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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 736
PARKS AND RECREATION DEPARTMENT

FILED
06/17/2019 2:07 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: OPRD no longer has statutory authority for rules regarding State Fair and Exposition Center operations.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 07/31/2019 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.

A public rulemaking hearing may be requested in writing by 10 or more people, or by a group with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the Oregon Bulletin or 28 days from the date the Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.

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NEED FOR THE RULE(S):

Oregon Parks and Recreation Department (OPRD) operated the Oregon State Fair and Exposition Center from 2005 to 2014.

During the 2013 legislative session, operation of the State Fair was transferred to a public corporation. OPRD no longer has an administrative role in operation of the State Fair; however, administrative rules guiding fair operations were not repealed at the time.

OPRD is proposed to repeal all Division 201 rules relating to the operation of the Oregon State Fair and Exposition Center to match the statutory change that occurred when the State Fair transferred out of the department.

Repeal of these rules will have no impact on the Oregon State Fair Council, the public corporation that now operates the State Fair and Exposition Center. OPRD's administrative rules around fair operations cannot be utilized by the current operators who have developed their own process for fair operations. Repeal of division 201 rules will not change current state fair operations.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

ORS 565.451 to ORS 565.575

FISCAL AND ECONOMIC IMPACT:

Repeal of OAR 736-201-0000 to 736-201-0180 will have no fiscal and economic impact. OPRD no longer has statutory authority regarding these rules, but they were not repealed at the time the statute was changed. Repealing division 201 rules will ease any confusion regarding OPRD's role in state fair operations.

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).

(1) No state agencies, local governments or members of the public will be economically affected by repeal of these rules. Without statutory backing, the rules were not being utilized. (2)(a) There are numerous small businesses that work with the State Fair Council and have been working under the new system for the last four years. Repeal of OPRD's division 201 rules will have no impact on the process they are currently following. (b) There are no reporting, record keeping, administrative activities or costs associated with repeal of OPRD's division 201 rules. (c) There will be no estimated cost for professional services, equipment supplies, labor or administration to comply with repeal of division 201 rules.

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

OPRD contacted the Oregon State Fair Council to ensure repeal of division 201 rules would not cause an adverse impact on state fair clients, visitors or stakeholders. They do not and cannot utilize OPRD's division 201 rules and the State Fair Council has developed their own processes for fair operations. Repeal of OPRD's division 201 rules will have no impact on current Oregon State Fair operations.

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

Repeal of OAR 736-201-0000 to 736-201-0180 is an administrative procedure that will have no impact on current operations of the State Fair or its stakeholders, visitors or vendors.

RULES PROPOSED:

736-201-0000, 736-201-0005, 736-201-0010, 736-201-0015, 736-201-0020, 736-201-0025, 736-201-0030, 736-201-0035, 736-201-0040, 736-201-0042, 736-201-0045, 736-201-0050, 736-201-0055, 736-201-0060, 736-201-0065, 736-201-0070, 736-201-0075, 736-201-0080, 736-201-0085, 736-201-0090, 736-201-0095, 736-201-0100, 736-201-0105, 736-201-0110, 736-201-0115, 736-201-0120, 736-201-0125, 736-201-0130, 736-201-0135, 736-201-0140, 736-201-0145, 736-201-0150, 736-201-0155, 736-201-0160, 736-201-0165, 736-201-0170, 736-201-0175, 736-201-0180

REPEAL: 736-201-0000

RULE SUMMARY: Oregon Parks and Recreation Department no longer has statutory authority for rules regarding State Fair and Exposition Center operations

CHANGES TO RULE:

~~736-201-0000~~

~~Notice of Proposed Rule~~

~~Prior to the adoption, amendment, or repeal of any permanent rule relating to the Oregon State Fairgrounds Park District (OSFPD), the Oregon Parks and Recreation Commission shall give notice of the intended action:~~

~~(1) In the Secretary of States Bulletin referred to in ORS 183.360 at least 21 days before the effective date of the rule;~~

~~(2) By mailing a copy of the notice to persons on the Oregon Parks and Recreation Commission's mailing list~~

~~established pursuant to ORS 183.335 at least 28 days before the effective date of the rule; and~~

~~(3) By mailing or furnishing a copy of the notice to:~~

~~(a) The Associated Press;~~

~~(b) Associated Oregon Industries;~~

~~(c) Associated General Contractors;~~

~~(d) OSFD interested parties list;~~

~~(4) By mailing a copy of the Notice to the legislators specified in ORS 183.335(15) at least 49 days before the effective date of the rule.~~

~~Statutory/Other Authority: ORS 565.060~~

~~Statutes/Other Implemented: ORS 565~~

REPEAL: 736-201-0005

RULE SUMMARY: Oregon Parks and Recreation Department no longer has statutory authority for rules regarding State Fair and Exposition Center operations

CHANGES TO RULE:

~~736-201-0005~~

~~Definitions~~

- ~~(1) "Agent" is an individual volunteer, community service group or paid contractor officially representing OSFD or OPRD and only when performing an official duty assigned by OPRD in writing.¶¶~~
- ~~(2) "Assistant Director, with responsibility for OSFD" is the person in charge of the daily business and management of OSFD and appointed by the Director.¶¶~~
- ~~(3) "Destructive Device" means:¶¶~~
 - ~~(a) A projectile containing an explosive or incendiary material or any other chemical substance;¶¶~~
 - ~~(b) Ammunition, ammunition components including, but not limited to, smokeless powder, black powder, primers and percussion caps;¶¶~~
 - ~~(c) A bomb, grenade, missile, or similar device or any launching device therefore; or¶¶~~
 - ~~(d) Any weapon of mass destruction including any device capable of producing injury, death or property damage by way of release or discharge of chemical or biological agents, disease or radiation.¶¶~~
- ~~(4) "Director" means the Director of the Oregon Parks and Recreation Department.¶¶~~
- ~~(5) "Entry Fee" is the fee that participants pay to participate in certain Fair Department activities and competitions.¶¶~~
- ~~(6) "Event" is an activity, meeting, attraction or other occurrence on the OSFD with specific opening and closing dates and specific operating hours.¶¶~~
- ~~(7) "Exhibit Area" is an area or zone on the OSFD that is characterized by the type of exhibitors occupying paid exhibit space. Such exhibit areas include but are not limited to commercial exhibit areas, non-profit areas, and other commercial-style attractions.¶¶~~
- ~~(8) "Exhibitor" is a person occupying paid exhibit space during the State Fair or during other OSFD-organized and administered events.¶¶~~
- ~~(9) "Fair Department(s)" are various sections of State Fair activity that are divided by subject area. OSFD may add or delete Departments as necessary to reflect the interests of its participants.¶¶~~
- ~~(10) "Firearm" means a weapon, by whatever name known, which is designed to expel a projectile by the action of powder and which is readily capable of use as a weapon.¶¶~~
- ~~(11) "Handbook" is the annual publication which lists the rules, procedures, conditions, provisions, information, and fees for participation in certain State Fair department activities and competitions as well as the awards offered.¶¶~~
- ~~(12) "Licensee" is a person that has entered into a written agreement with the OPRD for the use of buildings, facilities, services or equipment for the purpose of conducting business or other transactions.¶¶~~
- ~~(13) "Non-profit" is an organization that is recognized by the Internal Revenue Service under Internal Revenue Code Section 501(c)(3).¶¶~~
- ~~(14) "Paid Exhibit Space," is a certain location on the OSFPD, during each State Fair or during other OSFD-organized and administered events, that OSFD assigns to an exhibitor for the purpose of contacting patrons through, but not limited to, sales, displays of goods and services, advertising, solicitations, canvassing, or the dissemination of information. The exhibitor must pay a fee to OPRD for the space and agree to abide by the procedures, information, conditions, and provisions described in this division.¶¶~~
- ~~(15) "Patron" is an individual attending an OSFD-organized and administered event who is not an agent, OPRD staff, exhibitor, permittee, licensee, sponsor or registrant.¶¶~~
- ~~(16) "Permittee" is a person that has entered into a written agreement with the OPRD for use of buildings, facilities, services or equipment for a period of time for the purpose of conducting a public or private event, including but not limited to an exposition, meeting, conference, tradeshow, or concert.¶¶~~

