

Chapter 565

2015 EDITION

Fairs and Exhibits

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AGRICULTURE

GENERAL PROVISIONS

565.010 Definitions. As used in this chapter, unless the context requires otherwise:

- (1) "Board" means county fair board.
- (2) "County court" includes board of county commissioners.
- (3) "County fair" means an exhibition held for the purposes of disseminating knowledge concerning, and encouraging the growth and prosperity of, all agricultural, stock raising, horticultural, mining, mechanical, artistic and industrial pursuits in a county, including the racing of animals and vehicles.

(4) "County fairgrounds" means the ground and all other property owned, leased, used or controlled by a county and devoted to the use of a county fair. [Amended by 1969 c.239 §1; 1977 c.55 §11; 1997 c.435 §1; 2005 c.777 §21]

565.015 [1977 c.55 §13; repealed by 2005 c.777 §48]

565.020 [Amended by 1967 c.135 §2; 1969 c.314 §65; 1971 c.542 §3; 1973 c.792 §25; 1977 c.55 §14; 1981 c.545 §13; 2001 c.24 §1; repealed by 2005 c.777 §48]

565.021 [2005 c.777 §12; 2013 c.722 §9; repealed by 2013 c.492 §34]

565.030 [Amended by 1977 c.55 §16; 1979 c.357 §1; 1999 c.342 §1; 2005 c.777 §22; repealed by 2013 c.492 §34]

565.040 [Amended by 2005 c.777 §23; repealed by 2013 c.492 §34]

565.050 [Amended by 1955 c.146 §1; 1973 c.537 §1; 1977 c.55 §17; 1985 c.675 §5; 2005 c.777 §24; repealed by 2013 c.492 §34]

565.060 [Amended by 1977 c.55 §18; 2005 c.777 §25; repealed by 2013 c.492 §34]

565.070 [Amended by 1977 c.55 §19; 1991 c.331 §83; 1997 c.631 §496; repealed by 2005 c.777 §48]

565.071 [2005 c.730 §8; repealed by 2009 c.542 §2]

565.080 [Amended by 1973 c.537 §2; 1977 c.55 §20; 1999 c.89 §1; 2003 c.794 §299; 2005 c.777 §§26,27; repealed by 2013 c.492 §34]

565.090 [Amended by 1973 c.537 §3; 1977 c.55 §21; 2005 c.777 §28; repealed by 2013 c.492 §34]

565.095 [1985 c.675 §2; 1991 c.703 §49; 2005 c.777 §29; 2007 c.783 §221; repealed by 2013 c.492 §34]

565.100 [Amended by 1977 c.55 §22; 1979 c.602 §4; 1983 c.72 §4; repealed by 1985 c.675 §4]

565.102 [1983 c.72 §3; repealed by 1985 c.675 §4]

565.103 [1999 c.702 §5; 2001 c.942 §12; 2005 c.777 §30; repealed by 2013 c.492 §34]

565.105 [1975 c.550 §9b; repealed by 1977 c.281 §2 and 1977 c.855 §20]

565.106 [1977 c.55 §24; 1981 c.106 §5; repealed by 1985 c.675 §4]

565.107 [1985 c.675 §3; 1987 c.659 §1; 1989 c.966 §62; 1999 c.343 §3; 2005 c.777 §31; 2007 c.315 §1; repealed by 2013 c.492 §34]

565.109 [1999 c.343 §1; 2005 c.777 §32; repealed by 2013 c.492 §34]

565.110 [Amended by 1965 c.342 §1; 1973 c.74 §1; 1977 c.55 §25; repealed by 1985 c.675 §4]

565.112 [1987 c.659 §3; repealed by 2005 c.777 §48]

565.114 [2003 c.750 §1; 2005 c.777 §33; repealed by 2013 c.492 §34]

565.116 [2003 c.750 §2; 2005 c.777 §34; repealed by 2013 c.492 §34]

565.120 [Amended by 1973 c.537 §4; 1977 c.55 §26; 1985 c.675 §6; 2003 c.794 §300; 2005 c.777 §§35,36; repealed by 2013 c.492 §34]

565.130 [Amended by 1973 c.537 §5; 1977 c.55 §27; 2005 c.777 §37; 2013 c.492 §14; renumbered 565.515 in 2013]

565.140 [1957 c.442 §1; 1959 c.52 §1; 1985 c.565 §84; 2005 c.777 §38; repealed by 2013 c.492 §34]

565.142 [1957 c.442 §2; repealed by 1977 c.855 §20]

565.150 [1959 c.615 §§1,2; 2005 c.777 §39; 2013 c.492 §15; renumbered 565.580 in 2013]

565.160 [1961 c.634 §§1,6,7; 1973 c.537 §6; 1985 c.731 §29; 2005 c.777 §40; repealed by 2013 c.492 §34]

565.170 [1963 c.613 §1; 2005 c.777 §41; repealed by 2013 c.492 §34]

565.180 [1963 c.613 §§2,3; 1965 c.56 §3; repealed by 1975 c.75 §5]

COUNTY FAIRS, BOARDS AND FAIR FINANCES

565.190 Financing county exhibits at state fair. A county court is authorized to appropriate out of the general fund of the county not otherwise appropriated money for the purpose of sponsoring a county exhibit at the annual state fair. This section shall not be deemed to limit the authority of a county which has adopted a charter under section 10, Article VI, Oregon Constitution. [1973 c.537 §7]

565.210 County fairs; county fair board; members; appointment; term; bond or letter of credit. (1) Any county may hold county and industrial fairs, but only one county fair shall be held in each county.

(2) Except as provided in ORS 565.265, in counties holding county fairs, the county court of such county shall appoint a board consisting of not less than three nor more than seven members, to be known as the county fair board. Members of the county fair board must be residents of the county, except that the county court may elect to appoint not more than one board member who is a resident of an adjoining county. When the first members of the board are appointed under this section, one member shall be appointed for a term to expire the January next following appointment, one for a term to expire one year from the January next following appointment, and one for a term to expire two years from the January next following appointment. In addition to the three members, the county court may, at any time, appoint not more than four additional members, the fourth and sixth members to be appointed for a term to expire one year from the January next following appointment and the fifth and seventh members, if any, for a term to expire two years from the January next following appointment. Annually thereafter, at the first meet-

ing in January, upon the expiration of the term of a member, a successor shall be appointed to serve for three years.

