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BEV CLARNO
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INTERIM DEPUTY SECRETARY OF STATE



ARCHIVES DIVISION

STEPHANIE CLARK
DIRECTOR

800 SUMMER STREET NE
SALEM, OR 97310
503-373-0701

NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 736
PARKS AND RECREATION DEPARTMENT

FILED

11/19/2020 4:25 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Reservation rule flexibility

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 01/15/2021 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

CONTACT: Katie Gauthier
503-510-9678
katie.gauthier@oregon.gov

725 Summer St. NE
Salem, OR 97303, OR 97301

Filed By:
Katie Gauthier
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 01/07/2021

TIME: 6:00 PM

OFFICER: Katie Gauthier

ADDRESS: Online meeting

online- registration required

SALEM, OR 97303

SPECIAL INSTRUCTIONS:

Registration information will be posted
on OPRD rulemaking website prior to
hearing.

NEED FOR THE RULE(S):

The experience closing parks and cancelling reservations since March 2020 exposed a need for increased flexibility in reservation rules to enable the agency to more nimbly respond to changing conditions.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

<https://stateparks.oregon.gov/index.cfm?do=reserve.make>

FISCAL AND ECONOMIC IMPACT:

Closing parks and cancelling reservations since March 2020 has had a significant fiscal impact for OPRD. Increased flexibility in reservation rules will enable the agency to more nimbly respond to changing conditions. The specificity in the current rules do not allow for flexibility to adapt to changing social conditions or utilize improvements in processes available in the online reservation system.

The proposed rules would establish a range for transaction fees charged for making, changing or cancelling a reservation. Specific fees would be established by the Director and posted on the OPRD website for at least 30 days prior to any fees being changed. The intent of this fee change is to more closely align transaction fees with the costs to the agency.

Changes to the reservation window would also provide flexibility to address changing fiscal needs. This change would enable same day reservations through 18 months, but not all sites would be open the entire window and neither the maximum nor the minimum ends of the range will necessarily be made available by the Director at any given time. This change would allow the agency to set a range for reservation policies to provide flexibility, rather than dictate a single reservation window.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

The department anticipates this rule will have a minimal impact on state agencies and units of local government. Small businesses that run private campgrounds may be impacted, through market pressures, by reservation fee changes at OPRD campgrounds. Small businesses that choose to rent OPRD facilities would be subject to the transaction fees. There are no reporting, record keeping or other administrative activities required of small businesses. There is no equipment, supplies, labor, record keeping or additional administrative costs for small businesses.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Small business owners are among the interested parties on the OPRD rulemaking list and encouraged to participate during the public comment process during the rulemaking.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

OPRD staff developed proposed rules, reviewed by the Oregon Parks and Recreation Commission for this administrative change.

AMEND: 736-015-0015

RULE SUMMARY: Changes the reservation window, creates a flexible fee range for transaction fees and change notification requirements for individuals reserving multiple sites.

CHANGES TO RULE:

736-015-0015

Reservations ¶¶

(1) Purpose: Based on the department's goal to promote outdoor recreation in Oregon, the department established a reservation program to increase use of park areas and facilities. The director may designate specific park facilities to offer for reservation ~~through a centralized call center and through the Internet.~~ ¶¶

(2) General Regulations: ¶¶

(a) Reservations will be accepted and processed for designated park facilities through the Oregon State Parks Reservation Center and the Internet. ¶¶

(b) A person may make a reservation a ~~minimum of one day and a maximum of nine~~ nineteen months prior to the

arrival date.¶¶

(c) A person must be 18 years of age or older to make an overnight reservation.¶¶

(d) A person who qualifies under the Americans with Disabilities Act (ADA) may reserve accessible campsites.¶¶

(e) A person may not make reservations for multiple park areas for the same date range.¶¶

(f) A person reserving a boat slip (where available) must also reserve another facility at the same park area.¶¶

