

## AT-A-GLANCE

### OAR 845-005-0415 Special Event Winery and Special Event Grower Sales Licenses

#### Initial Action

(To amend an existing rule)

#### Final Action

(To temporarily amend an existing rule)

July 2009

This rule describes Special Events licenses that are available to current Winery or Grower Sales Privilege licensees and also describes the application process.

Legislative Counsel reviewed the Commission's April 1, 2009 rule amendments related to catering, temporary sales, and special events, and on May 19, 2009 issued us a staff report. This report includes a negative determination in that they find OAR 845-005-0415 (4) exceeds the scope of the enabling statutes.

Because our intent was to have consistency amongst the three special event rules in this rule amendment package, our rule states that no more than seven license days will be approved on an application. However, the enabling statutes (ORS 471.223 and ORS 471.227) limit special events for Winery and Grower Sales Privilege licensees to only five days. We need to amend section (4) of this rule to match the current statutory language regarding the maximum number of days that a winery or grower can conduct activities under a special events license.

The Commission's operational procedures have already been revised and regulatory staff that process Winery or Grower Sales Privilege licensee applications for a Special Event license are approving no more than five license days on a single application.

Because this rule is outside the scope of its enabling statutes, we need to amend this rule on a temporary basis in order to comply with the statutory language now in effect.

#### **SUGGESTED MOTION:**

*I move to initiate rulemaking to amend OAR 845-005-0415, and to hold a rulemaking hearing at staff's discretion. I also move to temporarily amend OAR 845-005-0415 effective July 15, 2009 through January 10, 2010.*