(3) The court shall require each member of the board to furnish a good and sufficient bond or an irrevocable letter of credit issued by an insured institution as defined in ORS 706.008 in favor of the county, conditioned upon the faithful performance of the duties of the office. The bond or letter of credit for each member shall be in a sum equal to \$10,000 or 20 percent of the total revenues received by the fair in the last fiscal year ending prior to the appointment of such member, whichever is the lesser amount. The bond or letter of credit when approved by the county court shall be filed with the county clerk. The premium on the bond or the fee for the letter of credit shall be paid for by the county fair board as an expense of the board.

(4) No more than one member of the county court may serve as a member of the county fair board.

(5) A member of a county fair board appointed under this section may be removed from office for cause as provided in ORS 565.225. [Amended by 1957 c.118 §1; 1961 c.684 §1; 1981 c.134 §1; 1985 c.716 §1; 1991 c.331 §84; 1995 c.710 §1; 1997 c.435 §2; 1997 c.631 §497; 1999 c.59 §178; 1999 c.681 §7; 2007 c.421 §1]

565.220 County fair board; organization; quorum; president and secretary. (1) The members of a county fair board shall, as soon as their bonds have been filed and approved, meet and organize by electing a president and selecting a secretary.

(2) A majority of the members of the board shall constitute a quorum for the transaction of all business at meetings. In the absence of the president another member of the board shall perform the duties of the president.

(3) The secretary provided for in subsection (1) of this section is not required to be a member of the board. The secretary shall execute a bond or furnish an irrevocable letter of credit, as required of board members by ORS 565.210. [Amended by 1953 c.675 §12; 1961 c.684 §2; 1965 c.513 §2; 1967 c.275 §2; 1991 c.331 §85]

565.225 Removal of county fair board member. A member of a county fair board appointed under ORS 565.210 may be removed by the county court for inefficiency, neglect of duty, misconduct in office, incompetence, incompatibility, dereliction of duty or other good cause, as those terms may be defined by county ordinance. A member of the fair board shall not be removed by the county court until after the member receives a copy of a statement containing the cause for removal and a hearing on the removal is held. The statement shall be given to the

member at least 10 days prior to the hearing, at which the member must have an opportunity to be heard in person or by counsel. When the county court removes a member of the fair board, a record of the proceedings, together with the cause for removal and findings thereon, shall be filed in the office of the county clerk. [1999 c.681 §2]

565.230 Management of county fairs; licenses; disposition of proceeds; donations of real property; agreements for limitation of liability. (1) The county fair board has the exclusive management of the ground and all other property owned, leased, used or controlled by the county and devoted to the use of the county fair, and is entrusted and charged with the entire business management and financial and other affairs of such fair.

(2) In order that the fairgrounds and buildings may be utilized to the fullest extent for pleasure, recreation and public benefit, the board shall at all times have the authority to provide park facilities for the public or to issue licenses and grant permits for the holding of any exhibitions, shows, carnivals, circuses, dances, entertainments or public gatherings upon the fairgrounds. During the progress of county agricultural or industrial fairs and not otherwise, any such businesses so licensed by the board shall not be required to pay license to any city or county other than to the board as provided in this section. The board shall fix the sum to be paid for such permits and licenses, which shall be issued and signed by the president and secretary of the board. The moneys received from the issuance of such permits and licenses shall be deposited to the credit of the fair fund and warrants drawn against it the same as upon the disbursement of any other fair funds.

(3) Donations of real property for the use of the county fair shall be made by an instrument that may be accepted for recording by a county clerk. An instrument of donation shall be recorded in the records of the county clerk where deeds are located. The donated property shall be used in compliance with the express intentions and purposes set forth in the instrument of donation.

(4) A county court may conclude that an agreement is needed to protect the county and the county court from liability relating to personnel or contractual matters. If the county court asks the county fair board to begin negotiations for an agreement, the county fair board and the county court must enter into an agreement concerning the rules, policies and procedures to be used in the conduct of fair activities for the purpose of limiting the liability of the county for personnel and contractual matters. How-

ever, if a county court determines that an agreement is unnecessary or that an existing agreement provides sufficient protection from liability, then an agreement under this subsection is not required. [Amended by 1953 c.675 §12; 1969 c.239 §4; 1969 c.693 §1; 1999 c.681 §8]

565.240 Rules and regulations; peace officers; appointment and powers. The board may make and enforce all rules and regulations necessary for the proper conduct and management of their respective fairs. It may appoint such marshals or police as may be necessary to keep order and preserve the peace during the time and at the place of holding the fairs and at all other times when the board deems such appointments necessary for the preservation of the peace and the protection of public and private property upon the fairgrounds. The officers so appointed have the same authority for the preservation of order and making arrests upon the grounds as would a deputy sheriff.

565.250 [Repealed by 1981 c.134 §4]

565.260 Fair board or agricultural society existing prior to June 4, 1913. If there existed on June 4, 1913, a county fair board, or an agricultural society in any county holding a county fair within the county, the board shall be considered the county fair board of the county by the provisions of ORS 565.210 to 565.310, and shall be governed under the rules and bylaws already in force of the association, provided there is only one county fair held in each county. [Amended by 2005 c.22 §384]

565.265 Abolishment of county fair board. (1) As provided in this section and ORS 565.268 and 565.271, a county court may abolish the county fair board appointed under ORS 565.210.

(2) A county court may initiate proceedings to abolish the county fair board by issuing an order creating a county fair advisory committee with six members who shall all be residents of the county. Upon issuance of the order under this subsection, the county court shall appoint three members to the advisory committee and the county fair board shall appoint three members. The advisory committee shall consider the relevant issues and make recommendations concerning the abolition of the county fair board and, if abolition is recommended, the future operation of the county fair by either a fair association or a fair district. If a majority of the advisory committee agrees that abolishing the county fair board is in the best interests of the residents of the county, the advisory committee shall recommend abolition of the county fair board. If the advisory committee recommends abolition of the county fair board, the county court and the county fair board may meet to consult

and negotiate concerning the future operation of the county fair and fairgrounds. If the county court and the county fair board agree that it is in the best interests of the residents of the county to have a fair association or fair district replace the county fair board, the county court may adopt a resolution that expresses the intention of the county court to abolish the county fair board, sets forth the reasons for the intended action, states that either a fair association or a fair district will replace the county fair board and declares that the abolition of the county fair board is in the best interests of the residents of the county.

