

**AGENDA**  
**JOINT MEETING BETWEEN THE ONTARIO CITY COUNCIL**  
**AND THE ONTARIO PLANNING COMMISSION**  
**CITY OF ONTARIO, OREGON**  
Monday, November 17, 2014, 7:00 p.m., M.T.

**1) Call to order**

Roll Call: Norm Crume \_\_\_\_\_ Jackson Fox \_\_\_\_\_ Charlotte Fugate \_\_\_\_\_ Dan Jones \_\_\_\_\_  
Larry Tuttle \_\_\_\_\_ Ron Verini \_\_\_\_\_ LeRoy Cammack \_\_\_\_\_  
  
Cindy McLeran \_\_\_\_\_ Craig Smith \_\_\_\_\_ Max Twombly \_\_\_\_\_ Rita Kanrich \_\_\_\_\_  
Ralph Poole \_\_\_\_\_ Michael Rudd \_\_\_\_\_

**2) Pledge of Allegiance**

This Agenda was posted on Wednesday, November 12, 2014, and a study session was held Thursday, November 13, 2014, at 12:00 p.m. Copies of the Agenda are available at the City Hall Customer Service Counter and on the city's website at [www.ontariooregon.org](http://www.ontariooregon.org).

**3) Motion to adopt the entire agenda**

**4) Consent Agenda:**

- A) Minutes of Council Meeting for November 3, 2014 ..... 1-4
- B) Liquor License Application: Change of Location - Long's Sports Pub ..... 5
- C) Approval of the Bills

**5) Joint Public Hearing:**

- A) Ordinance #2697-2014: Annex/Rezone 44.81 Acres, Assigning City Single-Family Residential (RS-50) from Urban Growth Area (UGA) 1<sup>st</sup> & 2<sup>nd</sup> Reading by Emergency Passage ..... **(HAND-OUT)**

**6) Department Head Updates: *Thursday Only***

**7) Public Comments:** Citizens may address the Council on items not on the Agenda. Please limit your comments to three (3) minutes. This time limit will be enforced. Please state your name and city of residence for the record.

**8) New Business:**

- A) Request Notice to Proceed: Professional Engineering Services for WTP Pilot Testing ..... 6-9
- B) Resolution #2014-134: Request to Txf Funds for Annex Building Repairs ..... 10-15
- C) Resolution #2014-135: Request Closure of RRX on 6<sup>th</sup> Avenue Tracks ..... 16-35

**9) Discussion/Informational/Hand-Out Items (*Thursday*)**

- A) County Court Minutes: 10-22-2014
- B) SREDA Minutes and Regional Data: 11-05-2014
- C) Information Related to Ballot Measure 91
- D) Financials
- E) City Manager Job Description

**10) Correspondence, Comments and Ex-Officio Reports**

**11) Adjourn**

*MISSION STATEMENT: TO PROVIDE A SAFE, HEALTHFUL AND SOUND ECONOMIC ENVIRONMENT, PROGRESSIVELY ENHANCING OUR QUALITY OF LIFE*

The City of Ontario does not discriminate in providing access to its programs, services and activities on the basis of race, color, religion, ancestry, national origin, political affiliation, sex, age, marital status, physical or mental disability, or any other inappropriate reason prohibited by law or policy of the state or federal government. Should a person need special accommodations or interpretation services, contact the City at 889-7684 at least one working day prior to the need for services and every reasonable effort to accommodate the need will be made. T.D.D. available by calling 889-7266.

**ONTARIO CITY COUNCIL MEETING MINUTES  
Monday, November 3, 2014**

The regular meeting of the Ontario City Council was called to order by Mayor LeRoy Cammack at 7:00 p.m. on Monday, November 3, 2014, in the Council Chambers of City Hall. Council members present were LeRoy Cammack, Norm Crume, Jackson Fox, Charlotte Fugate, and Ron Verini. Dan Jones and Larry Tuttle were excused.

Members of staff present were Tori Barnett, Larry Sullivan, Marcy Siriwardene, Kari Ott, Mary Dombay, Anita Zink, and Mark Alexander. The meeting was recorded, and copies are available at City Hall.

Charlotte Fugate led everyone in the Pledge of Allegiance.

**AGENDA**

Charlotte Fugate moved, seconded by Ron Verini, to adopt the Agenda as presented. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-out; Tuttle-out; Verini-yes; Cammack-yes. Motion carried 5/0/2.

**CONSENT AGENDA**

Norm Crume moved, seconded by Ron Verini, to approve Consent Agenda Item A: Minutes of the Council Meeting of October 20, 2014; Item B: Liquor License Request – DJ's Restaurant; and Item C: Approval of the Bills. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-out; Tuttle-out; Verini yes; Cammack-yes. Motion carried 5/0/2.

**PUBLIC COMMENT**

Jerry Kusch, Ontario, stated he was ex-military, a retired correction's officer, and a card-carrying member for medical marijuana. He was concerned about things happening with the City Council. He relayed his concerns about the taxation of medical marijuana. Where was the justice in that? The law wouldn't hold up, and there would be lawsuits filed. One lawsuit had already been won. Marijuana had already been approved for Veterans who suffered from PTSD, but the Council wanted to restrict the use. He didn't understand that.

**OLD BUSINESS**

**Ordinance #2694-2014: Modify TSP to City's Comprehensive Plan – Reclass Reiter Drive to Local Street and its Connection to Malheur Drive (2<sup>nd</sup> and Final Reading)**

Larry Sullivan, City Attorney, stated there had been no changes since First Reading.

Charlotte Fugate moved, seconded by Jackson Fox, that the City Council adopt Ordinance #2694-2014, **AN ORDINANCE AMENDING THE TRANSPORTATION SYSTEM PLAN (TSP) OF THE CITY'S COMPREHENSIVE PLAN TO RE-CLASSIFY REITER DRIVE AS A LOCAL STREET AND TO ELIMINATE REITER DRIVE'S CONNECTION TO MALHEUR DRIVE ON THE TSP**, on Second and Final Reading. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-out; Tuttle-out; Verini-yes; Cammack-yes. Motion carried 5/0/2.

**Ordinance #2696-2014: Create 3-21 of Ontario Municipal Code regarding Establish Tax on Sale of Marijuana and Marijuana-Infused Products in the City of Ontario (2<sup>nd</sup> and Final Reading)**

Larry Sullivan, City Attorney, stated there had been no changes to the proposed ordinance since First Reading; however, as discussed prior to the First Reading, because Ballot Measure 91 was being voted on tomorrow and would become effective December 4<sup>th</sup> if it passed. The Council, if they wanted to have any sort of potentially effective ordinance, that ordinance would have to be passed on Second Reading that the current meeting. He had a brief discussion with Councilor Crume before the work session (no quorum present at the work session, though), and was asked to add some language to the ordinance for the Second Reading to have it read that any money received from the marijuana tax go into a dedicated public safety account. Councilor Crume wasn't present, as he was out of town, but the three Councilors who were in attendance, and none of them were particularly in favor of adding that language. As there was no quorum to give direction to make that change, so the ordinance before the Council that night was identical to the ordinance from First Reading. As he pointed out in the work session, that didn't prevent the Council from amending this ordinance at a later time. If approved at Second Reading, and Ballot Measure 91 passed tomorrow, there was going to be a time before any ordinance or Ballot Measure would take effect. The Council had the right to make amendments, as long as the amendments didn't have the effect of increasing the tax that was in the current ordinance. Any other changes would probably be non-controversial from the standpoint of creating a conflict with the Ballot Measure.

Councilor Crume stated his thought was that if the tax was allowed and went through, the Council could dedicate where that money would go. He believed it would be wise to put it in a certain area. He had spoken with both the Police and Fire Chiefs, and they had already experienced many cases because of abuses of both medical and recreational marijuana, where the taxpayers were footing that bill. He thought it might be wise to dedicate any money they might receive into that area. He asked Chief Alexander if he had anything to add, or could explain to the Council what type of experiences he had encountered over the years dealing with marijuana use and abuse, regarding the cost to the Ontario taxpayers.

Mr. Sullivan stated for clarification, because the Council had before them no document that made any changes from the First Reading, no changes could not be made at the current meeting. Even if a majority of the Council that evening wanted to add that language to the ordinance, they could not. The City Charter required that any changes be in front of the Council, in writing, at the time it was voted on. If they wanted, at a later date, to designate where the money would go, that could be done by resolution. That would not take an ordinance amendment.

Jackson Fox moved, seconded by Charlotte Fugate, that the City Council approve Ordinance 2696-2014, **AN ORDINANCE ADDING CHAPTER 21 TO TITLE 3 OF THE ONTARIO CITY CODE TO ESTABLISH A TAX ON THE SALE OF MARIJUANA AND MARIJUANA-INFUSED PRODUCTS IN THE CITY OF ONTARIO**, on Second and Final Reading by Title Only. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-out; Tuttle-out; Verini-yes; Cammack-yes. Motion carried 5/0/2.

**CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS**

- ✓ Mayor Cammack let everyone know the emergency exit door from the Council Chambers would sound an alarm if anyone used it.
- ✓ Charlotte Fugate stated about three weeks ago, she attended a Main Street Conference in McMinnville, and explored the Main Street Program. Since that time, she had presented it to the Chamber of Commerce and she was looking for a consensus from the Council that they would support this endeavor. The portion she planned to enroll under would be the Exploring Downtown application. It was the beginning of the clean-up of the downtown area, and looking at the buildings, and some of the city's ordinances, and hopefully some support would see this city get cleaned up. She distributed some documents at the previous work session that went into more detail, asking everyone to give it a review. She just wanted Council consensus for the project.

Mayor Cammack thanked Councilor Fugate for volunteering to head that project for the city. Were there any objections to this project?

Councilor Fugate stated she had spoken with Sheri, and as soon as they could put in the application, they'd start to form a committee and get to work. She was very excited.

Council consensus to support the project.

- ✓ Councilor Crume stated Thursday, he and Councilor Fugate had the opportunity to go to Boise to meet with the City of Boise Recreation Coordinator, two representatives from the YMCA, along with Betsy [Roberts] and Cliff [Leeper] from CH2M Hill. The meeting went well. They asked for ideas on what they thought Ontario should do to the Aquatic Center. One of the gentlemen was in Ontario a few years ago, and he presented some ideas on what they'd change, some ideas on operations. CH2M Hill was going to take those ideas and adapting them to what they believed needed to be repaired, and to gather current prices. They were invited to their State Street facility for a tour, and he was beyond amazed as to what took place at that facility. He had never been inside a YMCA facility before, and he couldn't believe that there were so many activities going on from 6-week old babies to elderly persons with walking canes. It was incredible. It struck him that if Ontario could have something even remotely similar to that facility in our own community, it would be fantastic. If nothing else, he believed that if the city could find a way to rebuild the pool, and have a designated amount of money provided to them annually, amount being tossed around was between \$75K-100K, to operate, that maybe they'd be interested in doing something. There was no commitment, but they did say they'd look into the possibility. It seemed a worthwhile venture to look into, to see if there was a way to finance it to get it operating, and then to partner with the YMCA to operate the facility.

Councilor Fugate stated one gentleman at the meeting had operated the new YMCA in Caldwell, and he indicated that the juvenile crime rate in Caldwell had dropped by 40% because of the pool, because kids had a place to go and do activities. It was a win-win situation for Ontario if it could be done. She looked forward to working towards that goal.

