consult with the Oregon Health Authority and the Department of Environmental Quality prior to establishing health and safety standards under this section. The State Forestry Department shall design the standards to protect the health of state forestlands, the viability**

of state forestlands as a public resource, the well-being of fish and wildlife and the health and safety of persons on state forestlands. The standards may address matters that include, but need not be limited to:

(a) Alcohol consumption;

(b) Buffer zones between large commercial events and ecologically sensitive areas;

(c) Buffer zones between large commercial events and known cultural resources;

(d) Buffer zones between large commercial events and forest practices as defined in ORS 527.620;

(e) Crowd and traffic control;

(f) Fire and flammable material use;

(g) Insurance and bonding;

(h) Lighting;

(i) Noise levels and hours; and

(j) Sanitation.

(2) The department shall include applicable health and safety standards in the terms and conditions of any large commercial event permit issued under section 3 of this 2015 Act.

SECTION 5. The department may suspend or revoke a large commercial event permit if:

(1) An emergency, significant law enforcement problem, substantial threat to public safety or welfare or substantial threat to public property arises from, or is likely to affect, event activities; or

(2) The department discovers that a violation of permit terms and conditions has occurred.

SECTION 6. An organizer may not recklessly allow a person to violate the terms and conditions of a large commercial event permit held by the organizer. As used in this section, "recklessly" has the meaning given that term in ORS 161.085.

SECTION 7. An organizer commits a Class A misdemeanor if the organizer:

(1) Accepts money or other items of value in an exchange described under section 1 (2)(a) of this 2015 Act prior to the issuance of a large commercial event permit required under section 3 of this 2015 Act; or

(2) Recklessly allows the violation of a term or condition of a large commercial event permit issued to the organizer by the State Forestry Department.

Passed by House March 20, 2015

Repassed by House June 30, 2015

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate June 11, 2015

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Peter Courtney, President of Senate

Received by Governor:

.....M.,....., 2015

Approved:

.....M.,....., 2015

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2015

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Jeanne P. Atkins, Secretary of State