(3) A resolution adopted by a county court under subsection (2) of this section must be accompanied by a resolution adopted by the county fair board that acknowledges the proposed action of the county court and declares that abolition of the county fair board is in the best interests of the residents of the county. The resolution adopted by a county fair board under this subsection must be adopted at a regular public meeting of the county fair board and filed with the county court.

(4) After adoption of the resolutions described in subsections (2) and (3) of this section, the county court shall conduct a public hearing concerning the abolition of the county fair board at which testimony of interested persons and other evidence shall be received.

(5) Notice of the public hearing required by subsection (4) of this section shall be published twice in at least two newspapers of general circulation in the county. The first notice shall be published between the 90th day and the 60th day before the hearing. The second notice shall be published between the 30th day and the 20th day before the hearing.

(6) After the public hearing required by subsection (4) of this section, the county court shall consider the testimony given and the other evidence received at the hearing. If the county court determines that abolishing the county fair board is in the best interests of the residents of the county, the county court shall issue an order abolishing the county fair board and authorizing either the creation of a fair district or an agreement with a fair association for the purpose of managing and operating the county fair. The abolition of the county fair board shall be effective on the date specified in the order. [1999 c.681 §3; 2003 c.101 §1]

565.268 Agreements for fair association to exercise powers of county fair board. (1) As used in this section, a "fair association" means a corporation incorporated under ORS chapter 65 that has a board of directors with at least three members and

that is authorized by its articles of incorporation to exercise the powers and perform the functions exercised and performed by a county fair board under ORS 565.210 to 565.310.

(2) If the order issued by a county court under ORS 565.265 authorizes an agreement with a fair association, the county court, before the abolition of the county fair board, shall enter into an agreement with a fair association for the management and operation of the county fair. Except as otherwise provided in the agreement, a fair association may exercise all of the powers and authority granted to a county fair board under ORS 565.210 to 565.310.

(3) An agreement between a county court and a fair association under this section may not provide for the conveyance or other transfer of public property to the fair association unless the public property is transferred as allowed by the laws of this state. [1999 c.681 §4]

565.270 [Repealed by 1959 c.579 §1]

565.271 Initiation of proceedings for replacement of county fair board by fair district. If the order issued by a county court under ORS 565.265 authorizes the formation of a fair district to replace the county fair board, the county court, before the abolition of the county fair board, shall initiate the formation of the fair district by order as provided in ORS 198.835. After initiation of formation proceedings as provided in this section, a fair district may be created as provided in ORS 198.705 to 198.955 and 565.275. [1999 c.681 §5]

565.275 Fair district; powers; district board. (1) A fair district may:

- (a) Have and use a common seal.
- (b) Sue and be sued in its name.

(c) Make and accept any and all contracts, deeds, leases, releases and documents of any kind that, in the judgment of the district board, are necessary or proper to the exercise of any power of the district, and to direct the payment of all lawful claims or demands.

(d) Assess, levy and collect taxes to pay the cost of acquiring sites for the county fair and constructing, reconstructing, altering, operating and maintaining the ground and all other property devoted to the use of the county fair, the expenses incurred in the business management and financial and other affairs of the county fair and any lawful claims against the district.

(e) Employ all necessary agents and assistants.

(f) Call elections after the formation of the district.

(g) Generally do any acts necessary and proper to the complete exercise and effect of any of its powers or the purposes for which it was formed.

(2) The officers of the district shall be a board of five members elected by the electors of the district. The district board shall be the governing body of the district and shall exercise all powers of the district.

(3) Five district board members shall be elected at the election for district formation. If the effective date of the formation of the district occurs in an odd-numbered year, two district board members shall be elected for four-year terms and the other three district board members shall be elected for two-year terms. If the effective date of the formation occurs in an even-numbered year, two district board members shall be elected for three-year terms and the other three district board members shall be elected for one-year terms. The district board members shall be elected at large by position number. Each district board member shall hold office until election and qualification of a successor.

(4) ORS chapter 255 governs the nomination and election of district board members and the conduct of district elections.

(5) The district board in each year shall determine and fix the amount of money to be levied and raised by taxation for the purposes of the district.

(6) A county may convey or otherwise transfer public property to a fair district as provided by law. [1999 c.681 §6; 2001 c.104 §231; 2003 c.802 §143]

565.280 [Amended by 1959 c.579 §2; 1963 c.495 §5; 1969 c.298 §15; 1981 c.134 §2; 1991 c.459 §434; repealed by 1993 c.682 §13]

565.290 [Amended by 1959 c.579 §3; 1963 c.495 §6; repealed by 1993 c.682 §13]

565.300 [Repealed by 1963 c.495 §9]

565.310 County fair not held; disposition of funds. Should a board decide not to hold a county fair, the county court may in its discretion expend such funds, or any portion thereof, for paying premiums upon exhibits of livestock, agricultural and horticultural products at any fair, land products show or livestock exposition held in this state. Any or all of such funds not so used shall be held by the county treasurer in a reserve fund to be available for use by the county fair board in subsequent years.

565.315 Handling and disbursing of moneys in connection with county fairs; financial statement. (1) Notwithstanding any other provision of law relating to the disbursement of county fair moneys from the county treasury, in order to pay promptly prize moneys, premiums, wages, necessary costs of repairs and other claims requiring

prompt payment in connection with any county fair, the county fair board, at any time, may draw warrants for such amounts as it deems necessary to make such payments, payable to the county fair board, upon funds in the county treasury available for the purpose of making such payments. Such warrants shall be drawn by the board and signed by the president and secretary thereof.