(g) Reservations and registrations for horse camping sites shall be made only for people camping with their horses or similar large animals unless otherwise specified by the park manager.¶¶

(h) Only the person whose name appears on the original reservation, their designee (as documented in the reservation records) or the primary occupant may change or cancel an existing reservation or access information associated with a reservation.¶¶

(A) A person reserving a site for another individual or group must provide the contact information of an individual occupying the site to the park manager or designee at least 72 hours prior to the start of the reservation or the reservation may be cancelled.¶¶

(B) Individuals reserving the site are responsible for all activities of users of the site under OAR 736-010-0050(11).¶¶

(i) Customer information may be made available upon written request in compliance with ORS chapter 192 and department policy.¶¶

(j) Specific information regarding a confirmed reservation will not be released to the public as provided in ORS ~~192.501345~~ and ~~192.502355~~.¶¶

(3) Transaction Fees and Deposits:¶¶

(a) The department will charge an \$80-15 non-refundable transaction fee for each reservation ~~made through the centralized call center or the Internet~~. Exact fee amounts will be detailed on the department's website which is available seven days a week, 24 hours a day. Fees will vary based on costs incurred by the department for reservation services. Changes in fees authorized by the director will be posted on the website a minimum of 30 days prior to the effective date.¶¶

(b) Reservations require a facility deposit equal to the full amount charged for use of the facility during the reservation period.¶¶

(c) All fees are due at the time the person makes the reservation.¶¶

(4) Payment Methods:¶¶

(a) A person may use a valid credit card (VISA or MasterCard) or bank debit card with a VISA or MasterCard logo; n acceptable payment method. The department will post acceptable payment methods on the Oregon State Parks website. ¶¶

(b) A person may pay for reservations made through the Oregon State Parks Reservation Center by department issued gift certificates if the person's arrival date is ten or more days from the time the reservation is made. ~~This form of payment is not accepted for reservations made on the Internet.~~¶¶

(c) The department must receive payment within five calendar days of the date the person makes the reservation. If payment is not received within this time frame, the department will cancel the reservation. The person remains responsible for the ~~\$8~~ transaction fee for each reservation request.¶¶

(d) If a banking institution returns a check to the department for any reason or if a credit or debit card is declined, the department will attempt to contact the person. Inability to resolve the payment dispute will result in a reservation cancellation. The person will remain responsible for the ~~\$8~~ transaction fee for each reservation.¶¶

(e) Government agencies and non-profit entities may request to be invoiced for services. Reservations should be made at least 30 days prior to arrival. The department must receive payment within 25 days of the date the reservation is made. If payment is not received within this time frame, the department will cancel the reservation. The government agency or non-profit entity remains responsible for the ~~\$8~~ transaction fee for each reservation request.¶¶

(f) A person must pay all outstanding account balances prior to making future reservations.¶¶

~~(5) Reservation Cancellations: or camping overnight in a park area.¶¶~~

~~(ag) A person may cancel their reservation prior to the day of arrival by using the internet or by calling the Oregon~~

State Parks Reservation Center excluded from a park area may have reservations cancelled and may not make additional reservations during their exclusion period.¶

(5) Reservation Cancellations:¶

(a) A person may cancel their reservation prior to the day of arrival.¶

(b) The department will post detailed instructions for cancelling a reservation on the department's web site which is available seven days a week, 24 hours a day.¶

(c) To cancel a reservation on the day of arrival a person may contact the specific park where their reservation is held.¶

(d) In order to receive a refund of all use fees, a person must cancel the reservation for individual campsites, deluxe and rustic cabins, deluxe and rustic yurts, horse camps, tepees, and boat moorages three or more days prior to the arrival date. If the cancellation is received less than three days in advance of the arrival date, a fee equal to one overnight rental fee for the facility will be forfeited.¶