- ✓ Councilor Verini stated the Veteran's Day Parade would take place Saturday, November 8<sup>th</sup>, and would begin at 1:00 p.m. The parade would run down 4<sup>th</sup> Avenue, beginning near Albertson's and would conclude down by the Railroad Depot Station. On the 11<sup>th</sup>, at 11:00 a.m., there would be a memorial in both cemeteries. It would begin at Evergreen Cemetery, and then move to Sunset Cemetery, conducted by the American Legion, the VFW, and the DAV. He encouraged the community to get out and support its Veterans.
- ✓ Councilor Fugate reminded everyone to get out and vote!!

#### EXECUTIVE SESSION

##### Executive Session: ORS 192.660(2)(a)

An executive session was called at 7:33 p.m. under provisions of ORS 192.660(2)(a) to consider employment of an officer, employee, staff member or agent. This session ended at 7:57 p.m.

##### Executive Session: ORS 192.660(2)(d)

An executive session was called at 7:58 p.m. under provisions of ORS 192.660(2)(d) to consider employment of an officer, employee, staff member or agent. The Council reconvened into regular session at 8:41 p.m.

**ADJOURN**

Jackson Fox moved, seconded by Charlotte Fugate, that the meeting be adjourned. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-out; Tuttle-out; Verini-yes; Cammack-yes. Motion carried 5/0/2.

**APPROVED:**

**ATTEST:**

\_\_\_\_\_  
LeRoy Cammack, Mayor

\_\_\_\_\_  
Tori Barnett, MMC, City Recorder

**CONSENT AGENDA**  
November 17, 2014

TO: Mayor and City Council

FROM: Mark Alexander, Police Chief

THROUGH: Tori Barnett, Interim City Manager

**SUBJECT: LIQUOR LICENSE APPLICATION – LONG'S SPORTS PUB  
CHANGE OF LOCATION / LIMITED ON-PREMISES SALES**

DATE: November 6, 2014

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**SUMMARY:**

Mr. Larry Leavitt is applying for a “change of location” for his Limited On-Premises Sales Liquor License through the Oregon Liquor Control Commission for Long’s Sports Pub. The current license is a Limited On-Premises Sales for Long’s Deli, LLC, under the Trade name of Long’s Sports Pub located at 359 South Oregon Street, Ontario, Oregon. The license will remain a Limited On-Premises Sales under the same ownership and trade name, with a new address of 166 South Oregon Street, Ontario, Oregon 97914.

All necessary paperwork has been approved through OLCC office and is awaiting approval through the Ontario City Council.

**BACKGROUND:**

Mr. Leavitt is in the process of moving his business to a new location in Ontario. This action requires OLCC to inspect, approve and document the license change from the original business location to the new location. This action also requires notification of this documented change to City Council.

Criminal Record process was completed on owner Mr. Larry Leavitt and manager Mr. William Leavitt. Both records returned showing no reason for concern. The application forms have been filled out appropriately and required fees have been paid.

**RECOMMENDATION:**

I have completed a review of this application information in accordance with the City of Ontario’s ordinance regulating this license. I recommend that we approve the application for Change of Location / Limited On-Premises Sales liquor licenses for Long’s Sports Pub.

## AGENDA REPORT

Nov. 10, 2014

TO: Mayor and City Council

FROM: Cliff Leeper, Public Works Director  
Betsy Roberts, City Engineer

THROUGH: Tori Barnett, City Manager Pro Tem

SUBJECT: **CH2M HILL, INC., NOTICE TO PROCEED FOR PROFESSIONAL ENGINEERING SERVICES FOR THE WATER TREATMENT PLANT PILOT TESTING**

DATE: Oct. 20, 2014

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### SUMMARY:

Attached are the following documents:

- Proposal for Professional Engineering Services
- 2014 Schedule of Charges and Proposed Fee Estimate

Murray, Smith and Associates, Inc., (MSA), recently completed the City Water Treatment Plant Audit contract to include the first phase of design work to develop a set of construction documents in order to develop a construction project in this current fiscal year.

### PREVIOUS COUNCIL ACTION:

Council approved the Notice to Proceed for MSA for Professional Engineering Services for Water Treatment Plant (WTP) Chemical Feed and Raw Water Supply Improvements Evaluation on October 20, 2014.

### BACKGROUND:

The scope of work is based on the conclusions of the August 2014 Water Treatment Plant Audit Report. Proposed pilot study will provide critical design element information necessary for MSA team to complete their preliminary engineering work.

### ALTERNATIVE:

If the City Council chose not to authorize the Notice to Proceed for the pilot study, the preliminary engineering effort by MSA would have to be developed with less than adequate information to properly design and size features of the new chemical feed system at the WTP. Postponement of the study would result in delay of the preliminary engineering work.

**FINANCIAL IMPLICATIONS:**

Work will be billed on a time and materials basis, in accordance with the schedule of charges. CH2MHILL will manage the work identified to the aggregate total budget amount (\$16,000), which shall not be exceeded without prior written authorization from the City.

**RECOMMENDATION:**

Staff recommends issuing a Notice to Proceed for Professional Engineering Services for the Water Treatment Plant Pilot Study.

**PROPOSED MOTION:**

I move that the City Council authorize a Notice to Proceed for Professional Engineering Services for the Water Treatment Plant Pilot Study.

# Ontario Water Treatment Plant Pilot Study

CH2M HILL Professional Engineering Services Scope

November 5, 2014

## Introduction

The City of Ontario operates two surface water treatment plants with two filters in each plant. The "Old Plant" is a conventional filtration plant with tube settlers while the WesTech Plant is a direct filtration plant with contact clarifier beds. The source water for the Old Plant is the Snake River which is a surface water source, while the WesTech Plant receives water from a combination of several wells under the direct influence of surface water and no more than 40% Snake River surface water. All sources are considered hard water and contain precipitated calcium.

In a recent engineering study, it was discovered that the water filters in the Old Plant were calcifying or accumulating calcium in the filter bed which diminished the filtration capability of the media within a couple of years. However, the WesTech filters was not having these issues.

In a recent scientific study conducted by CH2MHILL, it was discovered that the pre-filtration treatment in the WesTech Plant was removing calcium while the pre-filtration treatment in the Old Plant was not. The engineering study identified that reducing the pH in the Old Plant by adding carbon dioxide, would keep the calcium in solution and prevent filter calcification. However, the scientific study identified that by replacing the current chemicals (aluminum chlorohydrate) and polymer with ferric chloride, the addition of carbon dioxide would not be necessary and would also prevent filter calcification.

## Scope of Work

In order to propose a cost effective treatment scheme that will produce high quality water which meets state drinking water regulations while preventing calcium build-up in the filters, a pilot study was proposed that will:

- Determine if the WesTech treatment could handle a higher amount of surface water so as to become the predominant treatment for the City which could remove calcium at a low cost rate.
- Determine if adding ferric chloride instead of aluminum chlorohydrate to the Old Plant is effective in preventing calcium build-up and is more cost effective than adding carbon dioxide, aluminum chlorohydrate and polymer to the water.
- Determine if adding ferric chloride to the WesTech Plant is more cost effective and produces similar or higher water quality compared to the current treatment of aluminum chlorohydrate and polymer.
- Provide data to the engineering staff which will help design a more efficient chemical storage facility, an efficient way to blend sources of ground and surface water, and an efficient way to provide chemical treatment to the water.

## Ontario WTP Pilot Test - Schedule of Charges and Proposed Fee Estimate

Task Description - Labor	Hours	Hourly Rate	Extended Rate
Preparation for pilot	4	\$100	\$400
Run WesTech Plant pilot (1 week)	36	\$100	\$3,600
Report on WesTech Plant - develop report, conduct data and cost analysis, and conduct prep for Old Plant pilot	20	\$100	\$2,000
Run Old Plant pilot (1 week)	36	\$100	\$3,600
Report on Old Plant - develop report, conduct data and cost analysis	16	\$100	\$1,600
Prepare final overall report	24	\$100	\$2,400
Total Hours:	136		
Total Labor Fee:			\$13,600
<b>Expenses</b>			
Travel			\$2,000
Chemical Cost			\$400
Total Expense Cost:			\$2,400
<b>Total Proposed Fee:</b>			<b>\$16,000</b>

**AGENDA REPORT**  
November 17, 2014

TO: Ontario City Council

FROM: Marcy Siriwardene, Building Department

THROUGH: Tori Barnett, City Manager

**SUBJECT: RESOLUTION #2014-134: REDUCING BUILDING DEPARTMENT CONTINGENCY TO PURCHASE MATERIALS AND LABOR FOR THE BUILDING DEPARTMENT AND AUTHORIZING EXPENDITURES OF THOSE FUNDS**

DATE: November 7, 2014

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**SUMMARY:**

Attached is the following document:

- Resolution #2014-134
- Scope of Work
- Bid: Glenn Brothers Construction
- Bid: Turner Floor Covering

The Building Department office building, commonly referred to as the Annex Permitting Center, is desperately in need of improvements, to include interior repairs and upgrades and some exterior repairs to the added on part of the building.

The Request for Bid was due on October 10, 2014, and no quotes were received. After not receiving any quotes, three local general contractors were contacted, along with three local flooring contractors. Only one local general contractor and one local flooring contractor submitted bids.

**BACKGROUND:**

The Building Department (Annex Permitting Center) is currently in need of interior repair and upgrades, and a small amount of repair on the addition. If approved, these repairs would consist of painting the interior, concrete floor repair, carpeting, window covering, restroom upgrades, fixing the metal siding and roofing of the addition, and replacing some of the broken ceiling tile.

Cost estimates have been obtained to for the remodel project and are estimated at \$29,300. A small contingency has been added to bring the total request to \$35,000.

Staff requests to proceed with the purchase of the labor and materials, allocating the purchase from the Building Department Contingency Funding.

**FINANCIAL IMPLICATIONS:**

The purchase of the labor and materials will require up to \$35,000 (materials, labor, contingency) be taken from Building Contingency.

**RECOMMENDATION:**

Staff recommends Council adopt Resolution #2014-134.

**PROPOSED MOTION:**

I move that the Council adopt **Resolution #2014-134: A RESOLUTION REDUCING BUILDING DEPARTMENT CONTINGENCY TO PURCHASE MATERIALS AND LABOR FOR THE BUILDING DEPARTMENT AND AUTHORIZING EXPENDITURES OF THOSE FUNDS.**

**RESOLUTION # 2014-134**

**A RESOLUTION REDUCING BUILDING DEPARTMENT CONTINGENCY TO PURCHASE MATERIALS AND LABOR FOR THE BUILDING DEPARTMENT AND AUTHORIZING EXPENDITURE OF THOSE FUNDS**

**WHEREAS,** The Ontario Annex Permit Application Center is in need of interior repairs and upgrades such as carpeting, painting, and other items; and

**WHEREAS,** the Ontario Building Department has obtained a cost estimate for that labor and materials; and

**WHEREAS,** the city desires to modify the 2014-2015 budget to receive and expend funds to purchase and install those stated labor and materials.