(2) The board shall place any moneys drawn from the county treasury under subsection (1) of this section in an insured institution as defined in ORS 706.008, and may withdraw such moneys for the purpose of making the payments referred to in subsection (1) of this section by checks signed by the president and secretary of the board. All moneys in such checking account not expended during the year such moneys were drawn from the county treasury and placed therein shall be available for use by the board in subsequent years for the purpose of making the payments referred to in subsection (1) of this section.

(3) The board shall keep and make available to the county clerk and county treasurer a complete list of all warrants drawn and deposited in the checking account and all checks drawn against such checking account under this section.

(4) The board shall, once each year, file with the county clerk a complete financial statement showing all funds received and disbursed. There may be included in the report such suggestions and recommendations as in its opinion would make for the improvement and advancement of agricultural and related industries of the fair. [1955 c.665 §1; 1981 c.134 §3; 1983 c.327 §8; 1997 c.631 §498]

565.320 [Repealed by 1955 c.209 §1]

565.325 County fair fund; purpose; source of moneys. (1) Each county that holds a county fair shall establish and maintain a fair fund. The fair fund may be expended only for the promotion and operation of the county fair and to provide, maintain and improve county fairgrounds, buildings, facilities and improvements on the county fairgrounds for the county fair and other events authorized by the county fair board.

(2) All moneys received from activities conducted at the county fair or at the county fairgrounds or facilities, and all moneys received by a county fair as the licensee for pari-mutuel wagering on races conducted at or on behalf of the fair shall be deposited in the county fair fund. [1985 c.716 §3; 1997 c.435 §3]

565.330 [Amended by 1955 c.209 §2; 1963 c.9 §33; 1983 c.646 §1; 1991 c.459 §435; repealed by 2013 c.33 §1]

565.340 [Repealed by 1953 c.675 §12]

565.350 [Repealed by 1953 c.675 §12]

565.360 [Repealed by 1953 c.675 §12]

565.370 [Repealed by 1953 c.675 §12]

565.380 [Repealed by 1953 c.675 §12]

565.390 [Repealed by 1953 c.675 §12]

565.400 [Repealed by 1953 c.675 §12]

565.405 [1969 c.298 §2; repealed by 2013 c.722 §8]

565.410 [1969 c.298 §3; repealed by 2013 c.722 §8]

565.415 [1969 c.298 §5; 1979 c. 844 §1; repealed by 2013 c.722 §8]

565.420 [1969 c.298 §6; repealed by 2013 c.722 §8]

565.423 [2001 c.916 §10; 2003 c.14 §351; repealed by 2005 c.777 §48]

565.425 [1969 c.298 §7; repealed by 2001 c.916 §6]

565.430 [1969 c.298 §8; 1993 c.18 §129; repealed by 2001 c.916 §6]

565.435 [1969 c.298 §9; repealed by 2013 c.722 §8]

565.440 [1969 c.298 §10; repealed by 2013 c.722 §8]

565.442 [2001 c.916 §3; 2003 c.517 §4; 2003 c.794 §301; repealed by 2013 c.722 §8]

565.443 [2001 c.916 §2; repealed by 2013 c.722 §8]

565.445 County Fair Account. (1) The County Fair Account is established separate and distinct from the General Fund. All moneys in the account are continuously appropriated to the Oregon Department of Administrative Services.

(2) The account shall consist of moneys allocated under ORS 565.447.

(3) On the first business day of each calendar year the Oregon Department of Administrative Services shall disburse the moneys in the County Fair Account to the county fair boards in equal shares. [1969 c.298 §11; 1971 c.595 §1; 1979 c.844 §2; 1989 c.463 §1; 2001 c.916 §4; 2003 c.517 §3; 2013 c.722 §10]

565.446 Legislative findings. The Legislative Assembly finds and declares that financial support of county fairs will result in economic development for areas where fairgrounds are located by promoting, expanding or preventing the decline of businesses and that the use of the net proceeds from the operation of the Oregon State Lottery to fund county fairs is an appropriate use of state lottery funds under section 4, Article XV of the Oregon Constitution, and ORS 461.540. [2001 c.811 §1]

Note: 565.446 and 565.447 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 565 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

565.447 Lottery proceeds allocation to County Fair Account. (1) Subject only to the availability of unobligated net lottery proceeds, there is allocated from the Administrative Services Economic Development Fund to the County Fair Account created under ORS 565.445 an amount equal to one percent of the net proceeds from the Oregon State Lottery, but not to exceed \$1.53 million annually, adjusted biennially pursuant to the change in the Consumer Price Index, as de-

financed in ORS 327.006, between January 1, 2001, and January 1 immediately preceding commencement of the biennium.

(2) The allocation of moneys from the Administrative Services Economic Development Fund under this section is subject to the requirements in section 4, Article XV of the Oregon Constitution, for deposit of specified amounts of the net proceeds from the Oregon State Lottery into the Education Stability Fund and into the Parks and Natural Resources Fund and shall be made only after satisfaction or payment of:

(a) Amounts allocated to Westside lottery bonds issued under ORS 391.140 or to the reserves or any refunding related to the Westside lottery bonds in accordance with the priority for allocation and disbursement established by ORS 391.130;

(b) All liens, pledges or other obligations relating to lottery bonds or refunding lottery bonds due or payable during the year for which an allocation is to be made; and

(c) Amounts required by any other pledges of, or liens on, net proceeds from the Oregon State Lottery. [2001 c.811 §2; 2002 s.s.2 c.4 §3; 2002 s.s.3 c.6 §19; 2003 c.14 §351a]

Note: See note under 565.446.

565.449 [2001 c.811 §3; 2001 c.916 §8; repealed by 2013 c.722 §8]

565.450 [1971 c.595 §3; 2003 c.604 §104; repealed by 2013 c.722 §8]

STATE FAIR COUNCIL; FAIRGROUND OPERATIONS, PROPERTIES AND FACILITIES

565.451 Definitions for ORS 565.451 to 565.575. As used in ORS 565.451 to 565.575:

(1) "Fairground properties and facilities" means grounds, equipment, permanent and temporary structures and other improvements that are owned, rented, leased or otherwise controlled for Oregon State Fair or exposition center purposes.