(17) "Person" includes an individual, corporation, association, group, firm, partnership, limited liability company, joint stock company, and any governmental entity.¶¶

(18) "OPRD" is an acronym for Oregon Parks and Recreation Department.¶¶

(19) "OSFD" is an acronym for Oregon State Fair Division, division of OPRD.¶¶

(20) "OSFPD" is an acronym for the Oregon State Fairgrounds Park District, which includes but is not limited to the parking lots, campground, traffic lanes, and undeveloped areas outside of the admission gates; and the auditoriums, buildings, arenas, and undeveloped areas inside the admission gates at the Oregon State Fairgrounds.¶¶

(21) "Registrant" is a person that has notified the OSFD using a form provided by OSFD that a lead individual and up to nine other individuals will solicit, canvass, or otherwise contact patrons on the OSFPD outside of the admission gates during the State Fair or other event organized and administered by the OSFD.¶¶

(22) "Schedule of Rates and Fees" are the published fees and charges for facilities, buildings, services, or equipment or for operating a business on the OSFPD that covers a period of time that is also listed in the schedule of rates and fees.¶¶

(23) "Sponsor" is a person that has entered a written sponsorship agreement with OPRD that is described in ORS 565.080(4).¶¶

(24) "Weapon" includes, but is not limited to, any firearm; any destructive device; any dirk or dagger; any knife with a blade of three inches or more in length, and any snap-blade or spring-blade knife, regardless of the length of the blade; any ice pick or similar sharp stabbing tool; any straight-edge razor or any razor blade fitted to a handle; any device by whatever name known, which is designed to expel a projectile by the action of compressed air, gas, compressed spring or by any chemical action; any dangerous or deadly weapon within the meaning of any law of this state restricting the use thereof; any cutting, stabbing or bludgeoning weapon or any other device capable of inflicting grievous bodily harm.

Statutory/Other Authority: ORS 565.060

Statutes/Other Implemented: ORS 565

REPEAL: 736-201-0010

RULE SUMMARY: Oregon Parks and Recreation Department no longer has statutory authority for rules regarding State Fair and Exposition Center operations

CHANGES TO RULE:

~~736-201-0010~~

~~Entry Fees~~

~~Entry Fees for participation in some Fair Department activities and competitions may be established in the Handbook for each particular Fair Department.~~

~~[Publications: Publications referenced are available from the agency.]~~

~~Statutory/Other Authority: ORS 565.060~~

~~Statutes/Other Implemented: ORS 565~~

REPEAL: 736-201-0015

RULE SUMMARY: Oregon Parks and Recreation Department no longer has statutory authority for rules regarding State Fair and Exposition Center operations

CHANGES TO RULE:

~~736-201-0015~~

~~Facilities Available for Rent~~

~~(1) Certain facilities located on the OSFPD grounds are available for lease by Permittee(s) or Licensee throughout the calendar year, other than during the days of the annual State Fair. Permittee(s) and Licensees also have the option of renting accessory equipment owned and maintained by OSFD to augment an Event, program or attraction at these facilities.¶¶~~

~~(2) Fees and charges for facilities, buildings, services and equipment rental shall be according to OSFD current Schedule of Rates and Fees.¶¶~~

~~(3) Director or the Director's designee may waive, vary or increase, in whole or in part, the established rates and fees when it is determined that:¶¶~~

~~(a) Marketing opportunities exist to encourage use and increase revenues;¶¶~~

~~(b) Time frame for use varies from that specified on Schedule of Rates and Fees; or¶¶~~

~~(c) Rate change would attract business when otherwise there would be none.¶¶~~

~~(4) OSFD reserves the right to add a surcharge for facilities, buildings, services, and equipment rental for unusual and unexpected direct costs related to cleaning and repair of facilities, buildings or equipment.¶¶~~

~~(5) Rates and fees published in the Schedule of Rates and Fees cover most ordinary situations involving use of buildings, facilities, services, and equipment. Director, or the Director's designee, shall have authority to establish rates and fees at any time for buildings, facilities, services, activities and equipment that are not specifically listed in the Schedule of Rates and Fees.¶¶~~

~~(6) Director shall have authority to establish rates and fee categories for various segments of industry and business such as, but not limited to non-profit, volunteer and community organizations, school and governmental agencies, youth groups and youth organizations for the use of buildings, facilities, services and equipment.¶¶~~

~~(7) Director may establish written procedures for any regular and returning Permittee or Licensee and shall have authority to enter into on-going rental and lease agreements at any time to attract or increase business.¶¶~~

~~[Publications: Publications referenced are available from the agency.]~~

~~Statutory/Other Authority: ORS 565.060~~

~~Statutes/Other Implemented: ORS 565~~

REPEAL: 736-201-0020

RULE SUMMARY: Oregon Parks and Recreation Department no longer has statutory authority for rules regarding State Fair and Exposition Center operations

CHANGES TO RULE:

~~736-201-0020~~

~~Food Concessions~~

~~(1) All food and beverage concession items provided for sale to the public will be sold by OSFD's food contractor(s). Food contractor(s) does not charge Permittee(s) for this service, nor does Permittee(s) receive revenue from food and beverage sales.¶¶~~

~~(2) Permittees who rent facilities, buildings or locations on property for Events that are food oriented may request in writing an exemption to provide alternative food and beverage for sale but may pay a concession fee according to the Schedule of Rates and Fees for such privilege. Permittee(s) requesting an exemption shall be required to put such proposal in writing. The Director or the Director's designee shall evaluate the written exemption request. The evaluation of food Events shall be based on whether or not food is an integral part of the Event, type of food proposed or by means in which food is prepared and OSFD's food contractor's ability to provide same service.¶¶~~

~~(3) The Director has discretion to grant an exemption to any Event to provide food and beverage sales.¶¶~~

~~[Publications: Publications referenced are available from the agency.]~~

~~Statutory/Other Authority: ORS 565.060~~

~~Statutes/Other Implemented: ORS 565~~

REPEAL: 736-201-0025

RULE SUMMARY: Oregon Parks and Recreation Department no longer has statutory authority for rules regarding State Fair and Exposition Center operations