**NOW THEREFORE, BE IT RESOLVED** by the Ontario City Council to approve the following adjustments to the fiscal year 2014-2015 budget:

Line Item	Item Description	FY 14-15 Budget	Amount of Change	Adjusted Budget
<b>BUILDING FUND</b>				
055-125-871000	Building Contingency	\$91,663	(\$35,000)	\$56,663
055-125-711800	Annex Improvements	\$0	\$35,000	\$35,000

**Effective Date:** Upon adoption

**Passed and adopted** by the Ontario City Council this 17<sup>th</sup> day of November, 2014.

Ayes:

Nays:

Absent:

**Approved** by the Mayor this 17<sup>th</sup> day of November, 2014.

ATTEST:

\_\_\_\_\_  
LeRoy Cammack, Mayor

\_\_\_\_\_  
Tori Barnett, MMC, City Recorder

**City of Ontario**  
**Building Department**  
**Annex Improvements Project**  
**458 SW 3<sup>rd</sup> Street, Ontario, OR 97914**

The materials for this project include the following:

- Prep and paint all interior walls, plus six doors
- Install doorstops for five interior doors
- Concrete floor repair, including sanding and/or patching
- Upgrade plumbing fixtures – toilets, sinks and faucets – in both restrooms
- Replace vinyl flooring in restrooms
- Replace mop board coping
- Install carpet
- Install accordion door to back office/supply storage
- Install window coverings on all windows, plus one door
- Install window film on all south and west facing windows and doors
- Complete metal siding outside
- Enclose soffit on addition
- Metal roofing on addition

**Proposal**

**Glenn Brothers Construction, Inc.**

PO Box 1605

Nyssa, OR 97913

Oregon CCB# LBPR21758

Idaho RCE-11941

Date	Proposal #
11/5/2014	541

Name / Address
City of Ontario

Description	Total
City Annex at 458 SW 3rd St. Labor & Materials for item listed 1-10 Per Request Permit By Owner	22,345.00

Due upon completion per item. Proposal void after 10 days.	<b>Total</b>	\$22,345.00
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WE PROPOSE to furnish labor, material, and equipment-complete in accordance with above specifications. Any changes or additions will become part of this agreement. Payments to be made on a percent of completion unless other arrangements have been made.

ACCEPTED. The above prices, specifications, and conditions are satisfactory and are hereby accepted. You are authorized to do the work as Specified.

Date if Acceptance: \_\_\_\_\_

Company: \_\_\_\_\_

By: \_\_\_\_\_

Respectfully Submitted,  
GLENN BROTHERS CONSTRUCTION, INC.

Signature \_\_\_\_\_

Note: The proposal may be withdrawn by us if not accepted within \_\_\_\_ days.

TURNER FLOOR COVERING TILE & STONE, INC.  
 385 SOUTH OREGON STREET  
 OREGON, OREGON 97914  
 CB # 134878

**Contractors Invoice**

TO: ONTARIO PUBLIC WORKS BLDG.  
 S.W. 3RD ST.  
 OREGON, OREGON 97914

WORK PERFORMED AT:  
 (541) 212-7766  
 Dan Turner

DATE: 9-16-14 YOUR WORK ORDER NO. OUR BID NO.

**DESCRIPTION OF WORK PERFORMED**

TEAR OUT AND REMOVAL OF CARPET AND BASE AND CONSTRUCTION DEBRIS.		
SCRAPING DOWN OF FLOOR AND SKIM COATING OF FLOOR.	LABOR	\$ 1275 <sup>00</sup>
GRIND DOWN CONCRETE HEAVE	LABOR	\$ 250 <sup>00</sup>
MODULAR CARPET - COMMERCIAL GRADE "X" FACTOR 152 SQUARE YARDS		\$ 3038 <sup>18</sup>
	INSTALLATION	\$ 760 <sup>00</sup>
4" RUBBER BASE 234 LINEAR FEET		\$ 354 <sup>00</sup>
	INSTALLATION	\$ 295 <sup>00</sup>
LARGE BATHROOM VINYL 12 SQUARE YARDS		\$ 312 <sup>00</sup>
	INSTALLATION	\$ 204 <sup>00</sup>
4" RUBBER BASE 38 LINEAR FEET		\$ 57 <sup>00</sup>
	INSTALLATION	\$ 47 <sup>50</sup>
SMALL BATHROOM VINYL 6 2/3 SQUARE YARDS		\$ 173 <sup>12</sup>
	INSTALLATION	\$ 113 <sup>22</sup>
4" RUBBER BASE 24 LINEAR FEET		\$ 39 <sup>00</sup>
	INSTALLATION	\$ 32 <sup>50</sup>
MATERIALS = \$ 3973 <sup>44</sup>		LABOR = \$ 2977 <sup>22</sup>

All Material is guaranteed to be as specified, and the above work was performed in accordance with the drawings and specifications provided for the above work and was completed in a substantial workmanlike manner for the agreed sum of \_\_\_\_\_ Dollars (\$ \_\_\_\_\_).

This is a  Partial  Full invoice due and payable by: \_\_\_\_\_ Month 15 Day \_\_\_\_\_ Year \_\_\_\_\_  
 in accordance with our  Agreement  Proposal No. \_\_\_\_\_ Dated \_\_\_\_\_ Month \_\_\_\_\_ Day \_\_\_\_\_ Year \_\_\_\_\_

**AGENDA REPORT**  
November 13, 2014

TO: Mayor and City Council

FROM: Dan K. Cummings, City Planner

THROUGH: Tori Barnett, Interim City Manager

**SUBJECT: RESOLUTION #2014-135: A RESOLUTION AUTHORIZING THE PERMANENT CLOSURE OF SE 6<sup>th</sup> AVENUE ACROSS THE UNION PACIFIC RAILROAD TRACKS**

DATE: November 10, 2014

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**SUMMARY:**

Attached are the following documents:

- Resolution #2014-135
- ODOT Road Closure Application and Exhibits

A request has been submitted by Energy Transport, LLC for the closure of the at-grade street crossing of SE 6<sup>th</sup> Avenue between the East Alley right-of-way between Blocks 8 and 9 of the Original Town Site of Ontario and the West Right of Way of SE 1<sup>st</sup> Street.

**BACKGROUND:**

At several City Council meetings over the past few months, this closure was discussed. At the last meeting on this matter, the City Council gave direction for Energy Transport to supply the documents required for the closure of the above stated section of SE 6<sup>th</sup> Avenue.

**RECOMMENDATION:**

Staff recommends adoption of Resolution 2014-135.

**PROPOSED MOTION:**

I move that the City Council adopt Resolution 2014-135, **A RESOLUTION WAIVING THE CITY OF ONTARIO'S RIGHT TO OBJECT TO THE CLOSURE OF THE UNION PACIFIC RAILROAD CROSSING AT SE 6<sup>th</sup> AVENUE, AND AUTHORIZING THE PERMANENT CLOSURE OF SE 6<sup>TH</sup> AVENUE ADJACENT TO THE RAILROAD CROSSING.**

**RESOLUTION 2014-135**

**A RESOLUTION WAIVING THE CITY OF ONTARIO'S RIGHT TO OBJECT TO THE CLOSURE OF THE UNION PACIFIC RAILROAD CROSSING AT SE 6<sup>th</sup> AVENUE, AND AUTHORIZING THE PERMANENT CLOSURE OF SE 6<sup>th</sup> AVENUE ADJACENT TO THE RAILROAD CROSSING**

- WHEREAS,** Energy Transport, LLC is proposing a development on their property on the East side of the Union Pacific Railroad that requires new spur tracks to be installed; and
- WHEREAS,** Union Pacific has stated that for the new spur tracks to be installed to support the new business of Energy Transport, LLC that the at grade crossing of SE 6<sup>th</sup> Avenue is required to be closed for safety reasons; and
- WHEREAS,** The City of Ontario has no dedicated right of way for the SE 6<sup>th</sup> Avenue crossing and it exists only by permission of Union Pacific Railroad; and
- WHEREAS,** Energy Transport, LLC has requested that the City close SE 6<sup>th</sup> Avenue between the East Alley right of way between Blocks 8 and 9 of the Original Town Site of Ontario and the West Right of Way of SE 1<sup>st</sup> Street to all through public motor vehicle access; and
- WHEREAS,** The City has no legal basis to prevent the closure of the Union Pacific Railroad crossing at SE 6<sup>th</sup> Avenue, but the City does have the right to lodge an objection with the Oregon Department of Transportation (ODOT) and request a formal public hearing before ODOT approves the closure; and
- WHEREAS,** Preventing motor vehicles from using the specified section of SW 6<sup>th</sup> Avenue between the East Alley right of way between Blocks 8 and 9 of the Original Town Site of Ontario and the West Right of Way of SE 1<sup>st</sup> Street will not substantially increase traffic congestion on other streets; create substantial inconvenience for nearby residences or businesses; or interfere with delivery of city services to any residents of the City; and
- WHEREAS,** This closure will not create a safety issue in connection with the provision of City fire and ambulance services or cause inconvenience or additional expense for the City.

**NOW, THEREFORE, BE IT RESOLVED** by the Ontario City Council as follows:

1. The City of Ontario waives its right to file an objection with ODOT to the closure by Union Pacific Railroad of the crossing at SE 6<sup>th</sup> Avenue in the City.
2. That SW 6<sup>th</sup> Avenue between the East Alley right of way between Blocks 8 and 9 of the Original Town Site of Ontario and the West Right of Way of SE 1<sup>st</sup> Street is permanently closed to public access.

3. The City Manager and Public Works Director are authorized to enter into right of way or easement agreements, or license agreements with Energy Transport, Union Pacific Railroad, Oregon Department of Transportation (ODOT) and sign any and all applications required for the safe closure of this portion of SE 6<sup>th</sup> Avenue.

**Passed and adopted** by the Ontario City Council this \_\_\_\_\_ day of November, 2014, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

**APPROVED** by the Mayor this \_ day of November, 2014.

\_\_\_\_\_  
LeRoy Cammack, Mayor

**ATTEST:**

\_\_\_\_\_  
Tori Barnett, MMC, City Recorder



**RAILROAD-HIGHWAY PUBLIC CROSSING  
SAFETY APPLICATION**

**INSTRUCTIONS**

*If you need assistance in completing this form, please call the Rail Division in Salem at (503) 986-4321.*

**Check one of the following items.** Then complete all of Section 1, plus any sections listed for that item.

- 1. Closure of an existing railroad-highway public at-grade crossing. *Answer Section 4.*
- 2. Alteration/relocation of an existing public highway at an existing railroad highway at-grade crossing. *Answer Section 2.*
- 3. Alteration or relocation of existing railroad track(s) at an existing public highway (at-grade crossing). *Answer Section 2.*
- 4. Alteration of an existing separated railroad highway public crossing. *Answer Section 3.*
- 5. Alteration of an existing railroad highway public at-grade crossing by adding warning devices (including installation of automatic signals at a crossing). *Answer Section 2.*
- 6. Construction of a new public highway/bikeway across an existing railroad track at grade. *Answer Section 2.*
- 7. Construction of a new railroad track or tracks across an existing public highway at grade. *Answer Section 2.*
- 8. Construction of a new public highway above or below the grade of an existing railroad track. *Answer Section 3.*
- 9. Construction of a new railroad track or tracks above or below the grade of an existing public highway. *Answer Section 3.*

If you find that no responses to a particular section are required, please omit that (those) page(s) from your application. All such omissions shall be specified on Page 10 of the application.

# Railroad-Highway Public Crossing Safety Application

## Railroads in Oregon

Listed below are some of the operating railroads in Oregon. If you have a question regarding railroad traffic, speed, location of switches near crossings, etc., please call the appropriate railroad contact person listed below.