(2) "Oregon State Fair" means the exhibition described in ORS 565.456 (3). [2013 c.492 §2]

565.455 [1995 c.796 §1; repealed by 2003 c.517 §1]

565.456 State Fair Council; mission and purposes of council. (1) The State Fair Council is established as a public corporation and shall exercise and carry out all powers, rights and privileges that are expressly conferred upon the council, are implied by law or are incident to such powers, rights and privileges. The council is an independent public corporation with a statewide mission and purposes and without territorial boundaries. The council is a governmental entity performing governmental functions and exercising governmental powers but, except as otherwise provided by law, is not a unit of

local or municipal government or a state agency for purposes of state statutes or constitutional provisions.

(2) Unless otherwise provided by law, the council is not subject to ORS chapter 182, 183, 240, 270, 273, 276, 279A, 279B, 279C, 283, 291, 292 or 293 or ORS 35.550 to 35.575, 183.710 to 183.725, 183.745, 183.750, 190.430, 190.490, 200.035, 236.605 to 236.640, 243.303, 243.305, 243.315, 243.325 to 243.335, 243.696, 279.835 to 279.855, 282.010 to 282.150, 291.050 to 291.060 or 656.017 (2).

(3) The mission and purposes of the council are:

(a) To conduct a state fair to be known as the Oregon State Fair for the education and entertainment of Oregon residents and for the promotion, preservation, growth and prosperity of the industries and interests traditionally represented in state fair activities such as agriculture, stock raising, horticulture, youth group involvement in agricultural, stock-raising and horticultural activities, viticulture, manufacturing, metal fabrication, technology and artistic, creative and cultural pursuits; and

(b) To promote Oregon tourism related to the Oregon State Fair and fairground properties and facilities, and promote and further the preservation, growth and prosperity of other industries and activities important to the state economy by conducting the Oregon State Fair and using fairground properties and facilities.

(4) To help fulfill the council's mission and purposes, the council shall encourage residents in all parts of this state to participate in or attend the Oregon State Fair. The council may take any necessary or expedient actions to ensure that fairground properties and facilities are adequate and in good repair. The council shall operate the fairground properties and facilities as an exposition center, encourage the full utilization of the properties and facilities for revenue generation and make expenditures for the construction, repair, remodeling, maintenance, insurance and other needs of the fairground properties and facilities. Subject to any limitations established under this chapter, the council may take other actions the council deems necessary or expedient to ensure the financial viability of the Oregon State Fair and the exposition center or to promote the Oregon State Fair, Oregon tourism and other industries related to fairground business operations or fairground properties and facilities. [2013 c.492 §3; 2015 c.158 §34]

565.460 Council members and employees. (1) The State Fair Council shall consist of no fewer than 11 and no more than 15 members appointed by the Governor. A

council member holds office for a term of four years, but may be removed at any time during the term at the pleasure of the Governor. Council members are eligible for reappointment. Prior to the expiration of the term of a member, the Governor shall appoint a successor. If a member position becomes vacant for any reason, the Governor shall appoint a successor to fill the unexpired term.

(2) The council shall consist of:

(a) No fewer than nine and no more than 13 members who have experience in, and are representatives of, industries and interests traditionally represented in Oregon State Fair activities, and who have backgrounds in industries and interests pertinent to carrying out the duties, functions and powers of the council, including but not limited to:

- (A) Private sector business;
- (B) The nonprofit sector;
- (C) Economic development interests;
- (D) The finance industry; and

(E) The events and facility management industry.

(b) One member who is an elected official of a city.

(c) One member who is an elected official of a county.

(3) The President of the Senate shall select a member of the Senate to act as a nonvoting observer of and advisor to the council.

(4) The Speaker of the House of Representatives shall select a member of the House of Representatives to act as a nonvoting observer of and advisor to the council.

(5) The members of the Legislative Assembly selected under subsections (3) and (4) of this section may not exercise any power, right or privilege of a council member.

(6) The Salem city manager may act as a nonvoting observer of and advisor to the council. The Salem city manager may not exercise any power, right or privilege of a council member.

(7) A majority of the council is required for the conducting of business.

(8) The council shall elect one member as a chairperson and one member as a vice chairperson, with duties and powers as determined by the council. The council shall meet at the call of the chairperson or of a majority of the members.

(9) A member of the council is not entitled to compensation, but may be reimbursed as provided by council policies and procedures for any actual and necessary travel and other expenses incurred by the member

in the performance of the member's official duties. [2013 c.492 §4; 2015 c.589 §2]

565.470 State fair director; status of council, director and employees; services used by council.

(1) The State Fair Council may employ a state fair director to oversee the day-to-day carrying out of fairground business operations and the operation of fairground properties and facilities, including but not limited to the annual conducting of the Oregon State Fair, the use of fairground properties and facilities for an exposition center, the issuance of payments for construction, repair, remodeling, maintenance, insurance and other needs of fairground properties and facilities as directed by the council, the solicitation for financial support for the Oregon State Fair and fairground properties and facilities and the promotion of the Oregon State Fair and related Oregon tourism and other industries.

(2) The state fair director may employ such subordinate council employees as the director deems reasonable for the carrying out of fairground business operations and the operation of fairground properties and facilities, including but not limited to the conducting of the Oregon State Fair and the operation of fairground properties and facilities as an exposition center.

(3) The council shall determine and approve policies and procedures to further the mission and purposes of the council and shall provide oversight and guidance to the state fair director and employees of the council.

(4) The members of the council, the state fair director and the employees of the council are not state employees and are not eligible for participation in state employee health benefit plans, state employee deferred compensation plans or the Public Employees Retirement System. The council shall determine the compensation and benefit package for the state fair director and other employees of the council. For purposes of any laws applicable to the council as a public corporation, including but not limited to ORS 30.260 to 30.300, the members of the council, the state fair director and the employees of the council are officers and employees of a public body.

(5) The council and a state agency may enter into agreements for the state agency to provide support services to the council. Except as provided in this subsection, if a state agency provides support services to the council, the state agency must provide the support services at the rate that the state agency would charge to other state agencies for the services. The State Parks and Recreation Department may provide support services to the council at any rate mutually agreed to by the department and the council.