CHANGES TO RULE:

~~736-201-0025~~

~~Catered Events~~

~~(1) Permittees must use the food and alcohol caterer designated and licensed by OSFD. Permittees are responsible for all charges for labor and equipment specifically required for a catered Event at established rates.~~

~~(2) Director or the Director's designee may grant an exemption to any Permittee for an Event to provide food and beverage catering.~~

~~Statutory/Other Authority: ORS 565.060~~

~~Statutes/Other Implemented: ORS 565~~

REPEAL: 736-201-0030

RULE SUMMARY: Oregon Parks and Recreation Department no longer has statutory authority for rules regarding State Fair and Exposition Center operations

CHANGES TO RULE:

~~736-201-0030~~

~~Licenses to do Business~~

~~(1) The Director or the Director's designee is authorized to issue one or more licenses that permit the license holder to conduct any business therein named upon the OSFD.¶~~

~~(2) Issuance of licenses shall be in accordance with the rules concerning procurement of such services at OSFD, to the extent those procedures are practicable. The funds arising from issuing licenses shall become a part of the Oregon State Fair Account.~~

~~Statutory/Other Authority: ORS 565.060 [Amended by 1977 c.55 ¶18; 2005 c.777 ¶25]~~

~~Statutes/Other Implemented: ORS 565~~

REPEAL: 736-201-0035

RULE SUMMARY: Oregon Parks and Recreation Department no longer has statutory authority for rules regarding State Fair and Exposition Center operations

CHANGES TO RULE:

~~736-201-0035~~

~~Businesses that may be licensed, Other licenses Required~~

~~(1) The Director or the Director's designee may license any lawful business to be conducted at OSFPD, including the sale of malt, vinous or distilled liquor.¶~~

~~(2) The Director or the Director's designee shall establish permitting procedures consistent with ORS 565.130 and shall make these available upon request by interested businesses to be licensed at the OSFPD.¶~~

~~(3) Any business so licensed by the Director or the Director's designee is not required to pay license to any city, county or state, other than to the OSFD for conducting a business upon the grounds of the Oregon State Fair.~~

~~Statutory/Other Authority: ORS 565.060~~

~~Statutes/Other Implemented: ORS 565~~

REPEAL: 736-201-0040

RULE SUMMARY: Oregon Parks and Recreation Department no longer has statutory authority for rules regarding State Fair and Exposition Center operations

CHANGES TO RULE:

~~736-201-0040~~

~~Advertising, Canvassing, Soliciting, and Disseminating of Written Materials Outside Admission Gates~~

- ~~(1) A person may not advertise, canvass solicit, or disseminate written materials in any location outside of the admission gates of the OSFPD, except as provided by this rule.¶¶~~
- ~~(2) During and for three days before and two days after the State Fair or any other event organized and administered by the OSFD, only a registrant may advertise, canvass or solicit, or disseminate written materials outside OSFPD's admission gates.¶¶~~
 - ~~(a) An individual may register by submitting a registration form prepared by OSFD. The individual must submit the form to the OSFD at least 24 hours before beginning any advertisement, canvassing or soliciting, or dissemination of written materials.¶¶~~
 - ~~(b) If the form is submitted on behalf of a person that is not an individual, the registration form shall identify a lead individual and may identify up to nine other individuals who will participate in advertising, canvassing, soliciting or disseminating of information.¶¶~~
 - ~~(A) For registration purposes, only the lead individual is considered registered and approved by OSFD.¶¶~~
 - ~~(B) All other members identified will become registered and approved once they are properly briefed by an authorized OSFD person on the rules for advertising, canvassing, soliciting and disseminating information, and on the expectations regarding behaving in a manner that will ensure the safety, well-being and enjoyment of all people, working, participating or attending OSFD events.¶¶~~
 - ~~(C) Registration for non-lead individuals can occur before or on the day they are scheduled to engage in advertising, canvassing, soliciting and disseminating information.¶¶~~
 - ~~(c) All registrants must remain at least 20 feet from any admission or exit gate, any line forming at an admission gate, and any tram or other form of public transportation that is loading or unloading passengers. An agent or OPRD staff may require any registrant to move or maintain a reasonable distance from other registrants if the agent or OPRD staff has a reasonable belief that there may be conflict among or between various registrants or that the registrant is blocking the free movement or endangering the safety of a patron, permittee, licensee, sponsor, exhibitor or anyone providing emergency services.¶¶~~
 - ~~(d) Each lead registrant may set up one table. The table top must be no longer than six feet. A registrant shall be present at the table at all times. The table may be set up no more than 30 minutes before the State Fair or other event opens for the day and must be removed no later than 30 minutes after the State Fair or other event closes for the night.¶¶~~
 - ~~(e) A registrant may not use a sound device, including but not limited to a bullhorn or other sound amplifying device that creates sufficient volume to be heard more than 20 feet from the registrant.¶¶~~
 - ~~(f) A registrant may not use, in any manner, fighting words or obscenities. In addition, all registrants must comply with the provisions of OAR 736-201-0070.¶¶~~
 - ~~(g) A registrant may not sell, offer to sell or advertise any merchandise or service.¶¶~~
 - ~~(h) A registrant may not advertise, solicit, canvass or disseminate information to an individual in or on a motor vehicle or at any location within a parking lot.¶¶~~
- ~~(3) During events organized by a permittee, the permittee shall be responsible for regulating the advertising, canvassing and soliciting, and disseminating of written materials in locations outside OSFPD's admission gates.¶¶~~
- ~~(4) During events organized by a permittee, the permittee is responsible for complying with all applicable provisions of this division. Violations of such provisions are subject to enforcement as provided in OAR 736-201-0180.¶¶~~
- ~~(5) If a person objects to an action by OPRD that implements this rule, the person may file a protest as provided in OAR 736-201-0175.~~

~~Statutory/Other Authority: ORS 565.060~~

~~Statutes/Other Implemented: ORS 565~~

REPEAL: 736-201-0042

RULE SUMMARY: Oregon Parks and Recreation Department no longer has statutory authority for rules regarding State Fair and Exposition Center operations

CHANGES TO RULE:

~~736-201-0042~~

~~Advertising, Canvassing, Soliciting, and Disseminating of Written Materials Inside Admission Gates~~

~~(1) A person may not advertise, canvass, solicit or disseminate written materials in any location inside OSFPD's admission gates, or in any of the airspace above the OSFPD, except from within a commercial exhibit space assigned to an exhibitor by OSFD.¶¶~~

~~(a) OSFD assigns commercial exhibit spaces within an exhibit area for a fee and on a first-come, first-served basis.¶¶~~

~~(b) Exhibitors who are assigned a commercial exhibit space are subject to the fees, conditions, rules and other information about exhibiting in a particular Exhibit Area published in the Handbook for each Exhibit Area.¶¶~~

~~(c) If a person objects to an action by OPRD that implements this rule, the person may file a protest as provided in OAR 736-201-0175.¶¶~~