Railroad name	Contact	Address	Phone
Albany & Eastern Railroad Co.	Ginny Wood General Manager	263 Industrial Way Lebanon OR 97355	(541) 259-6470
BNSF Railway Co.	Jason Sanchez Public Projects Manager	740 E Carnegie St. San Bernardino, CA 92408	(909) 386-44740
Astoria Trolley	Mitch Mitchum Trolley Volunteer	1095 Duane St. Astoria, OR 97103	(503) 791-3837
Central Oregon & Pacific Railroad	Dale Summers Division Engineer	333 SE Mosher St. Roseburg, OR 97470	(541) 840-3148
City of Prineville Railway	Matt Wiederhold Operation Manager	387 NE Third St. Prineville, OR 97754	(541) 447-6251
Coos Bay Rail Link	Duke Rodley General Manager	115 Hall Ave. Coos Bay, OR 97420	(541) 266-7245
Hampton Railway, Inc.	George Bonner Manager	9600 SW Barnes Road, Suite 400 Portland, OR 97225	(503) 297-7691
Idaho Northern & Pacific Railroad	Kent Omundson Director of Operations	119 Commercial Ave. Emmett, ID 83617	(208) 365-6353
Klamath Northern Railway Co.	Mike Poncil Supervisor	PO Box 638 Gilchrist, OR 97737	(541) 433-3309
Lake Railway	Rob Didelius General Manager	1410 S Third St. Lakeview, OR 97225	(360) 448-3071
Mount Hood Railroad	Ron Kaufman General Manager	110 Railroad Ave. Hood River, OR 97031	(541) 386-7527
Oregon Coast Scenic Railroad	Scott Wickert President	PO Box 669 Tillamook, OR 97141	(503) 842-7972
Oregon Pacific Railroad Co.	Richard Samuels General Manager	PO Box 22548 Portland, OR 97269	(503) 659-5452
Palouse River & Coulee City Railroad	Bill Brown General Manager	325 Mill Road Lewiston ID 83501	(208) 816-0730
Peninsula Terminal Co.	Kent Warnes General Manager	11645 N Force Ave. Portland, OR 97217	(503) 285-5023
Port of Tillamook Bay Railroad	Michele Bradley General Mgr	4000 Blimp Blvd. Tillamook, OR 97141	(541) 842-2413, ext. 116
Portland & Western Railroad, Inc.	Mark Bader Vice President Maintenance	3220 State St., Suite 200 Salem, OR 97301	(503) 480-7789
Portland Terminal Railroad	Val Shultz General Manager	3500 NW Yeon Ave. Portland, OR 97210	(503) 241-9898, ext. 104
Tri-Met	Sean Batty Director of Operating Projects	710 NE Holladay St. Portland, OR 97232-2168	(503) 962-2261
SP Newsprint	Tracy Kruse Superintendent	PO Box 70 Newberg, OR 97132	(503) 537-6251
Sumpter Valley Railroad	Taylor Rush Operations Manager	PO Box 389 Baker City, OR 97814	(541) 979-8884
Superior Lumber Co	Steven Swanson General Manager	PO Box 250 Glendale, OR 97442	(541) 832-1121
Union Pacific Railroad Co.	Terrel A. Anderson Public Projects Manager	9451 Atkinson St. Roseville, CA 95747	(916) 789-5134
Wallowa Union Railroad	Jim Seifert	PO Box 204 Wallowa, OR 97885	(503) 730-3421
RVT Rogue Valley Terminal RR	Scott DeVries	2095 Avenue F White City, OR 97503	(541) 826-2631
Willamette Shore Trolley	William Webber	P.O. Box 369 Lake Oswego, OR 97034	(503) 635-0284
Willamette Valley Railway Co.	David Root General Manager	PO Box 917 McMinnville, OR 97128	(503) 474-1892
Wyoming & Colorado Railroad (Oregon Eastern Railroad)	Brian Keller General Manager 20	164 Washington St. Vale, OR 97918	(541) 473-2570

## Railroad-Highway Public Crossing Safety Application

### Definitions:

- “Agency” means any state board, commission, department, or division thereof, or officer authorized by law to make rules or to issue orders, except those in the legislative and judicial branches.
- “APPLICANT” means a Public Authority in Interest or Railroad entitled under ORS 824.204, ORS 824.206 and ORS 824.210 to file an application for a crossing Order, seeking authority to construct, relocate, alter or close a railroad highway crossing. An APPLICANT is a PARTY.
- “Draft application”: A completed, but unsigned, application for a crossing Order submitted by an Applicant seeking advance review of the application by “staff.”
- “Highway” includes all roads, streets, alleys, avenues, boulevards, parkways and other places in this state actually open and in use, or to be opened and used for travel by the public. [ORS 824.200 (2)]
- “Party” means:
  - a. Any person or agency entitled as a right to a hearing before the agency.
  - b. Any person or agency named by the agency to be a party; or
  - c. Any person petitioning to participate before the agency as a party or in a limited party status whom the agency determines either has an interest in the outcome of the agency’s proceeding or represents a public interest in such result.
- “Person,” except as provided in ORS 823.037, means any individual, partnership, corporation, association, governmental subdivision or public or private organization of any character other than an agency.
- “Protective device” means a sign, signal, gate or other device to warn or protect the public, installed at or in advance of a railroad-highway crossing [ORS 824.200 (5)].
- “Public authority in interest”, except in proceedings under ORS 824.236, means the state, county, municipal or other governmental body with jurisdiction over the highway crossing the railroad track. In proceedings under ORS 824.236, “public authority in interest” means the county, municipal or other governmental body that has primary zoning authority over the lands served by the crossing. [ORS 824.200 (6)].
- “Railroad” is defined in ORS 824.020, and includes logging and other private railroads.
- “Railroad Company” is defined in ORS 824.200 (8).
- “Staff” means any employee of the Department of Transportation’s Rail Division.



## RAILROAD-HIGHWAY PUBLIC CROSSING SAFETY APPLICATION

Rail Division  
555 13th St. NE, Ste. 3  
Salem OR 97301

DOCKET NO. RX
ODOT CROSSING NO. 2J-498.70, 2J-498.71-C
US DOT NO. 819435L, 440665J
HIGHWAY MILEPOST

### SECTION 1: APPLICATION INFORMATION

This section must be filled out completely by applicant.

#### 1.1 Applicant contact information

NAME OF APPLICANT CITY OF ONTARIO		PHONE
ADDRESS (STREET OR P.O.) 444 SW 4th Street		FAX
CITY, STATE, ZIP Ontario, OR 97914	E-MAIL tori.barnett@ontariooregon.org	
NAME OF CONTACT PERSON Tori Barnett, Interim City Manager		PHONE (541) 881-3232

#### 1.2 Statutory authority

Application is made under statutory authority (check all appropriate):

- |   |  |
|---|--|
| <input type="checkbox"/> ORS 824.204 – Construction of New Grade Crossing<br><br><input type="checkbox"/> ORS 824.206 – Alteration of Existing Grade Crossing<br><br><input checked="" type="checkbox"/> ORS 824.206 – Closure of Existing Grade Crossing | <input type="checkbox"/> ORS 824.210 – Construction of New Separated Crossing<br><br><input type="checkbox"/> ORS 824.206 – Alteration of Existing Separated Crossing<br><br><input type="checkbox"/> <b>This project is to be constructed under a contract let by ODOT Highway Division</b> |
|---|--|

#### 1.3 Location of the proposed project

STREET OR HIGHWAY NAME SE 6th Ave	RAILROAD NAME Union Pacific
CITY Ontario, OR	NAME OF TRACK Huntington Sub 2J line
COUNTY Malheur	RAILROAD MILEPOST 498.70
PUBLIC AUTHORITY IN INTEREST City of Ontario	NEAREST RAILROAD TIMETABLE STATION 498.70 Ontario

#### 1.4 Railroad and Road Authority information

List contact information for the Railroad and Road Authority directly affected by the project. (See definitions of "Party," "Interested Agency," and "Interested Person.") *Note: Pursuant to ORS Chapter 824, only a Railroad or a Public Authority may file an application seeking authority to construct, relocate, alter, or close a railroad-highway crossing*

	Railroad	Road Authority	Road Authority No. 2
Name	Terrel Anderson	Tori Barnett	
Organization	Union Pacific Railroad	City of Ontario	
Title	Manager Ind. & Public Project	Interim City Manager	
Address	9451 Atkinson St.	444 SW 4th ST	
City, State, ZIP	Roseville, CA. 95747	Ontario, OR 97914	
Telephone	916-789-5134	541-881-3232	
E-mail address	taanders@up.com	tori.barnett@ontariooregon.org	

Railroad-Highway Public Crossing Safety Application

1.4 Railroad and Road Authority information, *continued*

	Local Government Agency	Interested agency	Interested person
Name	Tori Barnett		
Organization	City of Ontario		
Title	Interim City Manager		
Address	444 SW 4th ST		
City, State, ZIP	Ontario, OR 97914		
Telephone	541-881-3232		
E-mail address	tori.barnett@ontariooregon.or		

1.5 Describe or attach the scope of the proposed project in detail:

DESCRIPTION

Project will close the at-grade crossing on SE 6th Ave. RR will remove crossing panels, asphalt approaches, RR warning devices, and install #2 type barricades. At RR cost. City will remove advanced warning signs and roadway pavement markings at Energy Transport, LLC cost

1.6 Provide plan views, profiles, and cross-section drawings of the proposed construction

Engineered plans must comply with OAR 741-200-0050.

Number of plans attached: ..... 

NUMBER
N/A

1.7 Will a separated crossing be constructed? .....  Yes  No

If no, state reasons why a separated crossing will not be constructed:

REASONS

Alternate access already exists on 5th Ave about 290ft. to the North

1.8 Is there an alternate access route to the area to be served by the crossing? .....  Yes  No

Describe or attach map showing details:

DESCRIPTION

Over head map attached

1.9 How is the project required by the public safety, necessity, convenience and general welfare?

DESCRIPTION

Proposed industry tracks can not be used unless the 6th Street crossing is closed as there is a line of site issue.

1.10 Upon completion of the proposed project, will it be possible to close any existing grade crossings in the area? .....  Yes  No

EXPLAIN

This is a closure project

If yes, complete Section 4

**SECTION 2: AT-GRADE PUBLIC CROSSING**

**2.1 Physical description of crossing**

**2.1.1 The Highway**

**Alignment:** Describe the highway alignment for 500 feet on each approach

<input type="checkbox"/> North <i>or</i> <input type="checkbox"/> East of the track:		DESCRIPTION	
<input type="checkbox"/> South <i>or</i> <input type="checkbox"/> West of the track:		DESCRIPTION	
<b>Width:</b> Describe the roadway cross-section configuration ( <i>must agree with plans</i> )			
<b>From:</b> <input type="checkbox"/> North <i>or</i> <input type="checkbox"/> East <b>To:</b> <input type="checkbox"/> South <i>or</i> <input type="checkbox"/> West	<b>Present configuration</b> (width in feet)	<b>After construction</b> (width in feet)	<b>Surface type</b> (after construction)
Sidewalk .....			
Buffer (grass) strip .....			
Curb .....			
Shoulder .....			
Bikeway .....			
Lanes .....	NUMBER		
Lanes .....	NUMBER		
Median .....			
Lanes .....	NUMBER		
Lanes .....	NUMBER		
Bikeway .....			
Shoulder .....			
Curb .....			
Buffer (grass) strip .....			
Sidewalk .....			
<b>Total width</b>			

**Profile**

Will the roadway approaches comply with OAR 741-120-0020? .....  Yes  No  
 (Roadway approach at a distance of 30 feet minimum from the outside rail cannot be more than 3 inches lower or 3 inches higher than the top of the rail.)