(6) The council may retain private legal counsel or, notwithstanding ORS 180.060, may contract for representation by the Attorney General. If the council contracts for representation by the Attorney General, the Attorney General shall charge the council for services at the rate charged state agencies for similar services. [2013 c.492 §5]

565.480 Director powers and duties. (1) The state fair director employed by the State Fair Council under ORS 565.470 shall be entrusted with the day-to-day carrying out of fairground business operations and the operation of fairground properties and facilities.

(2) The state fair director may contract for law enforcement or security services for fairground properties and facilities, including but not limited to law enforcement and security services during the Oregon State Fair.

(3) In addition to any other duties, functions or powers, the state fair director may:

(a) Establish charges and fees, including but not limited to charges and fees for admission to, and lease or rental of, fairground properties and facilities;

(b) Conduct or authorize events, exhibitions and all manner of business at fairground properties and facilities consistent with the mission and purposes of the State Fair Council; and

(c) Do all other things the director considers proper in the conducting of the annual Oregon State Fair or the operation of fairground properties and facilities as an exposition center.

(4) The state fair director may delegate any duty, function or power of the director to a subordinate employee except the duties, functions and powers of the director under ORS 565.539. [2013 c.492 §6]

565.495 Acquisition or disposal of real property or facilities; care, custody and control; expenditure of appropriated moneys. (1) The State Fair Council may not acquire or dispose of any real property or facilities without prior approval by the Oregon Department of Administrative Services. Legal title to fairground properties and facilities must remain with, or be established in, the name of the State of Oregon. The department and the council shall enter into an agreement for the council to exercise exclusive care, custody and control over fairground properties and facilities. The agreement shall provide for the council to make periodic payments to the State of Oregon for the leasing of the fairground properties and facilities. The agreement may not establish a fixed term in excess of 10 years, but may provide for renewal. Notwithstanding any fixed term for the agreement, the Legislative Assembly may terminate the

agreement by law if the conducting of the Oregon State Fair, the carrying out of fairground business operations and the operation of fairground properties and facilities by the council results in a net loss in three of any five consecutive years. If the Legislative Assembly terminates the agreement, the department may dispose of any fairground properties and facilities for which the department determines disposal to be reasonable. The department and the council may modify the agreement terms and conditions by mutual consent to the extent consistent with this chapter.

(2) If any state agency has incurred an obligation for the purpose of paying for the construction, repair or remodeling of fairground properties or facilities, and the obligation remains outstanding at the time the agreement described in subsection (1) of this section is negotiated, the agreement shall provide for all or part of the periodic payments by the council to be credited to an appropriate account established in the State Treasury pursuant to ORS 291.001 (3) to compensate the obligated agency for the amounts coming due under the obligation. The agreement shall give priority to the full compensation of an obligated agency for any amounts coming due on revenue bonds payable from the revenues of fairground business operations or from the operation of fairground properties and facilities, including but not limited to revenue bonds issued under ORS 565.095 as set forth in the 2011 Edition of Oregon Revised Statutes.

(3) If any fairground properties or facilities are sold, the Oregon Department of Administrative Services shall ensure that any net proceeds of the sale are applied as provided in this subsection. Net sale proceeds shall be applied according to the following priorities:

(a) First, for the repair and maintenance of other fairground properties or facilities.

(b) Second, for the payment of any bonds secured by the property or facility sold.

(c) Third, for the payment of any bonds payable out of Oregon State Fair revenues or other fairground revenues.

(d) Fourth, for the acquisition of new fairground properties or facilities or other new properties and facilities for the conducting of the Oregon State Fair or for deposit to fairground property and facility acquisition accounts described in ORS 565.545 (1).

(4) The agreement described in subsection (1) of this section shall provide for appropriate apportionment between the council and the Oregon Department of Administrative Services of any insurance proceeds paid

in compensation for loss involving fairground properties or facilities.

(5) Notwithstanding subsection (1) of this section, the Oregon Department of Administrative Services may seek an appropriation from the Legislative Assembly or the Emergency Board for moneys to support the conducting of the Oregon State Fair, the carrying out of fairground business operations, the operation of fairground properties and facilities or the repair, maintenance or insurance of fairground properties and facilities, if the council and the department agree that the existing and projected financial resources of the council are inadequate to conduct the Oregon State Fair, to carry out fairground business operations, to operate fairground properties and facilities, to make necessary repairs to fairground properties and facilities or to adequately maintain and insure fairground properties and facilities. Any appropriation to the department shall be expended and accounted for by the department as provided by law. Any expenditures made from an appropriation described in this subsection shall be an obligation owing from the council to the department. [2013 c.492 §7]

565.510 [Amended by 1953 c.675 §12; 1969 c.239 §2; repealed by 1983 c.327 §16]

565.515 Businesses that may be licensed; when other license may be required. The state fair director may authorize the conducting of any lawful business at fairground properties and facilities. A business operating on fairground properties or facilities under authorization from the state fair director is not required to obtain a local business license for the operation. However, nothing in this section shall interfere with the laws of this state requiring a license for the operation of a restaurant or requiring a license to be obtained from the Oregon Liquor Control Commission for the sale or distribution of alcoholic liquors. [Formerly 565.130]

Note: 565.515 was made a part of ORS chapter 565 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

565.520 [Amended by 1969 c.239 §3; repealed by 1983 c.327 §16]

565.521 Conducting of Oregon State Fair; fairground business operations, buildings and facilities. (1) The State Fair Council shall govern the conducting of the Oregon State Fair, the carrying out of fairground business operations and the operation of fairground properties and facilities. The council shall conduct the Oregon State Fair for a period of not less than three days and not more than 17 days annually on dates established by the council.

(2) The council may engage in all necessary or expedient actions or activities to

carry out the mission and purposes of the council described in ORS 565.456.

(3) The council may enter into contracts and agreements involving property, goods or services as the council deems reasonable to carry out the mission and purposes of the council or to execute any duties, functions or powers of the council, including but not limited to contracts and agreements related to the conducting of the Oregon State Fair, the carrying out of fairground business operations and the operation of fairground properties and facilities as an exposition center or the construction, repair, remodeling, maintenance and insurance of fairground properties and facilities. However, the council may not enter into any contract or agreement that will result in a lien on fairground properties or facilities that exceeds the available financial resources of the council without first obtaining permission for the lien from the Oregon Department of Administrative Services.