~~(2) During events organized by an exhibitor, the exhibitor shall be responsible for regulating the advertising, canvassing, soliciting and disseminating of written materials in locations inside the OSFPD's admission gates and in the airspace above the OSFPD.~~

~~Statutory/Other Authority: ORS 565.060~~

~~Statutes/Other Implemented: ORS 565~~

REPEAL: 736-201-0045

RULE SUMMARY: Oregon Parks and Recreation Department no longer has statutory authority for rules regarding State Fair and Exposition Center operations

CHANGES TO RULE:

~~736-201-0045~~

~~Procedures for Obtaining Paid Exhibit Space~~

~~Procedures for obtaining exhibit space in a particular Exhibit Area and the associated fees, conditions, rules, and other information about exhibiting in a specific Exhibit Area shall be outlined in the Handbook for each Exhibit or Fair Department Area.~~

~~[Publications: Publications referenced are available from the agency.]~~

~~Statutory/Other Authority: ORS 565.060~~

~~Statutes/Other Implemented: ORS 565~~

REPEAL: 736-201-0050

RULE SUMMARY: Oregon Parks and Recreation Department no longer has statutory authority for rules regarding State Fair and Exposition Center operations

CHANGES TO RULE:

~~736-201-0050~~

~~Exhibit Space Fees~~

~~(1) OSFD shall establish fees for the use of exhibit space and any associated cost for services, including electricity, production, admission, and parking shall be established in the Handbook for each particular Exhibit Area.¶~~

~~(2) Fees, conditions, rules, and other information about exhibiting in a particular Exhibit Area published in the Handbook cover most ordinary situations involving exhibit space at the State Fair. The Director or the Director's designee shall have authority to establish fees, conditions, rules, and other information about exhibiting in a particular Exhibit Area that are not specifically listed in the Handbook.¶~~

~~[Publications: Publications referenced are available from the agency.]~~

~~Statutory/Other Authority: ORS 565.060~~

~~Statutes/Other Implemented: ORS 565~~

REPEAL: 736-201-0055

RULE SUMMARY: Oregon Parks and Recreation Department no longer has statutory authority for rules regarding State Fair and Exposition Center operations

CHANGES TO RULE:

~~736-201-0055~~

~~Exhibitor Compliance Procedures~~

~~In the event an Exhibitor, Permittee or Licensee refuses to comply with fees, conditions, rules, or other information as outlined in the Handbook or License to do Business, OPRD may take appropriate action to gain compliance, up to and including requiring Exhibitor to remove furnishings and all property immediately. If not removed, furnishings and property may be stored at a fee of \$100 per day or portion thereof.~~

~~Statutory/Other Authority: ORS 565.060~~

~~Statutes/Other Implemented: ORS 565~~

REPEAL: 736-201-0060

RULE SUMMARY: Oregon Parks and Recreation Department no longer has statutory authority for rules regarding State Fair and Exposition Center operations.

CHANGES TO RULE:

~~736-201-0060~~

~~Items Prohibited on Property~~

~~(1) The following items are prohibited on OSFPD property unless specifically authorized in this rule:¶¶~~

~~(a) Bicycles, skateboards, roller blades, scooters;¶¶~~

~~(b) Unauthorized vehicles;¶¶~~

~~(c) Unauthorized animals, reptiles, insects, arachnids and other pets;¶¶~~

~~(d) Weapons;¶¶~~

~~(e) Fireworks, explosives or explosive devices, and inflammables;¶¶~~

~~(f) Alcohol or alcoholic beverages;¶¶~~

~~(g) Controlled substances;¶¶~~

~~(h) Any other object or objects which in the opinion of the Director or his/her designee may affect the safety and well-being of persons attending events on OSFPD property; or¶¶~~

~~(i) Destructive device.¶¶~~

~~(2) Exceptions to the above prohibitions are limited to:¶¶~~

~~(a) Weapons of law enforcement officials and those carried by persons authorized by law to carry them when carried in a manner authorized by law;¶¶~~

~~(b) Alcoholic beverages and alcoholic beverage containers belonging to OPRD, licensed concessionaires or catering services contracting with OPRD;¶¶~~

~~(c) Prohibited items that have been permitted by OPRD by virtue of a signed agreement;¶¶~~

~~(d) Fireworks in the custody of any group operating or presenting an officially sanctioned fireworks display;¶¶~~

~~(e) Bicycles, skateboards, roller blades, scooters are permitted on the property outside the fenced areas unless they are part of an OSFD-approved event or display;¶¶~~

~~(f) Prescription medications necessary for licensees and contractors to perform their duties, when they possess the authorizing prescriptions;¶¶~~

~~(g) Employees of OPRD and its licensees, contractors and agents may not carry personal prohibited items that are not necessary for the performance of their official duties;¶¶~~

~~(h) Prohibited items in the possession of Exhibitors that are necessary for daily care or preparation of animals and for showing and are used only for preparation and showing purposes; and¶¶~~

~~(i) Such prohibited items expressly permitted in writing by the Director or the Director's designee.~~

~~Statutory/Other Authority: ORS 565.060~~

~~Statutes/Other Implemented: ORS 565~~

REPEAL: 736-201-0065

RULE SUMMARY: Oregon Parks and Recreation Department no longer has statutory authority for rules regarding State Fair and Exposition Center operations.

CHANGES TO RULE:

~~736-201-0065~~

~~Inspections During State Fair and Other Controlled Events~~

~~(1) OPRD employees or agents may request, as a condition of the license or permit, that persons about to enter OSFPD property, allow visual access to all purses, backpacks, briefcases, suitcases, athletic bags, packages, duffel bags, coolers, ice chests, picnic baskets, diaper bags, strollers, carts and other similar items capable of concealing prohibited items ("containers").¶¶~~

~~(2) OPRD staff or agents requesting such an inspection shall do so outside the fairgrounds gates or such other reasonable places as designated by the Director or his/her designee. The person(s) entering the facility may be asked by OSFD staff or agents to reveal the items in their containers. Staff or agents shall inform person(s) in possession of containers to which the inspection request pertains, are free to decline the inspection and may receive a refund of the price of the ticket and parking (if admission or parking fees were incurred) upon surrender of their tickets. Alternatively, the persons may discard the container or prohibited item(s).¶¶~~

~~(3) Most searches are visual. At the option of OPRD staff, agents or law enforcement officers, other search measures may be employed, including but not limited to electronic, chemical or physical inspections such as "pat downs."¶¶~~

~~(4) Possession of weapons or controlled substances at anytime on OSFPD property may be reported to law enforcement officials.¶¶~~

~~(5) If a person possesses one or more prohibited items inside an OSFPD building or facility, the person shall be considered to have violated the license to enter. The license shall be revoked and an OPRD employee or agent shall request that the person leave the OSFPD. A refusal or failure to leave the property following such a request can cause the person to be in trespass.¶¶~~

~~(6) If a person requests a refund is requested under the section (2), OPRD shall promptly complete and deliver a bearer coupon that specifies the location, date, and refund to be made. A person may redeem the bearer coupon either at the nearest admission booth or by mail to the OSFD business office within 30 days, along with parking and admission tickets for reimbursement.¶¶~~

~~(7) Prohibited items which may be seen without inspection are subject to the same consequences as specified in section (5) of this rule.¶¶~~

~~(8) OSFD shall display signs at entrances to the facility generally identifying prohibited items and providing notification of the request for inspection.~~

~~Statutory/Other Authority: ORS 565.060~~

~~Statutes/Other Implemented: ORS 565~~

REPEAL: 736-201-0070

RULE SUMMARY: Oregon Parks and Recreation Department no longer has statutory authority for rules regarding State Fair and Exposition Center operations.