If no, state reason:

REASON
--------

**Sidewalks**

Sidewalks shall comply with the Americans with Disabilities Act (ADA) by providing safe, fully accessible facilities. If the sidewalks will not comply, explain:

EXPLANATION
-------------

Railroad-Highway Public Crossing Safety Application

2.1.1 The Highway, *continued*

**Adjacent Roadways Within 500 feet** (List public authority(ies) in interest in Section 1.4)

- Public roadway intersecting  North or  East of the track

NAME OF ROADWAY	DISTANCE FROM TRACKS
PUBLIC AUTHORITY IN INTEREST	TRAFFIC VOLUME AADT

- Public roadway intersecting  South or  West of the track

NAME OF ROADWAY	DISTANCE FROM TRACKS
PUBLIC AUTHORITY IN INTEREST	TRAFFIC VOLUME AADT

Describe private driveways within 100 feet of the nearest rails and show on plans:

DESCRIPTION
-------------

Are vehicle traffic signals (to be) installed at either of the above intersections? .....  Yes  No

If yes, describe the intersection(s) that is (are) or will be equipped with traffic signals. If vehicle traffic signals and railroad crossing signals are to be interconnected to provide railroad preemption, list them in Section 2.3, as Device Code TSPC. OAR 741-200-0050(3) requires that Applicant provide a Vehicle Traffic Signal Plan with Operation Matrix (diagram) showing how the traffic signals will operate before, during, and after railroad preemption.

**Vehicular Use of the Crossing**

Average daily vehicle traffic count .....	PRESENT	ANTICIPATED
Direction of vehicle travel is .....	<input type="checkbox"/> One-way	<input type="checkbox"/> Two-way
Vehicle speed (posted or basic rule) at the safe stopping distance:		
<input type="checkbox"/> North or <input type="checkbox"/> East of the track:	MILES PER HOUR	<input type="checkbox"/> South or <input type="checkbox"/> West of the track: MILES PER HOUR

**2.1.2 The Railroad**

List tracks from North or East to South or West:

NAME OF TRACK	ANGLE OF INTER-SECTION	ELEVATION RELATIVE TO AND DISTANCE FROM ADJACENT TRACK (MULTIPLE TRACK CROSSING)	ALIGNMENT		NEAREST SWITCH LESS THAN 3000 FEET	
			<input type="checkbox"/> NORTH OR <input type="checkbox"/> EAST OF CROSSING	<input type="checkbox"/> SOUTH OR <input type="checkbox"/> WEST OF CROSSING	<input type="checkbox"/> NORTH OR <input type="checkbox"/> EAST FROM CROSSING	<input type="checkbox"/> SOUTH OR <input type="checkbox"/> WEST FROM CROSSING

**Train use of crossing**

Daily train movements over the crossing, average per day:

Type of train	Number of movements	Maximum speed authorized	Typical train speed observed	Average make-up of train (No. of cars)
Freight train.....				
Passenger train .....				
Switching movement.....				

**2.2 Visibility for drivers approaching the crossing**

Distance down the tracks that a driver can view an approaching train:

At the STOP position <input type="checkbox"/> North or <input type="checkbox"/> East of the track looking <i>left</i> .....	FEET
At the STOP position <input type="checkbox"/> North or <input type="checkbox"/> East of the track looking <i>right</i> .....	FEET
At the STOP position <input type="checkbox"/> South or <input type="checkbox"/> West of the track looking <i>left</i> .....	FEET
At the STOP position <input type="checkbox"/> South or <input type="checkbox"/> West of the track looking <i>right</i> .....	FEET
At the SSD position <input type="checkbox"/> North or <input type="checkbox"/> East of the track looking <i>left</i> .....	FEET
At the SSD position <input type="checkbox"/> North or <input type="checkbox"/> East of the track looking <i>right</i> .....	FEET
At the SSD position <input type="checkbox"/> South or <input type="checkbox"/> West of the track looking <i>left</i> .....	FEET
At the SSD position <input type="checkbox"/> South or <input type="checkbox"/> West of the track looking <i>right</i> .....	FEET

Will these sight distances change on completion of the project? .....  Yes  No

Explain:

EXPLANATION
-------------

Will drivers' vision of devices to be installed at the crossing be obstructed on the approaches within 500 feet of the crossing? (Obstructions include parked vehicles.).....  Yes  No

If yes, describe the obstruction and what will be done to alleviate this problem:

DESCRIPTION
-------------

Railroad-Highway Public Crossing Safety Application

2.3 Devices to be installed at crossing

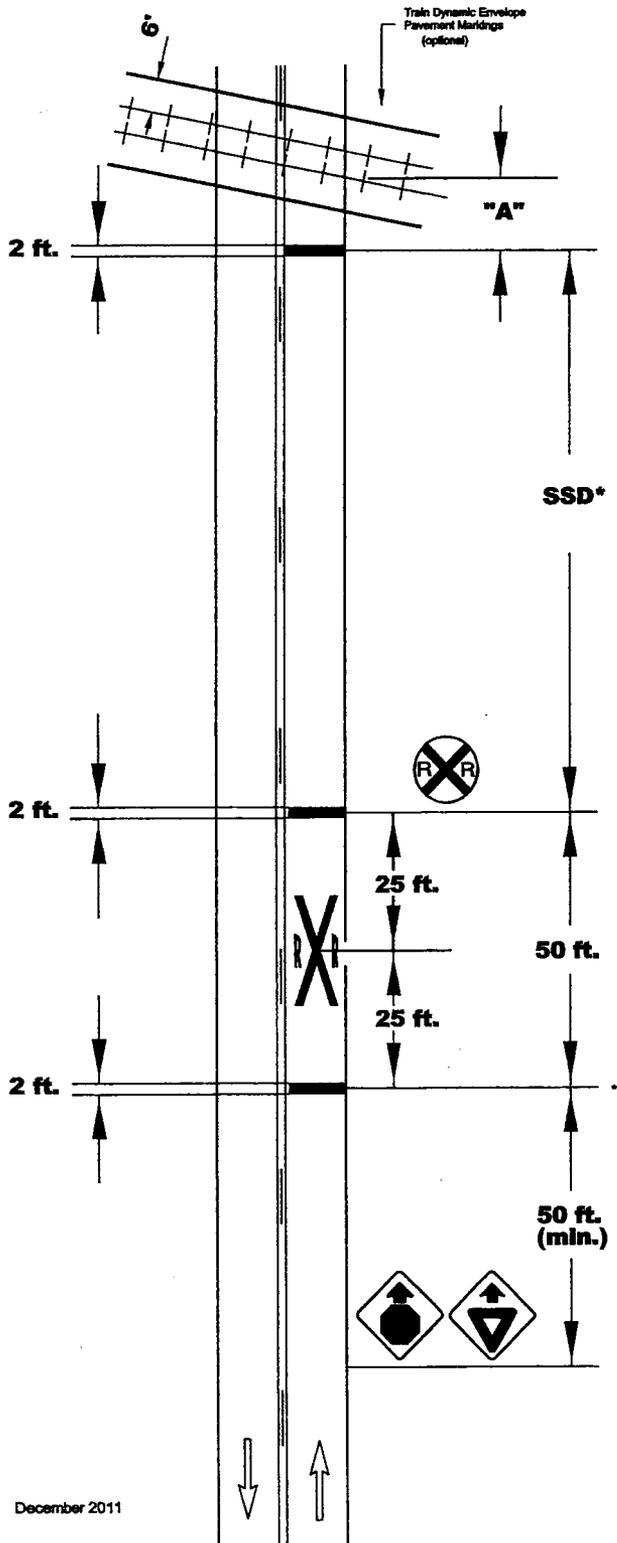
MUTCD/ODOT REFERENCE	DEVICE DESCRIPTION	WHO WILL FURNISH THE DEVICE? (LIST QUANTITY)		WHO WILL INSTALL THE DEVICE? (LIST QUANTITY)		WHO WILL MAINTAIN THE DEVICE AND BEAR THE COST OF MAINTENANCE? (LIST QUANTITY)		RESPONSIBILITY FOR COST OF FURNISHING AND INSTALLING THE DEVICE (INDICATE SOURCE OF FUNDS AND PERCENTAGE OF RESPONSIBILITY; MUST EQUAL 100%)		
		RR	PA	RR	PA	RR	PA	RR	PA	OTHER
R1-1/R15-1	Crossbuck assembly STOP sign									
R1-2/R15-1	Crossbuck assembly YIELD sign									
R3-1a/R3-2a	PART-TIME TURN RESTRICTION sign									
R8-8	DO NOT STOP ON TRACKS sign									
R10-6/R10-6a	STOP HERE ON RED sign									
R10-11a	NO TURN ON RED sign									
R15-2	NUMBER OF TRACKS sign									
R15-3	EXEMPT sign									
R15-8	LOOK sign									
	Railroad STOP sign									
	Flashing-light signal									
	Cantilevered flashing-light signal									
	Pedestrian flashing-light signal									
	Automatic gate									
AFL	Additional flashing lights									
AWPM 8B-6 (OR) *	Advance warning pavement markings									
Stop line 8B-6 (OR)	Stop clearance line									
W3-1	STOP AHEAD sign									
W3-2	YIELD AHEAD sign									
W10-1a	EXEMPT AHEAD sign									
W10-1 8B-6 (OR)	ADVANCE WARNING sign (round)									
W10-2	ADVANCE WARNING sign (X-intersection + track)									
W10-3	ADVANCE WARNING sign (T-intersection + track)									
W10-4	ADVANCE WARNING sign (T-intersection + track)									
W10-5	LOW GROUND CLEARANCE WARNING sign									
W10-9	NO TRAIN HORN sign									
W10-11	STORAGE SPACE sign									
W10-11a/ W10-11/b	Storage space plaques									
OBW8-19L	BICYCLE RAILROAD CROSSING symbol sign (L)									
OBW8-19R	BICYCLE RAILROAD CROSSING symbol sign (R)									
VTS	Vehicle traffic signals									
TSPC **	Traffic signal preemption control									
CURB	Oregon Std Drwg RD-700									
GUARDRAIL	Oregon Std Drwg RD-445									
CSBR	Crossing surface between rails									
CSOR	Crossing surface outside rails									

\* W10-1, AWPM and Stop Lines shall be located as depicted in Figure 8B-6 (OR).

\*\* A complete description of traffic signal operation, including traffic signal plans and a signal matrix detailing the operation of the traffic signal before, during, and after railroad preemption of its operation shall be provided by the applicant. See Oregon Supplement to MUTCD, 2003 Edition.

2009 Edition — Oregon Supplement to the MUTCD

**Figure 8B-6(OR). Example of Placement of Warning Signs and Pavement Markings at Highway-Rail and Highway-Light Rail Grade Crossings**



A three-lane roadway should be marked with a Centerline for two-lane approach operation on the approach to a crossing.

On multi-lane roads, the transverse bands should extend across all approach lanes, and individual RXR symbols should be used in each approach lane.

\*\*When used the toe of the pavement marking should be directly opposite the Advance Warning Sign (W10-1)

\*Safe stopping distances (SSD) based on vehicle speed approaching grade crossings: OAR 741-100-0020 (Table 1)

"A" Stop clearance line location is 12ft minimum from the nearest rail or 1ft in advance of the lowered automatic gate, if used.

"SSD"	
SPEED MPH	SSD FEET
15	80
20	115
25	155
30	200
35	250
40	305
45	360
50	425
55	495
60	570
65	645

Notes:  
In an effort to simplify the figure to warning sign and pavement marking placement, not all required traffic control devices are shown

December 2011

Part 8. Traffic Controls for Railroad and Light Rail Grade Crossings

**SECTION 3: SEPARATED CROSSINGS**

**3.1 At the crossing, will the highway be above or below the railroad tracks? .....**  Above  Below  
 If the highway is to be below the railroad, describe the protection for vehicles at the bridge abutments:

DESCRIPTION
-------------

**3.2 The structure will be constructed by: .....**  Railroad  Public Authority in Interest  
 The cost of the construction will be borne by:

NAME	PERCENTAGE OF COST
NAME	PERCENTAGE OF COST

**3.3 Maintenance of separated crossing**

Include detailed drawings indicating division of responsibility and describe here:

PORTION OF IMPROVEMENTS	MAINTENANCE WILL BE PERFORMED BY	MAINTENANCE WILL BE PAID BY
Structure support.....		
Main structure.....		
At highway appurtenances .....		
Railroad tracks, railroad drainage, and all railroad facilities .....		
Damage to the structure caused by motor vehicle traffic on the highway .....		