(4) The council may sue and be sued in its own name.

(5) Subject to subsection (3) of this section and ORS 565.495 (1), the council may acquire, purchase, receive, hold, control, convey, sell, manage, operate, lease and improve real or personal property as the council deems necessary or expedient for conducting the Oregon State Fair, carrying out fairground business operations or operating fairground properties and facilities.

(6) ORS 227.286 does not apply to any construction, repair, remodeling or maintenance of fairground properties and facilities.

(7)(a) The council may solicit support for carrying out the mission and purposes of the council described in ORS 565.456 and, subject to ORS 565.495 (1), may accept conditional or unconditional gifts, grants, donations, bequests and other contributions of money, property, services or other things of value from public or private sources and, subject to any terms of a contribution, may:

(A) Expend the contribution to benefit the conducting of the Oregon State Fair, the carrying out of fairground business operations, the operation of fairground properties and facilities, the promotion of the Oregon State Fair and related Oregon tourism and other industries;

(B) Deposit the contribution in a dedicated acquisition account described in ORS 565.545 (1); or

(C) Use the contribution for any other purpose consistent with the mission and purposes of the council.

(b) The council may obtain sponsorships, sell advertising space, sell naming rights and engage in other transactions to generate re-

venue for any purposes consistent with the mission and purposes of the council. [2013 c.492 §8]

565.530 [Amended by 1953 c.675 §12; repealed by 1969 c.239 §9]

565.539 Council finances. (1) As used in this section:

(a) "Depository" has the meaning given that term in ORS 295.001.

(b) "Financial institution" has the meaning given that term in ORS 706.008.

(2) Except as provided in this section, moneys received by the State Fair Council must be promptly deposited into an account established by the council in a depository that is insured by the Federal Deposit Insurance Corporation or the National Credit Union Share Insurance Fund. In a manner consistent with the requirements of ORS 295.001 to 295.108, the chairperson and vice-chairperson of the council shall ensure that sufficient collateral secures any amount of funds on deposit that exceeds the limits of the coverage provided by the Federal Deposit Insurance Corporation or the National Credit Union Share Insurance Fund.

(3) The council may deposit moneys into an account established by the council in a financial institution that is not a depository if the amount on deposit is at all times fully insured by the Federal Deposit Insurance Corporation, the National Credit Union Share Insurance Fund or another appropriate federal regulatory body responsible for insuring amounts on deposit with the financial institution for the benefit of depositors.

(4) The council may invest any moneys the council receives. Except as provided in subsection (5) of this section, investments that the council makes are:

(a) Limited to investments described in ORS 294.035;

(b) Subject to the investment maturity date limitations described in ORS 294.135; and

(c) Subject to the conduct prohibitions listed in ORS 294.145.

(5) In addition to or in lieu of investments described in subsection (4) of this section, the council may invest in the investment pool described in ORS 294.805. For purposes of ORS 294.805 to 294.895, the state fair director is a local government official.

(6) Except as provided in this subsection, the state fair director shall provide to each meeting of the council a financial report that includes, but need not be limited to, a summary of account and investment activity, and copies of any account or investment statements received from a bank, investment firm

or other source since the previous report was provided. The council may waive the financial report requirement if the council is meeting less than 30 days after a meeting to which the state fair director provided a financial report. [2013 c.492 §9]

565.540 [Repealed by 1983 c.327 §16]

565.545 Profit and loss reports; triggering of appraisal. (1) If the conducting of the Oregon State Fair, the carrying out of fairground business operations and the operation, maintenance or repair of fairground properties and facilities by the State Fair Council results in a net profit for the fiscal year, the council shall use any moneys in excess of scheduled expenditures and reasonable reserves only for:

(a) Deposit into depository or investment accounts designated for fairground business operations or for the repair, maintenance, acquisition or operation of fairground property or facilities; or

(b) Payment of obligations owed the Oregon Department of Administrative Services under ORS 565.495 (5).

(2) The council shall include information regarding the fiscal year net profit or loss from the conducting of the Oregon State Fair, the carrying out of fairground business operations and the operation of fairground properties and facilities in the annual report made under ORS 565.555. The report shall include the amounts for each use made of any net profit moneys.

(3) If the total balance of depository or investment accounts described in subsection (1)(a) of this section exceeds \$50 million, the council shall notify the Oregon Department of Administrative Services. Upon receiving notice from the council under this subsection, the department shall cause an appraisal to be made of the sale and long-term lease values of fairground properties and facilities. The department shall also determine the payment schedule and outstanding amount of any obligations that have been incurred by state agencies for the purpose of paying for the construction, repair or remodeling of fairground properties and facilities, including but not limited to any amounts owing in payment of revenue bonds or lottery bonds issued for the construction, repair or remodeling of fairground properties and facilities. The department shall provide the appraisal and obligation information to the council. The council shall include information regarding the balance of the depository and investment accounts described in subsection (1)(a) of this section and the properties and facilities appraisal obligation information provided by the department in the annual report submitted by the council under ORS 565.555. [2013 c.492 §10]

565.550 [Amended by 1953 c.675 §12; repealed by 1969 c.239 §9]

565.555 Budget; audits; activities reporting. (1) The State Fair Council shall adopt a budget on a biennial basis using classifications of expenditures and revenues required by generally accepted accounting principles applicable to governmental entities. The budget is not subject to review and approval by the Legislative Assembly or to modification by the Legislative Assembly or the Emergency Board. The budget is not subject to any expenditure limit or to an allotment process. All moneys received or collected by the council are available for use as provided under this chapter at the discretion of the council.

(2) Prior to adopting or modifying a biennial budget, the council shall make the proposed budget, the adopted budget for the biennium then in progress and a financial report for the completed months of the biennium then in progress available for public review on a website maintained by the council for Oregon State Fair purposes. The council shall hold at least one regularly scheduled public meeting at which the public may comment on the proposed budget or modification. The council shall adopt a budget or budget modification at a regularly scheduled public meeting that is subsequent to the meeting at which the council allows public comment on the proposed budget or modification.

(3) The council shall submit to periodic audits by the Secretary of State. The council may retain a public accounting firm to annually examine and attest to the financial operations of the council. The council shall include the results of any public accounting in the annual report submitted to the Legislative Assembly under subsection (4) of this section.