CHANGES TO RULE:

~~736-201-0070~~

~~Activities Prohibited on Property~~

~~Within the OSFPD, no individual shall participate in loud, rude or unreasonable behavior; disturb the public peace; make threatening comments, actions or gestures toward others; obstruct the use and enjoyment of any facility, area or event; act in a disorderly manner; or participate in any behavior or activity which in the opinion of the Director or the Director's designee may affect the safety or well-being of any person attending an Event within the OSFPD.~~

~~Statutory/Other Authority: ORS 565.060~~

~~Statutes/Other Implemented: ORS 565~~

REPEAL: 736-201-0075

RULE SUMMARY: Oregon Parks and Recreation Department no longer has statutory authority for rules regarding State Fair and Exposition Center operations.

CHANGES TO RULE:

~~736-201-0075~~

~~Conducting Business on or Near Grounds of Fair~~

~~A person may not set up any shop, booth, wagon or other vehicle for the sale of spirituous or other liquors, cigars, provisions or other article of traffic. A person may not sell or otherwise dispose of any liquors, cigars, goods or services, wares, merchandise, meals or any article of traffic on the grounds of the OSFD, or within one-half mile of grounds, without having paid OSFD a licensing fee for the privilege, or obtain written consent from OSFD~~

~~Statutory/Other Authority: ORS 565.060~~

~~Statutes/Other Implemented: ORS 565~~

REPEAL: 736-201-0080

RULE SUMMARY: Oregon Parks and Recreation Department no longer has statutory authority for rules regarding State Fair and Exposition Center operations.

CHANGES TO RULE:

~~736-201-0080~~

~~Admission to Fairs Except through Special Gates Prohibited~~

~~(1) A person may not gain admission or attempt to gain admission to OSFPD during the annual State Fair or at any public event or meetings on the grounds of the OSFPD, except through special gates or entrances kept or directed by the OSFD.¶¶~~

~~(2) The Director or the Director's designee may set the prices of admission, licenses and all matters pertaining to the conducting of the annual State Fair, exhibitions or other public events or meetings on OSFD property or within OSFD buildings and facilities.¶¶~~

~~(3) The Director or the Director's designee may change or alter gates for admission and use other means to manage traffic flow such as directional signs to manage Event traffic or to control the flow of traffic to and from the OSFPD with assistance from OPRD employees, contractors or agents.¶¶~~

~~(4) The Director or the Director's designee may control and set the opening and closing times of gates for admission to the annual State Fair, exhibitions and other public events or meetings at OSFPD.¶¶~~

~~(5) The Director, or the Director's designee may establish procedures for the control and management of signs, banners and other promotional materials on display on and around the OSFPD gates, entrances, parking lots and other OSFPD areas viewable by the public.¶¶~~

~~(6) Admission coupons or admission discounts may be honored if they are officially endorsed by OPRD prior to the Event or annual State Fair.¶¶~~

~~(7) OPRD staff and agents may refuse any person(s) admission through any gated area or entry if the person(s) refuses to pay the designated admission fee or charge.~~

~~Statutory/Other Authority: ORS 565.060~~

~~Statutes/Other Implemented: ORS 565~~

REPEAL: 736-201-0085

RULE SUMMARY: Oregon Parks and Recreation Department no longer has statutory authority for rules regarding State Fair and Exposition Center operations.

CHANGES TO RULE:

~~736-201-0085~~

~~Returned Checks~~

~~The OPRD may assess a reasonable fee, similar to bank charges and fees, for each personal or business check returned for non-payment. The fee may be assessed in addition to any legal remedies the OPRD may pursue to effect collection of the returned items.~~

~~Statutory/Other Authority: ORS 565.060~~

~~Statutes/Other Implemented: ORS 565~~

REPEAL: 736-201-0090

RULE SUMMARY: Oregon Parks and Recreation Department no longer has statutory authority for rules regarding State Fair and Exposition Center operations.

CHANGES TO RULE:

~~736-201-0090~~

~~Credit Card Returns~~

~~The OPRD may assess a reasonable fee, similar to bank charges, for each accepted credit card charge returned for non-payment. The fee may be assessed in addition to any legal remedies the OPRD may pursue to effect collection of the returned items.~~

~~Statutory/Other Authority: ORS 565.060~~

~~Statutes/Other Implemented: ORS 565~~

REPEAL: 736-201-0095

RULE SUMMARY: Oregon Parks and Recreation Department no longer has statutory authority for rules regarding State Fair and Exposition Center operations.

CHANGES TO RULE:

~~736-201-0095~~

~~Late Payments~~

~~The OPRD may assess a fee of one and one-half percent per month or portion thereof on any unpaid balances due to OPRD if not paid within 30 days of billing. The fee may be assessed in addition to any legal remedies the OPRD may pursue to effect collection of the late payments.~~

~~Statutory/Other Authority: ORS 565.060~~

~~Statutes/Other Implemented: ORS 565~~

REPEAL: 736-201-0100

RULE SUMMARY: Oregon Parks and Recreation Department no longer has statutory authority for rules regarding State Fair and Exposition Center operations.

CHANGES TO RULE:

~~736-201-0100~~

~~Photocopying Charges~~

~~The OPRD may provide photocopies of public records for a copying fee listed in the Schedule of Rates and Fees. OPRD reserves the right to set a maximum number of copies allowed per person.~~

~~[Publications: Publications referenced are available from the agency.]~~

~~Statutory/Other Authority: ORS 565.060~~

~~Statutes/Other Implemented: ORS 565~~

REPEAL: 736-201-0105

RULE SUMMARY: Oregon Parks and Recreation Department no longer has statutory authority for rules regarding State Fair and Exposition Center operations.

CHANGES TO RULE:

~~736-201-0105~~

~~Facsimile Machine Usage~~

~~The OPRD may make its facsimile machine available for public usage at rates listed in the Schedule of Rates and Fees. OPRD reserves the right to set a maximum number of pages per person, time of use and proper procedures for fax usage.~~

~~[Publications: Publications referenced are available from the agency.]~~

~~Statutory/Other Authority: ORS 565.060~~

~~Statutes/Other Implemented: ORS 565~~

REPEAL: 736-201-0110

RULE SUMMARY: Oregon Parks and Recreation Department no longer has statutory authority for rules regarding State Fair and Exposition Center operations.

