



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

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

**PUBLIC HEARING:**

Commission staff will hold a public hearing on this proposed action:

**Date:** August 25, 2009  
**Time:** 10:00 am  
**Location:** Oregon Liquor Control Commission  
9079 SE McLoughlin Boulevard  
Portland, OR 97222

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

Fax: (503) 872-5110

**Presiding Officer:** Jennifer Huntsman

(Auxiliary aids for persons with disabilities are available upon advance request)

**CAPTION: Amend Special Event Winery / Grower rule to reflect maximum of five license days on application**

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 the April 1, 2009 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. Because this rule is outside the scope of its enabling statutes, we need to amend this rule in order to comply with the statutory language now in effect.

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 "Special Event Winery Rulemaking", and finally "Initial Proposed Rule Draft". If you wish to give your views, arguments, or information on this matter, you may do so at the public hearing, or you can submit comments by September 8, 2009. You can also email your comments to: [jennifer.huntsman@state.or.us](mailto:jennifer.huntsman@state.or.us).

**Documents faxed, mailed or emailed must be received by 5:00 pm on September 8, 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 September 8, 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 rule.

**Statutory Authority:** ORS 471, including 471.030, 471.040 and 471.730(1) & (5)

**Other Authority:** None

**Statutes Implemented:** ORS 471.223 and ORS 471.227

**Need for the Rule(s):** 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 the April 1, 2009 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. Because this rule is outside the scope of its enabling statutes, we need to amend this rule in order to comply with the statutory language now in effect.

**Documents Relied Upon, and where they are available:** Legislative Counsel's Staff Report ARR 152 (available from the Office of the Legislative Counsel or the Oregon Liquor Control Commission, Administrative Policy & Process Division).

**Fiscal and Economic Impact, including Statement of Cost of Compliance:** This statement takes into account the fiscal impact on (a) Special Event Winery & Grower Sales Privilege licensees; (b) local government; (c) state agencies; and (d) the public.

(a) **Special Event Winery & Grower Sales Privilege licensees.** There should be no negative fiscal impact on any licensee 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. Lowering the maximum from seven to five license days that can be approved on a single application might translate into some added inconvenience for the applicant in that they may have to fill out more

paperwork. While some inconvenience could occur, the Commission does not anticipate any fiscal impact on licensees from the proposed rule amendment.

**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 minor changes to bring the rule into compliance with current statute, we anticipate no negative fiscal or other impacts on any small business.

**Administrative Rule Advisory Committee consulted? No.** Because the amendments are minor changes to bring the rule into compliance with current statute and will have very little impact on the industry, we did not consult an advisory committee.

(This notice mailed July 31, 2009)