(4) The council shall file an annual report with the Governor, a committee or interim committee of the Legislative Assembly dealing with economic development, the Legislative Fiscal Office and the Oregon Department of Administrative Services regarding the activities of the council, including but not limited to the conducting of the Oregon State Fair, the carrying out of fairground business operations and the operation of fairground properties and facilities as an exposition center and the resulting revenues and expenses. [2013 c.492 §11]

565.560 [Repealed by 1983 c.327 §16]

565.565 Unauthorized entry to fairgrounds; penalty. A person who gains or attempts to gain unauthorized entry to the Oregon State Fair or to an event held at fairground properties or facilities without paying a required admission fee commits a

Class D violation. In addition to any enforcement officers specifically identified in ORS 153.005, the state fair director and other employees of the State Fair Council may issue citations for violations of this section. [2013 c.492 §12]

565.570 [Repealed by 1983 c.327 §16]

565.575 Oregon State Fair location; use of fairground buildings and facilities.

(1) The Oregon State Fair shall be conducted on the state property, located in the City of Salem, historically devoted to Oregon State Fair purposes. The fairground properties and facilities described in this section must be dedicated for the conducting of the Oregon State Fair and for the operation of the properties and facilities by the State Fair Council as an exposition center.

(2) The Oregon Department of Administrative Services may obtain or receive, by donation, exchange or purchase, properties and improvements adjacent to the fairground properties and facilities that the department, after consultation with the council, considers beneficial for the conducting of the Oregon State Fair and the use of the properties and facilities and, subject to the terms of any agreement described in ORS 565.495 (1), may conduct or approve the construction, repair or remodeling of improvements, properties and facilities as the department considers necessary or expedient for the conducting of the Oregon State Fair, the operation of fairground properties and facilities as an exposition center or other council activities. [2013 c.492 §13]

565.580 Armory on state fairgrounds.

(1) Notwithstanding ORS 565.495, the State Fair Council and the General Staff of the Oregon National Guard may enter into a mutual agreement for the use, by the council and the General Staff, of an armory building and appurtenant grounds at a location on fairground property and for the General Staff to exercise control over the armory and grounds for the period that such armory and grounds are used for military purposes. When such armory and grounds are no longer used for military purposes, the control over them shall revert to the council.

(2) For purposes of this section, "control" does not include the power to sell, lease, mortgage or in any other way encumber an armory or grounds described under subsection (1) of this section. [Formerly 565.150]

REGULATIONS AND LAW ENFORCEMENT AT COUNTY FAIRS AND OTHER EVENTS

565.610 Conducting business on or near grounds of fair or society. (1) 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 articles of traffic, or sell or otherwise dispose of any liquors, cigars, goods, wares, merchandise, meals, lunch or any article of traffic whatever on any grounds owned or occupied by a county fair board or any county or district society formed for the promotion and encouragement of agriculture, stock growing or horticulture, or within one-half mile of such grounds, without having paid the county fair board or such society the license for the privilege, or obtained the written consent of the county fair board or of the president and secretary of such society.

(2) Nothing in this section shall restrain any person except during fairs or exhibitions or other public events or meetings on the grounds of any county fair board or of such societies, and for two days prior and two days subsequent thereto. This section does not extend to any person regularly and continuously carrying on business within one-half mile of the premises mentioned. [Amended by 1953 c.675 §12; 1969 c.239 §5; 1973 c.537 §8; 1977 c.55 §28; 2005 c.22 §385; 2005 c.777 §42; 2013 c.492 §16]

565.620 Admission to grounds of fair or society except through special gates prohibited. A person may not gain admission, or attempt to gain admission, to the grounds owned or occupied by a county fair board or any society mentioned in ORS 565.610 during their annual fairs, exhibitions, public events or meetings except through the special gates kept by the county fair board or society for that purpose. [Amended by 1953 c.675 §12; 1969 c.239 §6; 1973 c.537 §9; 2005 c.777 §43; 2013 c.492 §17]

565.630 Regulation of public events; penalty. Any county fair board and every society mentioned in ORS 565.610 may regulate its prices of admission, licenses and all matters pertaining to the conduct of its annual fairs, exhibitions or other public events or meetings. The penalty for violation of its rules and regulations is a Class D violation. [Amended by 1953 c.675 §12; 1969 c.239 §7; 1973 c.537 §10; 2005 c.777 §44; 2011 c.597 §90a; 2013 c.492 §18]

565.640 Peace officers; authority; power of arrest. The peace officers of a county fair board or of a society mentioned in ORS 565.610, during the continuance of

each annual fair or other public event or meeting, and for three days prior and two days subsequent thereto, on the grounds owned or occupied by the county fair board or society for fairs, exhibitions or other public events or meetings, shall have all the authority of a deputy sheriff and may make arrests for violations of the provisions of ORS 565.610 to 565.650 or other laws of this state, or the rules or regulations of the fair board or society. [Amended by 1953 c.675 §12; 1969 c.239 §8; 1973 c.537 §11; 2005 c.777 §45; 2013 c.492 §19]

565.650 Justices of the peace given jurisdiction. Justices of the peace shall have jurisdiction of all offenses against the provisions of ORS 565.610 to 565.640.

MISCELLANEOUS

565.875 Conducting of or participation in rodeos. (1) A person may conduct or participate in rodeos in this state. State law may not be applied in a manner that affords the conducting of or participation in rodeos less favorable treatment than for other organized exhibitions or events. A local ordinance or state agency rule may not prohibit the conducting of or participation in rodeos in this state. This subsection does not prohibit the application of any law, ordinance or rule regulating the time, manner or place for conducting a rodeo in the same manner that the law, ordinance or rule is applied for other events.

(2) A rodeo promoter may establish fees, rules, policies and procedures for events of the rodeo, including but not limited to rules, policies and procedures regarding participant qualifications. [2013 c.616 §1]

Note: 565.875 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 565 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

PENALTIES

565.990 Penalties. Violation of ORS 565.610 or 565.620 is a Class D violation. [Amended by 1999 c.1051 §201; 2011 c.597 §91]