CHANGES TO RULE:

~~736-201-0110~~

~~Shipping and Mailing Charges~~

~~The OPRD may allow shipping and mailing for public usage at rates listed in the Schedule of Rates and Fees. OPRD reserves the right to set a maximum number of items to be shipped or mailed per person or organization from the OSFD location.~~

~~[Publications: Publications referenced are available from the agency.]~~

~~Statutory/Other Authority: ORS 565.060~~

~~Statutes/Other Implemented: ORS 565~~

REPEAL: 736-201-0115

RULE SUMMARY: Oregon Parks and Recreation Department no longer has statutory authority for rules regarding State Fair and Exposition Center operations.

CHANGES TO RULE:

~~736-201-0115~~

~~Additional Services and Support Charges~~

~~The OPRD may add additional service and support charges listed in the Schedule of Rates and Fees when applicable such as, but not limited to; service charges for additional cleaning, repair of damages or moving of items left in an OSFD building or facility.~~

~~Statutory/Other Authority: ORS 565.060~~

~~Statutes/Other Implemented: ORS 565~~

REPEAL: 736-201-0120

RULE SUMMARY: Oregon Parks and Recreation Department no longer has statutory authority for rules regarding State Fair and Exposition Center operations.

CHANGES TO RULE:

~~736-201-0120~~

~~Storage of Items left on Grounds~~

~~OPRD may store items left on OSFD property after the annual State Fair, program, event or exhibition and charge a storage fee listed in the Schedule of Rates and Fees. OPRD reserves the right to set a maximum number of days items may be stored on site. All items left or abandoned on grounds may be disposed of by OPRD.¶~~

~~[Publications: Publications referenced are available from the agency.]~~

~~Statutory/Other Authority: ORS 565.060~~

~~Statutes/Other Implemented: ORS 565~~

REPEAL: 736-201-0125

RULE SUMMARY: Oregon Parks and Recreation Department no longer has statutory authority for rules regarding State Fair and Exposition Center operations.

CHANGES TO RULE:

~~736-201-0125~~

~~State Fair Advisory Committee~~

~~(1) Pursuant to ORS 565.021 and 565.030 the Director shall appoint a State Fair Advisory Committee to provide advice and assistance to the Director on matters regarding the operation of the annual State Fair.¶¶~~

~~(2) The advisory committee shall consist of seven members appointed by the Director for four-year terms. The director shall appoint:¶¶~~

~~(a) A resident from each of the five congressional districts of Oregon. The director shall seek to ensure that those persons reflect a broad-based representation of the industrial, educational and cultural interests that are active in state fair programs, contests and exhibits; and¶¶~~

~~(b) Two persons to represent county fair interests. The Director may give consideration to nominations suggested by the County Fair Commission established under ORS 565.410.¶¶~~

~~(3) The Director may stagger the terms of office of the members of the advisory committee to ensure that the terms of office do not expire at the same time.¶¶~~

~~(4) The members of the advisory committee serve at the pleasure of the Director. The Director may fill a vacancy on the advisory committee by appointing a person to fill the unexpired term.¶¶~~

~~(5) Each member of the advisory committee is entitled to compensation and reimbursement of expenses, as provided in ORS 292.495.¶¶~~

~~(6) The advisory committee shall select one of its members as chairperson and another as vice chairperson, for such terms and with such duties and powers necessary for the performance of the functions of those offices as determined by the advisory committee.¶¶~~

~~(7) The advisory committee shall meet at the call of the director. The director shall give consideration to calling a meeting at the request of a majority of the advisory committee.¶¶~~

~~(8) The principal duty of the advisory committee is to advise the director and staff on the implementation of the State Fair Business Plan, as adopted by the Oregon Parks and Recreation Commission, and to evaluate the performance of the fair operations as measured against the objectives set forth in the business plan.¶¶~~

~~(9) Administrative support to the advisory committee shall be provided by the director's office of the OPRD.~~

~~Statutory/Other Authority: ORS 565.060~~

~~Statutes/Other Implemented: ORS 565~~

REPEAL: 736-201-0130

RULE SUMMARY: Oregon Parks and Recreation Department no longer has statutory authority for rules regarding State Fair and Exposition Center operations.

CHANGES TO RULE:

~~736-201-0130~~

~~Oregon State Fair Established~~

~~Under ORS 565.040, there is a state institution to be designated and known as the OSFD, which shall be administered and operated by the OPRD.¶~~

~~(1) The Director, at the Director's discretion, may present business plans and policies for the operation and management of the OSFD before the OPRD Commission for affirmation and approval or for informational purposes.¶~~

~~(2) The Director may develop and implement policies, processes and procedures for the operation and execution of the annual State Fair.¶~~

~~(3) The Director may delegate authority for the day-to-day business decisions to the Assistant Director responsible for the OSFD.~~

~~Statutory/Other Authority: ORS 565.060~~

~~Statutes/Other Implemented: ORS 565~~

REPEAL: 736-201-0135

RULE SUMMARY: Oregon Parks and Recreation Department no longer has statutory authority for rules regarding State Fair and Exposition Center operations.

CHANGES TO RULE:

~~736-201-0135~~

~~State Fair Purposes; Use and Management of Property~~

~~(1) The objects and purposes of the OSFD are to disseminate knowledge concerning, and to encourage the growth and prosperity of all agricultural, stock raising, horticultural, mining, mechanical, artistic and industrial pursuits in this state. The Director shall operate the business and properties of the OSFD as a year-round fair and exposition center, display historical objects and do all things necessary to expedient for full utilization of the properties and facilities of the annual State Fair and as an exposition center.¶¶~~

~~(2) The Director or the Director's designee shall conduct an annual state fair for a period of not more than 17 days duration beginning and ending on such dates as the Director considers appropriate. The Director or the Director's designee may set the hours of the annual State Fair and other public events.¶¶~~

~~(3) The Director or the Director's designee shall have care of the OSFD property and be entrusted with the direction of its business and financial affairs. The Director shall prepare, adopt, publish and enforce all necessary rules for the management of the Oregon State Fair, its meetings and exhibitions and for the guidance of its officers or employees.¶¶~~

~~(4) The Director or the Director's designee may appoint all necessary marshals to keep order on the grounds and in buildings of the OSFD during all exhibitions. The marshals so appointed shall be vested with the same authority for such purposes as executive peace officers are vested by law.¶¶~~

~~(5) The Director or the Director's designee shall establish charges for entrance fees, gate money, lease stalls, parking space, buildings, restaurant sites; conduct shows and concerts, exhibitions, races and all manner of business notwithstanding the provisions of ORS 227.286 and do all other things the Director considers proper in the operation of a year-round fair and exposition center and the annual State Fair.¶¶~~

~~(6) The Director or the Director's designee may enter into sponsorship agreements for the exchange of moneys, services, products or other items of value. A sponsorship agreement entered into under this section is not subject to ORS 279.835 to 279.855 of Chapter 279A or 279B.¶¶~~

~~(7) The Director, or the Director's designee, may enter into mutually beneficial sponsorship agreements with private businesses, individuals, corporations or public or non-profit entities. Sponsorship agreements may include the exchange of financial and other valuable consideration as well as promotional, advertising, educational, product and service activities in association with the OSFD programs, activities, events, grounds and facilities.¶¶~~

~~(8) The Director or the Director's designee for the successful sponsorships for the benefit of OSFD, may allow the provision of tickets and other promotional items, facilities, supplies, staff and services by OSFD for use by such a sponsor in connection with events, activities and programs, buildings and facilities at the OSFD.¶¶~~

~~(9) The Director or the Director's designee to help encourage the successful sponsorship for the benefit of the OSFD, may waive fees and charges listed in the Schedule of Rates and Fees for use by the sponsor in order to encourage additional business or sponsorship activities.~~

~~Statutory/Other Authority: ORS 565.060~~

~~Statutes/Other Implemented: ORS 565~~

REPEAL: 736-201-0140

RULE SUMMARY: Oregon Parks and Recreation Department no longer has statutory authority for rules regarding State Fair and Exposition Center operations.