**3.4 Temporary impairment**

Describe temporary impairment (if any) of the railroad's standard clearances during construction (attach detailed drawing):

DESCRIPTION
-------------

**3.5 Temporary public crossing at grade**

If a temporary public crossing at grade is necessary during construction complete Section 2 and include plan, profile, and cross-section drawings.

The temporary grade crossing will be located at which railroad milepost? .....	RAILROAD MILEPOST	
The temporary grade crossing will be in place on what dates? .....	BEGINNING DATE	ENDING DATE

**SECTION 4: PERMANENT PUBLIC GRADE CROSSING CLOSURE**

**4.1 Name and location of grade crossing to be closed (if different from crossing described in 1.3.):**

Street or highway name.....	SE. 6th Ave
City .....	Ontario OR
County .....	Malheur
Jurisdiction (public road authority)....	City of Ontario
Railroad name and name of track ....	Union Pacific Railroad, Huntington Subdivision
Railroad milepost.....	498.70
Nearest railroad station .....	Ontario

**4.2 Alternate routes**

Describe in detail two alternate routes available in place of the closed crossing. Include out-of-direction travel distance involved in the use of each route from the midpoint of the area served by the existing crossing to the major destination points.

● Route 1:

DESCRIPTION OF ROUTE	CIRCUITY DISTANCE
5th Ave	290 ft
This route will use an existing railroad grade crossing: .....	CROSSING NO. 440667X
Vehicle traffic on this alternate route will be increased by: .....	AADT

● Route 2:

DESCRIPTION OF ROUTE	CIRCUITY DISTANCE
This route will use an existing railroad grade crossing: .....	CROSSING NO.
Vehicle traffic on this alternate route will be increased by: .....	AADT

**4.3 Emergency services**

Will the crossing closure adversely affect emergency services currently using the crossing? .....  Yes  No  
If yes, list each affected emergency service in Section 1.4 as a "Party" in this matter.

Explain the extent of the effect and the steps to be taken to overcome the adverse effect:

EXPLANATION
Fire department stated that they do not currently use this crossing.

**4.4 Pedestrian/multi-use path public grade crossing**

Will a pedestrian and/or multi-use path public grade crossing be needed at the site of the crossing to be closed? .....  Yes  No

If yes, provide justification for retention of a pedestrian or multi-use path grade crossing:

DESCRIPTION
RR to install #2 barricades Minimum distance twelve ft. from centerline of track, Remove crossing surface and asphalt approaches.
City to remove advanced warning signs and pavement markings

Railroad-Highway Public Crossing Safety Application

**4.5 Describe how the crossing will be closed** (barricades, fences, roadway surface removal, etc.):

RR to install #2 barricades Minimum distance twelve ft. from centerline of track, Remove crossing surface and asphalt approaches.  
 City to remove advanced warning signs and pavement markings

**4.6 The crossing will be closed by:** .....  Removing track(s)  Closing roadway

Description of work to close crossing (remove crossbucks, surfacing, install barricades, etc.)	Work will be performed by	Cost of work to be borne by
Remove concrete surface and asphalt approaches	UPRR	UPRR
Install #2 Barricades	UPRR	UPRR
Remove advanced warning signs	City	City
Maintenance of existing closure devices	City	City

**Please provide the original application and plans, sufficient copies of each to enable ODOT Rail Division to serve all parties. Please provide one additional copy for division staff use.**

The following numbered sections have been omitted from this application because no response to the questions and/or information requested in required in this matter:

SECTION NUMBERS

**Applicant hereby requests an Order authorizing construction according to this application.**

*This application must be signed by an official of the public authority or railroad making application for an Order. The signer must have contract signing authority for expenditure of funds to construct and maintain the proposed project.*

PRINT NAME	TITLE	
SIGNATURE	SIGNED AT (CITY AND STATE)	DATE
<b>X</b>		

*If you choose to submit this application electronically by clicking the Submit button, you agree that typing your name into the signature field and submitting from a password-protected e-mail account is the equivalent of a manual signature for the purposes of this application.*

*Print a copy of this application for your records before submitting.*

Reset
Print Application
Submit

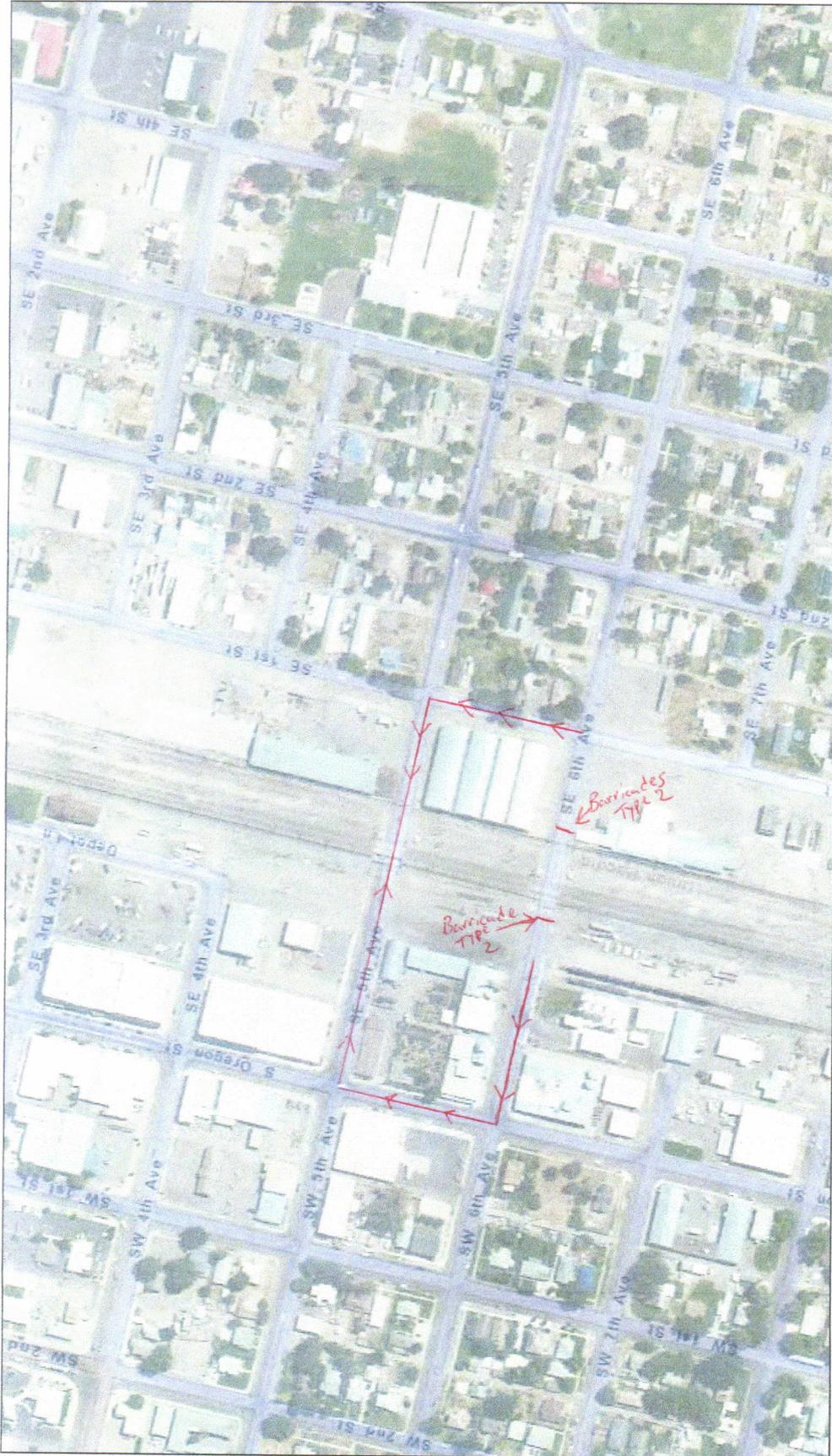
# UPRR Street Closure

SE 6th Avenue



PROPOSED SE 6th AVENUE  
STREET CLOSURE FROM  
THE EAST SIDE OF ALLEY  
TO THE WEST ROW OF  
SE 1ST STREET

Real Estate Electronic Fieldbook



October 27, 2014

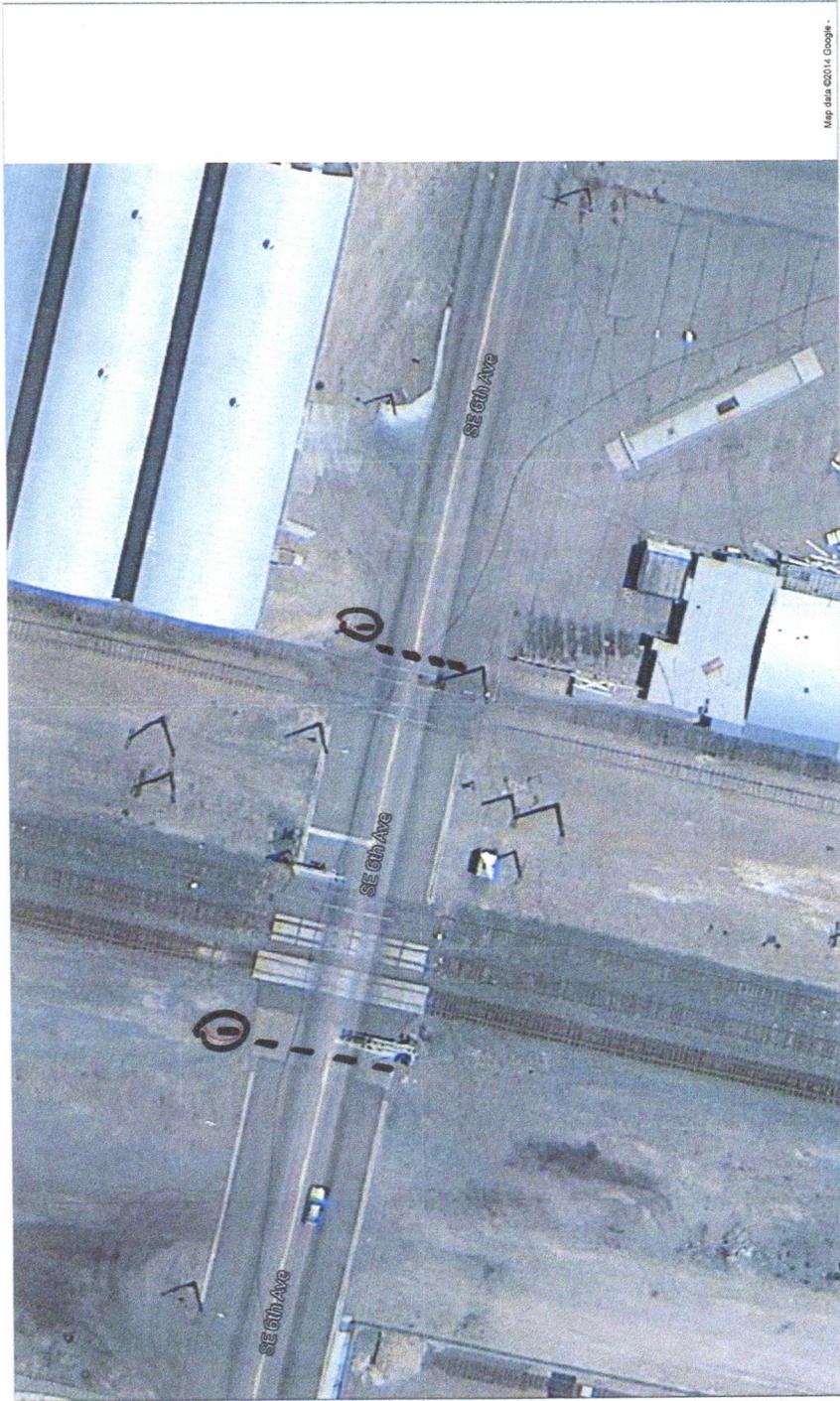
Type 2 Barricades placed min 12' from Center of Track  
 Alternate Route shown in Red



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Geomatics, Aergrid, IGN, IGP, Swisstopo, and the GIS User Community  
 Sources: Esri, HERE, DeLorme, USGS, Intermap, Increment P Corp., NRCAN,

Map by: UPRR Real Estate EFB  
 Copy Right: Union Pacific Railroad

To see all the details that are visible on the screen, use the "Print" link next to the map.



