



OREGON LIQUOR CONTROL COMMISSION
The Commission proposes to amend the following
Oregon Administrative Rule:

OAR 845-001-0005
Notice of Rulemaking

HOW TO COMMENT: If you want to comment on the proposed adoption, please write to:

Oregon Liquor Control Commission
9079 SE McLoughlin Boulevard
Portland, OR 97222
ATTENTION: Jennifer Huntsman, Rules Coordinator

Phone: (503) 872-5004 (toll free within Oregon 1-800-452-6522)
Fax: (503) 872-5110

CAPTION: Amend rule to more closely match standard language in Attorney General's sample notice rule

This rule describes the procedure the Commission utilizes to inform interested parties of intended rulemaking. ORS 183.341(4) requires an agency to adopt such rules of procedure which provide a reasonable opportunity for interested persons to be notified of the agency's intention to adopt, amend or repeal a rule. The Attorney General's Model Rules of Procedure do not include a proposed notice rule designed to meet the statutory requirements because each agency needs to tailor its notice rule to identify its own particular constituencies, however the Attorney General does provide guidance in a sample rule. Staff proposes amendment of our notice rule in order to more closely match the standard rule language utilized in the Attorney General's sample notice rule, while also better reflecting the Commission's specific rulemaking notice procedure.

You can obtain a copy of the proposed amendments by calling Laura Paul at 503-872-5105, or the toll-free number listed above. Rule drafts are also available on the OLCC web site: <http://oregon.gov/OLCC/> - go to the "Liquor Laws and Rules" button, then follow the link to "OLCC Proposed Rulemaking", then "Notice Rule", and finally "Initial Proposed Rule Draft". If you wish to give your views, arguments, or

information on this matter, you can submit comments by May 29, 2009. You can also email your comments to: jennifer.huntsman@state.or.us.

Documents faxed or mailed must be received by 5:00 pm on May 29, 2009.

ORS 183.335(2)(G) 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. That comment must also be received by 5:00 pm on May 29, 2009.

The Commission reserves the right to request and receive additional comments at any time on or before the date the Commission takes final action on the proposed amendment of this rule.

Statutory Authority: ORS 183.341, 471.030, 471.730(1) & (5)

Other Authority: None

Statutes Implemented: ORS 183.335 & 183.341

Need for the Rule(s): This rule describes the procedure the Commission utilizes to inform interested parties of intended rulemaking. ORS 183.341(4) requires an agency to adopt such rules of procedure which provide a reasonable opportunity for interested persons to be notified of the agency's intention to adopt, amend or repeal a rule. The Attorney General's Model Rules of Procedure do not include a proposed notice rule designed to meet the statutory requirements because each agency needs to tailor its notice rule to identify its own particular constituencies, however the Attorney General does provide guidance in a sample rule. Staff proposes amendment of our notice rule in order to more closely match the standard rule language utilized in the Attorney General's sample notice rule, while also better reflecting the Commission's specific rulemaking notice procedure.

Documents Relied Upon, and where they are available: None.

Fiscal and Economic Impact, including Statement of Cost of Compliance: This statement takes into account the fiscal impact on **(a)** all liquor licensees, service permittees, alcohol server education providers, and retail sales agents; **(b)** local government; **(c)** state agencies; and **(d)** the public.

(a) All Liquor Licensees, Service Permittees, Alcohol Server Education Providers, and Retail Sales Agents. There should be no negative fiscal impact on any licensee, permittee, provider or agent from the proposed rule amendments.

(b) Local government. The Commission does not anticipate any fiscal impact on local government from the proposed rule amendments.

(c) State agencies. The Commission does not anticipate any fiscal impact on state agencies from the proposed rule amendments.

(d) The public. The Commission does not anticipate any fiscal impact on the public from the proposed rule amendments.

Cost of Compliance: There should be no costs for anyone to comply with these amendments. There are no reporting or recordkeeping requirements required for compliance. There is no requirement for equipment, supplies, labor, or administration.

Because there is not adequate information available to accurately project the fiscal impact, the Commission is unable to calculate the potential fiscal impacts.

How were small businesses involved in the development of this rule? The Commission assumes the majority of its licensees are small businesses. Because the amendments to the rule are housekeeping in nature we anticipate no negative fiscal or other impacts on any small business.

Administrative Rule Advisory Committee consulted? No. Because the amendments are a housekeeping matter and will have no impact on the industry, we did not consult an advisory committee.

(This notice mailed May 1, 2009)