CHANGES TO RULE:

~~736-201-0140~~

~~Location of State Fair, Acquisitions of Adjacent Lands, Repair of Facilities~~

~~(1) OSFD shall be permanently located on the present grounds now owned by the state and heretofore devoted to the OSFD purposes, located in the City of Salem, in Marion County. The OSFD and such additional lands as may be obtained by the OPRD for the purpose of the OSFD is dedicated for the use of the annual State Fair and for other year-round exposition center and other departmental programs.¶~~

~~(2) The Director may obtain by donation, exchange or purchase such lands adjacent to the present grounds, including improvements thereon, as it may deem necessary in the operation of the OSFD and for other department programs, activities and events.¶~~

~~(3) The Director may repair, alter, construct, furnish and equip building, facilities and equipment at OSFD as the Director deems appropriate.~~

~~Statutory/Other Authority: ORS 565.060~~

~~Statutes/Other Implemented: ORS 565~~

REPEAL: 736-201-0145

RULE SUMMARY: Oregon Parks and Recreation Department no longer has statutory authority for rules regarding State Fair and Exposition Center operations.

CHANGES TO RULE:

~~736-201-0145~~

~~Acceptance and Disposition of Gifts, Grants and Donations~~

~~(1) As authorized under ORS 565.109 to 565.116, the Director may accept on behalf of OSFD any gifts, grants and donations of moneys, property or any other valuable thing on behalf of OSFD from public and private sources for the purposes set out in ORS 565.109 and 565.144. Any prospective donor may contact the Director or the Director's designee to consult or to propose making gifts, grants or donations of any value stipulating conditions or limitations, if any.¶¶~~

~~(2) Gifts, grants and donations approved under section (1) of this rule will be received by the Director or an appointed designee of the Director. Funds will be deposited in an appropriate separate trust account to be used for the purposes for which the gifts, grants or donations are made. When no specific designations are made by the donor, OPRD shall deposit such amounts in a separate account for general OSPD improvements, programs and fair enhancements. When the Director determines that any stipulation or limitation imposed by the donor will result in violation of any applicable law or is contrary to any rules or policies, the Director or designee shall decline acceptance of such donation or gift.¶¶~~

~~(3) All donations or gifts must be approved by the Director or the Director's designee. Gifts and donations must be:¶¶~~

~~(a) Compatible with the OPRD master plans or, in areas not covered by such plans, compatibility with existing facilities, buildings, entrances, security, fire lanes and property uses;¶¶~~

~~(b) Of a compatibility nature with the local conditions;¶¶~~

~~(c) Of an age or the general condition of the donation and the anticipated maintenance or repair costs; or¶¶~~

~~(d) Of any anticipated maintenance costs and on-going service requirements can be maintained.¶¶~~

~~(4) The Director or the Director's designee may accept in-kind and voluntary service donations associated with improvement of the grounds, facilities, programs and Events at the OSFD. Non-profits, service organizations, their agents and volunteers, may assist in the planning, organizing and execution of service projects on the property or within facilities at OSFD.¶¶~~

~~(5) The Director or the Director's designee may enter into agreements with non-profit and volunteer service organizations for the purpose of planning, organizing and executing service projects on the property, during the annual state fair and during any other public event or exhibition. The Director has discretion to pay a stipend to a service or community organization for services at the OSFD or during the annual state fair or any other public event or exhibition.¶¶~~

~~(6) The Director or the Director's designee for the successful solicitation of gifts, grants, donations, voluntary service by a nonprofit or community service organization for the benefit of OSFD, may allow the provision of tickets and other promotional items, facilities, supplies, staff and services by OSFD for use by such an organization in connection with fundraising efforts or service projects that improve the property, facilities, programs, events and the neighboring community.~~

~~Statutory/Other Authority: ORS 565.060~~

~~Statutes/Other Implemented: ORS 565~~

REPEAL: 736-201-0150

RULE SUMMARY: Oregon Parks and Recreation Department no longer has statutory authority for rules regarding State Fair and Exposition Center operations.

CHANGES TO RULE:

~~736-201-0150~~

~~Cooperating Non-Profit Organizations~~

~~(1) As authorized under ORS 565.116, the Director may cooperate with any nonprofit, tax-exempt organization designated as appropriate, to solicit gifts, grants and donations for the benefit of the OSFD property, facilities, buildings, programs and events.¶¶~~

~~(2) The Director may cooperate with any nonprofit, tax-exempt organization designated by the Director as an appropriate organization to solicit gifts, grants and donations for the benefit of the Oregon State Fair as follows:¶¶~~

~~(a) The Director may enter into agreements with and pay a stipend to a nonprofit organization to provide services, programs and events at OSFD;¶¶~~

~~(b) The Director may accept donations in the form of donations of services, in-kind support, volunteer labor and other services from any non-profit organization.¶¶~~

~~(3) The Director may advise and receive advice from an organization described in section (1) of this rule. The Director may, if allowed by the charter and bylaws of the organization, serve as a regular or nonvoting board member of the organization. The director may not chair the board of directors, vote for or appoint other board members, control the financial affairs of the organization or oversee the day-to-day operation of the organization.¶¶~~

~~(4) The Director may provide tickets, promotional items and facilities to the organization without charge for use in increasing the ability of the organization to successfully solicit gifts, grants and donations, including in-kind and voluntary service donations for the benefit of the OSFD facilities, buildings, property, programs and events.¶¶~~

~~(5) The Director may provide additional supplies, staff and services to the organization at cost for use in increasing the ability of the organization to successfully solicit gifts, grants and donations for the benefit of the OSFD.¶¶~~

~~(6) The Director shall submit an annual accounting report to an appropriate committee of the Legislative Assembly designated by the Speaker of the House of Representatives and the President of the Senate. The report must contain a detailed description of all tickets, promotional items, facilities, supplies, staff and services provided under this rule, the specific disposition or application thereof made by the organization and any resulting benefit to the OSFD.¶¶~~

~~(7) The Director may enter into agreements for the donation to the Oregon State Fair of goods, services and public improvements by a nonprofit, tax-exempt organization.~~

~~Statutory/Other Authority: ORS 565.060~~

~~Statutes/Other Implemented: ORS 565~~

REPEAL: 736-201-0155

RULE SUMMARY: Oregon Parks and Recreation Department no longer has statutory authority for rules regarding State Fair and Exposition Center operations.