①  
Place Type 2  
barricade min 15'  
from C/L of Track



THIS MAP WAS PREPARED FOR  
ASSESSMENT PURPOSE ONLY



CANCELLED NO  
400A1 THRU  
400A3  
4700  
5100  
5500  
5900  
6300  
6700A1 THRU  
6700A3  
7000  
7400  
7800

1116 COR.

SEE MAP 18S 47E 09AA

SEE MAP 18S 47E 04DD

SEE MAP 18S 47E 03CC

SEE MAP 18S 47E 10BA

100  
2.22 AC

7000  
CS (S-4) 0927

1116 COR.

SE 6TH STREET  
CLOSURE

SEE MAP 18S 47E 10BB

# Discussion/Information /Hand-Out Items

City Council Meeting  
November 17, 2014

## **MALHEUR COUNTY COURT MINUTES**

**OCTOBER 22, 2014**

The Malheur County Court met with Judge Dan Joyce presiding with Commissioner Don Hodge and Commissioner Larry Wilson present. Staff present was Administrative Officer Lorinda DuBois and County Counsel Stephanie Williams.

Also present was Larry Meyer of the Argus Observer.

### **ECONOMIC DEVELOPMENT**

Economic Development consultant Greg Smith and Phil Scheuers met with the Court and provided information on the Rural Renewable Energy Development Zone (RREDZ). The current County RREDZ was created in 2006 and the cap for qualified property was \$100 million throughout the zone. The State later increased the cap of the Real market value for qualified property that may be exempt at \$250 million throughout the zone. The County has not updated their RREDZ to increase the cap to \$250 million. USG Oregon, LLC is in the RREDZ and HelioSage Energy has applied. The County can apply for a new RREDZ, with the existing boundaries. The new zone would increase the RMV cap to \$250 million. Approved businesses would default into the new zone. The consensus of the Court was to proceed forward with the process of creating a new RREDZ.

Mr. Smith also provided an update of various activities:

- The Juntura Cut-Off Road project continues to move forward; the IFA (infrastructure finance authority) application is being finalized
- Recently met with the developer of the West Park Plaza Mall
- Project Stanton continues to proceed forward
- Continue to work with Ontario with their revolving loan fund

Mr. Smith also presented information and proposed expenses for participation at three trade shows in 2015 (Northwest Food Processors Show, Winter Fancy Food Show, and Natural Products Expo West). The consensus of the Court was for Mr. Smith to proceed forward with participation in the three trade shows; and to work with Ms. DuBois regarding associated expenses.

Mr. Smith noted he will work with the City of Ontario as they transition their Economic Development in whatever way possible and as directed by the Court; Economic Development continues to promote the entire county.

Judge Joyce questioned Mr. Smith about GEODC; Mr. Smith explained he worked as a loan officer for GEODC in the past and he would like to visit further with Judge Joyce, as a board member of GEODC, on how available loan dollars can be used in Malheur county.

### **COURT MINUTES**

Commissioner Hodge moved to approve Court Minutes of October 15, 2014 as written. Commissioner Wilson seconded and the motion passed unanimously.

## **DEEDS - WEAVER**

Commissioner Hodge moved to approve Statutory Bargain And Sale Deeds to Robert C. Weaver for Ref. #3894 and Ref. #3895. Commissioner Wilson seconded and the motion passed unanimously. See instrument #'s 2014-3390 and 2014-3391

## **PUBLIC HEARING - HEALTH DEPARTMENT PUBLIC HEALTH FEES**

Present for the public hearing to consider increases to Public Health Fees collected at the Health Department were Health Department Director Terra Frenken and Nursing Supervisor Rebecca Stricker. Notice of the hearing was published in the Argus Observer. No written comments were received.

Judge Joyce opened the hearing.

Ms. Stricker explained that as a part of the Department's Triennial Review a cost analysis was completed. It was determined that the vaccine administration fee should be increased to \$46.36 for initial administration and \$21.34 for subsequent administrations.

Ms. Stricker also explained that contract negotiations are in process and requested the hearing be continued to allow for associated fee changes as a result of the negotiations. Supplies and devices are charged at actual costs and are purchased from the state.

Commissioner Wilson moved to implement the vaccine administration fees beginning November 1, 2014. Commissioner Hodge seconded and the motion passed unanimously.

Commissioner Wilson moved to continue the hearing to November 12, 2014. Commissioner Hodge seconded and the motion passed unanimously.

## **EASTERN OREGON LOCAL WORKFORCE BOARD**

The Court was asked to identify potential board members for the Eastern Oregon Local Workforce Board (LWB). The Court discussed possible persons to serve on the board. Court members have not personally contacted any persons about serving on the LWB. Potential member names are to be submitted to AOC by the end of October and further discussion will be held at the November AOC Conference.

## **SHERIFF'S OFFICE**

Undersheriff Travis Johnson met with the Court. Undersheriff Johnson told the Court the next Citizens Academy begins November 10, 2014.

Undersheriff Johnson also updated the Court on staffing in the jail. There are two open jail sergeant positions and one open corrections deputy position; all may be filled by promoting internally. Backgrounds are currently being conducted for possible persons to fill the control technician openings; it may be necessary to advertise for one control technician.

## **SAGE GROUSE**

The Court discussed the Oregon's All-Lands, All Threats Sage Grouse Program Proposed Land Use Policies for Non-Blm Lands drafted by DLCD. Further discussion of the proposed land use policies will take place at the November AOC Conference. The Court requested Jon Jinnings from DLCD meet with them regarding the proposal.

### **JOINT PLANNING ADMINISTRATOR**

Correspondence was received from the City of Ontario explaining that the City no longer wishes to partner with the County for a Joint Planning Administrator. The City is pursuing hiring a part-time Planner.

### **FAIR**

Commissioner Wilson updated the Court members on activities of the Fair. The Fair is raffling off an ATV; working on a plan for the caretaker position; volunteers and donations are replacing the dairy barn; and the solar project was connected October 16th.

### **POVERTY TO PROSPERITY**

Poverty to Prosperity representatives Cathy Yasuda and Elaine Taylor met with the Court and requested their support and partnership in an application for a federal Promise Zone designation. The Promise Zone initiative seeks to revitalize high-poverty communities across the country by creating jobs, increasing economic activity, improving educational opportunities, reducing serious and violent crime, leveraging private capital, and assisting local leaders in navigating federal programs and cutting through red tape. There is no money directly involved in becoming a Promise Zone but it can be a pathway to grant funding for those areas receiving the designation. ESD has agreed to contribute funding for a grant writer for the application. The Promise Zone designation partners the Federal Government with local leaders who are addressing multiple community revitalization challenges in a collaborative way and have demonstrated a commitment to results. Promise Zones will be assigned federal staff to help navigate the array of federal assistance and programs available to them. A Promise Zone designation is for 10 years, and may be extended as necessary. One rural community will be designated in the next go-round; the application is due November 21, 2014. The consensus of the Court was to partner with Poverty to Prosperity for the Promise Zone application.

### **PLANNING DEPARTMENT**

The Court discussed the County Planning Department. There is currently an Interim Planning Director and part-time clerk in the office. Staffing possibilities discussed included advertising for a full-time planning director, advertising for a full-time assistant planner, or advertising for a part-time planner. After discussion, Commissioner Hodge moved to authorize HR to post a vacancy announcement for an assistant planner. Judge Joyce seconded the motion. Commissioner Wilson opposed the motion.

### **COMPENSATION BOARD**

Ms. DuBois requested the Court consider the appointment of a person to the Compensation Board. The Compensation Board is statutorily required.

**COURT ADJOURNMENT**

Court was adjourned.

**From:** Kit Kamo <kkamo@tvcc.cc>  
**To:**  
**Date:** 11/7/2014 10:02 AM  
**Subject:** SREDA minutes and regional data  
**Attachments:** Nov 5 2014 MINUTES.doc; Regional Data SREDA ANNUAL.docx

Greetings and Happy Friday!

Attached please find the draft/unapproved minutes from the November 5th SREDA meeting earlier this week - corrections and/or additions are welcome.

Attached also is the data from the Annual Meeting as requested by the board.

Please let me know if you have any questions or added information.

Thanks,

Kit Kamo, Executive Director

Snake River Economic Development Alliance

650 College Blvd.

Ontario, OR 97914

Office: 541.881.5597 ext. 5597

Cell: 208.230.5214

E-mail: [kkamo@tvcc.cc](mailto:kkamo@tvcc.cc)<<mailto:kkamo@tvcc.cc>>

[www.snakerivereda.com](http://www.snakerivereda.com)<<http://www.snakerivereda.com/>>

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**SREDA Board Meeting****November 5, 2014**

Rolling Hills Golf Course, Weiser, Idaho

Members and guests Present: Mike Hanigan, Logan Hamilton, Patrick Nauman, Nancy Dale, Harry Flock, John Breidenbach, Jeff Williams, Ken Bishop, Jeff Hafer, Kevin Coats, Carol Campbell, Laurel Adams, John Jensen, Margaret Jensen, Tom Anderson, Kirk Chandler, LeRoy Cammack, Jim Smith, Alex Chavarria, Bob Komoto, Andy Oyervides, Torie Ramirez, Layna Hafer, Diana Thomas, Wil Overgaard, Kyla Dickerson, Sabrina Young, Lisa Puccio, Sherry Young, and Tom Murphy

Staff: Kit Kamo

1. Call meeting to order: Chairman Logan Hamilton called the meeting to order at 7:03 a.m.
2. Self-Introductions: Chairman Hamilton then asked everyone to go around the room and introduce themselves and who or what entity they are representing. We took a few minutes and everyone did this.
3. Approval of the October 1<sup>st</sup> minutes: Chairman Hamilton asked if everyone had a chance to review and read the board minutes that were sent out. He then asked if anyone had any questions or corrections. None were noted so Chairman Hamilton asked for a motion to approve the minutes as presented. Jim Smith made a motion to approve the minutes, seconded by Jeff Williams. The motion passed unanimously.
4. Annual meeting report and announcement of newly elected board members and officers. Three new board members were elected last week at our annual meeting and they will be serving 3 year terms: They are: Elected member, Ken Bishop; At-large member, Jeff Williams; and Business member, Jim Smith. Officers elected for one year terms are: Chairman Patrick Nauman, Vice Chairman Logan Hamilton, Secretary Randy Griffin, and Treasurer Sandy Hemenway. Logan then turned the meeting over to the newly elected Chairman Nauman.
5. Financial Update: On behalf of Treasurer Sandy Hemenway, Kit reviewed the financial handouts discussing balances at the end of the month in the checking and savings accounts, as well as totals for the month. Chairman Nauman asked if there were any questions and there were none. Ken Bishop made a motion to approve the financial report, seconded by Logan Hamilton. The motion passed unanimously.
6. Community Updates:
  - a. Nyssa – Council member Harry Flock said that the arsenic removal plant project was moving forward. The Nyssa Chamber is going through a reorganization process.
  - b. Vale – Logan Hamilton said that two buildings had changed ownership in down town Vale.
  - c. Ontario- Mayor LeRoy Cammack reported that they had a new residential property known as Poole Subdivision and it is expected to have 25-27 lots. The city has implemented a 2 year moratorium on charging SDCs as an incentive to businesses to expand or come to Ontario. The city has been working a project with Union Pacific Railroad and a local company. There will be a transport



substation build for byproducts from the Payette County gas project. This involved the closure of the RR crossing at 6<sup>th</sup> Ave. And finally, the mayor said that they still have an opening for a city manager.

