

House Bill 2453

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

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 organizer to obtain permit from State Forestry Department prior to conducting large commercial event on state forestlands. Creates exceptions. Authorizes department to adopt rules establishing health and safety standards for large commercial events held on state forestlands. Authorizes department to charge permit fees to cover cost of monitoring and enforcement at events. Allows refusal, suspension or revocation of permit under certain circumstances.

Makes event organizer violating permit requirement, or recklessly allowing violation of permit terms and conditions, subject to maximum penalty of one year's imprisonment, \$6,250 fine or twice amount gained by offense, or both imprisonment and assessment of fine or amount.

A BILL FOR AN ACT

1 Relating to commercial events on state forestlands.

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

3 **SECTION 1. As used in sections 1 to 7 of this 2015 Act:**

4 **(1) "Large commercial event":**

5 **(a) Means a gathering that:**

6 **(A) Has an organizer;**

7 **(B) Is held for the purpose of a shared or common activity or experience;**

8 **(C) Has more than 20 participating individuals or more than 15 motor vehicles of partic-**
9 **ipating individuals present at any time; and**

10 **(D) Continues or is scheduled to continue for more than 24 hours in any 72-hour period**
11 **or for more than three consecutive hours.**

12 **(b) Does not mean:**

13 **(A) An outdoor mass gathering regulated under ORS 433.735 to 433.770; or**

14 **(B) A gathering held by arrangement with the State Forestry Department at a perma-**
15 **nent facility or officially designated area that is designed and equipped for accommodating**
16 **gatherings of that type and size.**

17 **(2) "Organizer":**

18 **(a) Means a person that organizes, holds or sponsors a gathering having the character-**
19 **istics described in subsection (1)(a)(B) to (D) of this section and directly or indirectly accepts**
20 **moneys or other items of value, whether or not resulting in a profit, from one or more per-**
21 **sons participating or reasonably expected to participate in the gathering in exchange for:**

22 **(A) Admittance;**

23 **(B) Parking;**

24 **(C) The receipt of on-site goods or services;**

25 **(D) The reservation or rental of camping or commercial space;**

26 **(E) Rights to sell on-site goods or services; or**
27

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 (F) On-site advertising rights.

2 (b) Does not mean:

3 (A) A person acting in a regular business relationship with, on behalf of or under con-
4 tract with the department;

5 (B) A person that receives money only from a coapplicant for purposes of obtaining a
6 permit under section 3 of this 2015 Act; or

7 (C) An individual receiving only hourly wages, commissions or tips for services personally
8 provided by that individual.

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

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

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

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

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

22 (3) The department may issue a permit to a person that demonstrates compliance with,
23 or the ability and willingness to comply with, applicable health and safety standards govern-
24 ing large commercial events on state forestland. The application shall include all of the fol-
25 lowing:

26 (a) The name and address of the applicant.

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

29 (c) The dates of the proposed event.

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

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

32 (f) The nature of the proposed event.

33 (g) Other information the department deems appropriate in order to ensure the identifi-
34 cation of and compliance with applicable health and safety standards.

35 (4) Subsection (3) of this section does not require the department to issue a large com-
36 mercial event permit to a person that has a history of:

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

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

41 (5) The department, with the consent of the permit holder, may amend a large commer-
42 cial event permit.

43 (6)(a) The department may charge a fee for reviewing and processing an application for
44 a large commercial event permit. The fee may not exceed an amount reasonably calculated
45 to reimburse the department for its reasonable and necessary costs in receiving, processing

1 and reviewing applications for permits. An application fee is refundable only if the application
 2 is withdrawn prior to any review of the application by the department.

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

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

9 **SECTION 4.** (1) The State Forestry Department may adopt rules establishing health and
 10 safety standards for large commercial events held on state forestlands. The department shall
 11 consult with the Oregon Health Authority and the Department of Environmental Quality
 12 prior to establishing health and safety standards under this section. The State Forestry De-
 13 partment shall design the standards to protect the health of state forestlands, the viability
 14 of state forestlands as a public resource, the well-being of fish and wildlife and the health
 15 and safety of persons on state forestlands. The standards may address matters that include,
 16 but need not be limited to:

- 17 (a) Alcohol consumption;
- 18 (b) Buffer zones between large commercial events and ecologically sensitive areas;
- 19 (c) Crowd and traffic control;
- 20 (d) Fire and flammable material use;
- 21 (e) Insurance and bonding;
- 22 (f) Lighting;
- 23 (g) Noise levels and hours; and
- 24 (h) Sanitation.

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

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

- 28 (1) An emergency, significant law enforcement problem, substantial threat to public
 29 safety or welfare or substantial threat to public property arises from, or is likely to affect,
 30 event activities; or
- 31 (2) The department discovers that a violation of permit terms and conditions has oc-
 32 curred.

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

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

- 37 (1) Accepts money or other items of value in an exchange described under section 1 (2)(a)
 38 of this 2015 Act prior to the issuance of a large commercial event permit required under
 39 section 3 of this 2015 Act; or
- 40 (2) Recklessly allows the violation of a term or condition of a large commercial event
 41 permit issued to the organizer by the State Forestry Department.