(e) In order to receive a refund of all use fees for group camps, day use areas, meeting halls, lodges, Silver Falls Youth Camp, Shore Acres Garden House, Pavilions, RV Group Areas and other facilities as designated by the department, a person must cancel the reservation at least one month prior to arrival. If the cancellation request is received less than 30 days in advance of the arrival date, a fee equal to one night's or one day's rental for the facility will be forfeited.¶

(f) A person may not cancel reservations more than eight months in advance of the arrival date.¶

(6) Reservation Changes:¶

(a) The department will charge an \$80-15 non-refundable transaction fee for each reservation change. Exact fee amounts will be detailed on the department's website which is available seven days a week, 24 hours a day. Fees will vary based on costs incurred by the department for reservation services. Changes in fees authorized by the director will be posted on the website a minimum of 30 days prior to the effective date.¶

(b) A person may request to change a confirmed reservation by calling the Oregon State Parks Reservation Center.¶

(c) A person may not make any date changes to reservations more than eight months in advance of the arrival date.¶

(d) Reservations made for six or more consecutive nights that are later shortened will be charged the nightly rate for each night removed in addition to an \$8 transaction fee for the change. This rule applies to shortening nights at the beginning of a reservation, not at the end of a reservation.¶

(e) A person must request a reservation change for campsites, deluxe and rustic cabins, deluxe and rustic yurts, tepees, and boat moorages three or more days in advance of the arrival date. Changes are not permitted within three days of the arrival date.¶

(f) A person requesting a reservation change for group camps, day use areas, meeting halls, lodges, Silver Falls Youth Camp, Shore Acres Garden House, Pavilions, RV Group Areas, and other facilities as designated by the department must request the change at least 30 days prior to arrival date. Changes are not permitted within 30 days of the arrival date.¶

(7) Claiming Reservations¶

(a) Customers with confirmed reservations must arrive before 1:00 p.m. the day following the first scheduled day of their reservation.¶

(b) The reserved site must remain occupied each night during the entire length of stay.¶

(c) In emergency situations, customers may request park manager approval for late arrivals not to exceed 6:00 p.m. of the second day of the reservation. Site fees for the first night will be charged regardless of the arrival time.¶

(d) Customers, including those that have pre-registered, who do not check in at the park or notify park staff that they will be delayed prior to 1:00 p.m. of the second day of the reservation will be considered a "no show" and the entire reservation will be cancelled. The first night fee and any transaction fees previously collected for the reservation will be retained. Any remaining nightly fees paid to confirm the reservation will be refunded.¶

(8) Reservations to Accommodate Organized Groups:¶

- (a) General: To accommodate group use when 20 or more sites are booked by the same group in campgrounds designed primarily for individual camping, the following rules apply.¶¶
- (b) The department will require full payment for all sites at the time the reservation is made and charge a non-refundable reservation fee of \$8 for each site. An \$8 non-refundable transaction fee will be charged for any date or site change made to a reservation included in the group.¶¶
- (c) A group is considered any reservation of at least 20 individual overnight campsites made in one person's name through the Oregon State Parks Reservation Center or on the Internet.¶¶
- (d) Group reservations may reserve a meeting hall (where available) for one day's free use when the minimum number of sites are reserved and used. The person may reserve the meeting hall for additional days at the normal rental rate.¶¶
- (e) Facilities such as lodges, Silver Falls Youth Camp and other special facilities as designated by the department are not included in the group camping program benefit.¶¶
- (f) To promote the safety and enjoyment of all park users, the department may contact the reservation holder of any group reservation and ask for individual camper information prior to arrival. In such cases, the department will provide ample notice and request that information be received no sooner than two months and no later than one week before the group's arrival.¶¶
- (g) When only a portion of a specific type of facility in a park is designated as ADA compliant, the department will hold the facility designated as ADA compliant for use by individuals with disabilities until all other facilities of that type have been reserved and the accessible facility is the only remaining facility of that type available in the park.
- Statutory/Other Authority: ORS 390.124
- Statutes/Other Implemented: ORS 390.111, 390.121, 390.124