CHANGES TO RULE:

~~736-201-0155~~

~~Buildings and Facilities for 4-H and FFA Programs, Exhibits and Contests-~~

~~(1) The buildings and facilities that are planned, constructed, altered, furnished and equipped by OPRD on OSFD property, as authorized by Chapter 42, Oregon Laws 1957, shall be used primarily for the housing and dining of members of the 4-H Clubs and of the Future Farmers of America (FFA) and for the exhibit and contest space for non-livestock exhibits of both groups.¶~~

~~(2) 4-H and FFA designated buildings and facilities shall be available for other groups at times other than during the State Fair and as authorized by OSFD.¶~~

~~(3) The Director may provide alternative forms of housing as repairs, new development and alterations are made to buildings and facilities on OSFD property.¶~~

~~(4) The Director may put into place applicable building rules, regulations and procedures for the safe use of the buildings and facilities on OSFD property.¶~~

~~(5) The Director may provide alternative forms of exhibit space as repairs, new development and alterations are made to buildings and facilities on OSFD property.~~

~~Statutory/Other Authority: ORS 565.060~~

~~Statutes/Other Implemented: ORS 565~~

REPEAL: 736-201-0160

RULE SUMMARY: Oregon Parks and Recreation Department no longer has statutory authority for rules regarding State Fair and Exposition Center operations.

CHANGES TO RULE:

~~736-201-0160~~

~~Armory on Grounds of Oregon State Fair~~

~~(1) When the construction of an armory containing an auditorium is authorized under ORS 396.505 to 396.545 in Marion County, if OPRD and the General Staff of the Oregon National Guard arrive at a mutually satisfactory agreement for the use of the armory by OPRD, OPRD may, notwithstanding the provisions of ORS 565.090, permit such armory to be constructed on the OSFD property and grant control over such armory and grounds to the General Staff for the period that such armory and grounds are used for military purposes. When such armory and grounds are no longer primarily used for military purposes, their control shall revert to OPRD.~~

~~(2) For the purposes of this rule, "control" does not include the power to sell, lease, mortgage or in any other way encumber an armory constructed under section (1).~~

~~(3) The Director or the Director's designee may enter into agreements with the Oregon National Guard for the use of the armory building and facility during the annual State Fair and other OSFD controlled events.~~

~~(4) The Director may put into place applicable building rules, regulations and procedures for the safe use of the buildings and facilities on OSFD property including armory constructed under section 1.~~

~~Statutory/Other Authority: ORS 565.060~~

~~Statutes/Other Implemented: ORS 565~~

REPEAL: 736-201-0165

RULE SUMMARY: Oregon Parks and Recreation Department no longer has statutory authority for rules regarding State Fair and Exposition Center operations.

CHANGES TO RULE:

~~736-201-0165~~

~~Horse Barn Facilities on Grounds~~

~~(1) The Director shall plan, construct, alter, furnish and equip horse barn facilities at OSFD suitable for stabling horses. These facilities shall also include restrooms suitable for public use.¶~~

~~(2) The Director shall also plan, construct, alter, furnish and equip storm sewers on grounds of the OSFD.¶~~

~~(3) The Director or the Director's designee may provide alternative forms of horse barn facilities as repairs, new development and alterations are made to OSFPD buildings and facilities.¶~~

~~(4) The Director or the Director's designee may put into to place applicable rules, regulations and procedures for the safe use of the OSFPD buildings and facilities.¶~~

~~(5) The Director may contract with or enter into agreements for the management and oversight and set forth specific uses of the OSFPD horse barn facilities.~~

~~Statutory/Other Authority: ORS 565.060~~

~~Statutes/Other Implemented: ORS 565~~

REPEAL: 736-201-0170

RULE SUMMARY: Oregon Parks and Recreation Department no longer has statutory authority for rules regarding State Fair and Exposition Center operations.

CHANGES TO RULE:

~~736-201-0170~~

~~County Exhibits at State Fair~~

~~(1) The Director or the Director's designee shall plan, construct, alter, furnish and equip on the grounds of the OSFPD a facility suitable for housing Oregon county exhibits.¶¶~~

~~(2) The Director or the Director's designee shall develop procedures for Oregon county participation at the annual State Fair including but not limited to the size and location of exhibit space, the move-in move-out times and other procedures for exhibiting at the annual State Fair.¶¶~~

~~(3) The Director or the Director's designee may encourage Oregon county participation by providing financial incentives and other forms of support and services allowing for county representation at the annual State Fair.¶¶~~

~~(4) The Director, or the Director's designee, may encourage Oregon county participation in a regional format in order to share resources to encourage county and regional representation in the state at the annual State Fair.~~

~~Statutory/Other Authority: ORS 565.060~~

~~Statutes/Other Implemented: ORS 565~~

REPEAL: 736-201-0175

RULE SUMMARY: Oregon Parks and Recreation Department no longer has statutory authority for rules regarding State Fair and Exposition Center operations.

CHANGES TO RULE:

~~736-201-0175~~

~~Protest Procedures~~

~~(1) Any adversely affected or aggrieved person may protest an OPRD action that implements OAR chapter 736 division 201.~~

~~(a) The protest must meet the following criteria:~~

~~(A) Be in writing and delivered by hand or by certified mail to the Assistant Director responsible for the OSFD within ten business days of occurrence of the action;~~

~~(B) Identify the action and identify the agent or OPRD staff involved (if known);~~

~~(C) Explain why the action taken is unlawful; and~~

~~(D) Describe the action desired by the person filing the protest.~~

~~(2) If protester's satisfaction is not achieved, written protest may be delivered by hand or by certified mail to the Director within five business days of receipt of the response from the Assistant Director responsible for the OSFD. The decision of the Director shall be a final order in other than contested case that is subject to judicial review under ORS 183.484.~~

~~Statutory/Other Authority: ORS 565.060~~

~~Statutes/Other Implemented: ORS 565~~

REPEAL: 736-201-0180

RULE SUMMARY: Oregon Parks and Recreation Department no longer has statutory authority for rules regarding State Fair and Exposition Center operations.

CHANGES TO RULE:

~~736-201-0180~~

~~Sanctions~~

~~(1) An agent or OPRD staff may request that a person promptly leave the OSFPD at any time that the agent or OPRD staff reasonably believes that the person has violated any provision of OAR chapter 736, division 201. The agent or OPRD staff shall tell the person when the person may reenter the OSFPD. When any person fails to leave the OSFPD when requested, or returns to the OSFPD during the period of time when reentry has been prohibited, consent of the OSFD for the person to be within the OSFPD shall be deemed withdrawn, and the person shall be immediately subject to all applicable trespass laws.¶¶~~

~~(2) The peace officers of the OPRD, during the continuance of each annual State Fair or other public event or meeting, and for three days prior and two days subsequent thereto, when on the OSFPD, shall have the authority of a deputy sheriff and may make arrests for violations of the provisions of ORS 565.610 to 565.630 or other laws of this state, including the rules or regulations of OPRD.¶¶~~

~~(3) An OPRD staff or an agent shall allow access to all buildings and facilities in order for peace officers to enforce the laws of this state, including the rules or regulations of OPRD.~~

~~Statutory/Other Authority: ORS 565.060~~

~~Statutes/Other Implemented: ORS 565~~