- d. Payette – Councilwoman Nancy Dale reported that they have been working on the 7<sup>th</sup> Avenue annexation and that two new businesses are open.
- e. Weiser – Councilwoman Layna Hafer said that they are working on the phase I sewer project. St. Luke’s Hospital will be partnering with Weiser Memorial Hospital as voted on by the citizens. Mayor Diana Thomas indicated that they are receiving inquires for housing projects. There will be a meeting after this SREDA meeting to discuss plans for economic development in and around Weiser.
- f. New Plymouth – No report
- g. Fruitland – Mayor Ken Bishop reported that the wastewater treatment plant is on schedule and should be online the end of 2015. The city has been working on their parks and trail master plan. They have adopted it and are prioritizing the activities so that they can go out for some grants. The city’s building permits have greatly increased this year.
- h. Payette County – Kevin Coats talked about project Lincoln Logs and how it looked promising and should be announced soon.
- i. Washington County – Commissioner Kirk Chandler talked about the P & Z department and how they are working with the commissioners now. Cambridge has a rock pit and the seed company has a new building. There was discussion on the Galloway Dam proposal. The site is the #1 site in the state but they are still doing studies. The project will be totally funded by state and local dollars, keeping the federal money out of the project.
- j. Malheur County – Logan Hamilton gave a brief update on Calico Mine as he had recently visited with them. They said they have 1 more permit to go and will then get the green light.

7. Executive Director Report: Kit handed out a written report to the group, along with the 2014 annual report, and a list of possible 2015 trade shows. She reported on several new projects such as Project 100 (manufacturing company looking for 100 acres with rail access), Project Palmdale (recommended by Representative Judy Boyle from an article in the LA Times), Project WDW (Ontario project with State of Oregon), and Project Mark (a request for info on the Idaho side from another state regarding golf, guns, motorcycles and wine for 2015). Kit also talked about the ongoing projects such as Project 78, Project Pumpkin, Project Stanton, and Project Lincoln Logs.

Other activities that were reported on were the Idaho Power Economic Development Forum held a few weeks ago, and attending the IEDC in Texas and meeting site selectors there. Kit has been completing the reports for 2 Idaho Power grants that allowed SREDA to do some regional marketing with the site selectors for each community as well as attend some professional development classes. The board was very appreciative of Idaho Power’s economic development grants. Kit reported that the Executive board is working on the 2015 budget and annual work plan and they hope to have it for the December meeting.

8. Round Table Board, Members & Guests: Chairman Nauman kicked off the open discussion forum by extending thanks to Mike Hanigan for his many years on the board as well as his efforts in



helping to develop SREDA in the early years. Mike received a hearty round of applause from the attendees.

Chairman Nauman discussed funding for SREDA. He issued a challenge to everyone in the room with a "High Five Challenge." As he spoke he handed out preprinted index cards with 5 blank lines. Everyone was to list 5 friends or businesses that either they or the Executive Board could contact for joining SREDA. He asked that they be handed back in. He said that the person who brings in the most for fund raising would be awarded with a catered lunch for their entire business plus chocolates!

Logan Hamilton talked about Kit's role and what SREDA does for the communities and the region. He talked about the responsibility of the local folks and how they help put the pieces together. John Breidenbach talked about individual roles in helping to make projects happen. It was asked if the regional stats presented at the annual meeting could be shared with everyone. Kit said that she would send them out. It was mentioned that TVCC continues to be a huge partner with SREDA and working on community and economic development projects.

After some discussion on how friendly the town is and how to make it better, Commissioner Chandler commented that he was in line at Walmart and struck up a conversation with a truck driver who was laid over in town. The man talked about how "people are nice here" and although he's from San Diego, he would maybe like to move here one day because it's very welcoming – he travels the 11 Western States, so that says a lot. Commissioner Chandler also mentioned that his wife's family used to come through Weiser to elk hunt and they had such a good feeling about the area that they moved here.

Mayor Thomas talked about Weiser's upcoming Festival of Trees.

9. Adjourn: Chairman Nauman adjourned the meeting at 8:50 a.m.

The next SREDA Board Meeting is December 3 - 7:00 a.m. at the Famer's Mutual Telephone Company's community room in Fruitland.

Minutes prepared by Kit Kamo for Randy Griffin, SREDA Secretary.

**Regional Data as Presented at the SREDA ANNUAL MEETING  
October 2014**

**Increase in Jobs 2011-2012 compared to 2012-2013**

Payette County 11.7% - 6.0%  
Malheur County 4.7% - 3.3%  
Washington County 3.6% - 3.9%

**Job increase by City 2011 – 2012 & 2012 – 2013 (within city limits only)**

Fruitland 19.7% - 17%  
Nyssa 13.5% - 1.4%  
New Plymouth 11.8% - 1.3%  
Ontario 8.4% - 1.1%  
Weiser 6.7% - 1.7%  
Vale 5.4% - 7%  
Payette 3.7% - 1%

**Median Household Income 2012 vs 2013**

Payette County \$44,017 - \$46,008  
Malheur County \$39,047 - \$40,255  
Washington County \$37,436 - \$38,761

**Median Household Income 2012 & 2013 by City (within city limits only)**

Payette \$39,885 - \$37,586  
Nyssa \$39,662 - \$39,928  
New Plymouth \$38,747 - \$39,877  
Vale \$37,999 - \$40,249  
Fruitland \$37,142 - \$43,850  
Ontario \$34,069 - \$34,736  
Weiser \$32,744 - \$34,769

Please note that many grant application programs are based on the Median Household Income, but they generally use the 2010 Census Numbers.

The following information is provided by Zoomprospector.com – we are members; go to that site and search economic developers (far right tab) for either Idaho or Oregon, and Snake River is listed – click on it and scroll past the map. There you will see all the communities in the SREDA region and data for each.



# News Release

Oregon Liquor Control Commission  
9079 SE McLoughlin Blvd., Portland, OR 97222-7355  
1-800-452-6522

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For more information:  
Christie Scott, Public Affairs Specialist, (503) 872-5002  
Christie.scott@state.or.us  
www.oregon.gov/olcc

Wednesday, November 5, 2014

## OLCC's Statement on Passage of Measure 91

**PORTLAND, Ore.** – In response to the voters' decision to pass Measure 91, Steven Marks, Executive Director of the Oregon Liquor Control Commission has released the following statement:

"The Oregon Liquor Control Commission will work with other state agencies to implement Measure 91 with a great amount of accountability through a transparent and public process. Implementation of recreational marijuana in Oregon will have an emphasis on bringing Oregon's marijuana industry into a regulated and licensed marketplace.

From now until January 2016, OLCC will be exploring many policy questions that will require extensive public and stakeholder input. As we move forward, we will focus on preventing marijuana sales to minors, protecting consumers through establishing standards and providing education, as well as supporting law enforcement in their efforts to prevent unlicensed sale and production of marijuana.

It is a great responsibility to implement this measure. Although we have learned much already, we will continue to look to our Washington and Colorado neighbors for best practices and opportunities for improvement. We have been preparing for what lies ahead. We will work with our stakeholders, legislators and the public to create a safe and secure program that will meet the terms of the law and satisfy the wishes of Oregonians."

When the measure goes into effect on July 1, 2015, an individual can possess up to eight (8) oz of marijuana per residence and can home grow of up to four (4) plants per residence in Oregon. Measure 91 requires OLCC to begin accepting license applications no later than Jan. 4, 2016.

- The most current information on Measure 91 can be found on OLCC's website, [marijuana.oregon.gov](http://marijuana.oregon.gov)
- After checking frequently asked questions on the website, the public can email additional questions to [marijuana@oregon.gov](mailto:marijuana@oregon.gov)
- To keep up to date on the issue, sign up for free [email alerts](#)

##

**From:** Mark Alexander  
**To:** Tori Barnett  
**Date:** 11/7/2014 1:48 PM  
**Subject:** Marijuana  
**Attachments:** OLCC Release.pdf

Couple more resources for the Council if needed. See below and attached.

**The following message from OLCC Board Chair Rob Patridge is forwarded to you for your review. As you will note, you can sign up for e-alert updates from OLCC regarding the implementation of marijuana legalization by visiting [www.marijuana.oregon.gov](http://www.marijuana.oregon.gov). Here is the message from Rob Patridge:**

As you may be aware, the OLCC will be working with other state agencies to regulate marijuana under the measure. The OLCC is already fielding questions about what is next.

The OLCC is committed to hearing from your community and we are in the process of fully reviewing the measure and organizing how to gain the most public input as we craft rules that impact your community. As an important local government partner, your involvement in crafting the rules regarding marijuana is critical and we want your input. In order to get the word out, I'm asking that you forward this email along to the membership of your respective organizations.

We will post information on our web site [www.marijuana.oregon.gov](http://www.marijuana.oregon.gov) in addition to a list of frequently asked questions. After checking the frequently asked questions, the public can email additional questions to [marijuana@oregon.gov](mailto:marijuana@oregon.gov). You can also sign up to receive email alerts through our website [www.marijuana.oregon.gov](http://www.marijuana.oregon.gov)

We will be back to you soon related to a public input plan. Until then, please do not hesitate to email me [rob.patridge@state.or.us](mailto:rob.patridge@state.or.us), Executive Director Steve Marks [steven.marks@state.or.us](mailto:steven.marks@state.or.us), or Government Affairs Director Rane Niedermeier [ranee.niedermeier@state.or.us](mailto:ranee.niedermeier@state.or.us) with any ideas you may have on how to best gain public input.

Sincerely,  
Rob Patridge, OLCC Chair

**From:** Mark Alexander  
**To:** Tori Barnett  
**Date:** 11/7/2014 11:54 AM  
**Subject:** Marijuana  
**Attachments:** Measure 91 Summary.pdf

This was prepared by the Marion County DA's Office and describes various laws for marijuana.

They explained some abbreviations, but not all. They are:

MJ- Marijuana

BV- Class B Violation, punishable by \$260 fine. There are Class A, B, C and D Violations. Class A is the most severe.

CV- Class C Violation, punishable by \$160 fine

AM- Class A Misdemeanor Crime, punishable by jail up to a year and fine. There are Class A, B, C Misdemeanors. Class A is the most severe.

CF- Class C Felony, punishable by prison and fine. Again, A, B and C Felonies. A is most severe.

MCS- Crime of Manufacture of a Controlled Substance. Means to grow or produce an illegal drug.

PCS- Crime of Possession of a Controlled Substance. Means to possess an illegal drug.

DCS- Crime of Delivery of a Controlled Substance. Means to sell, give, transfer an illegal drug.

For Consideration means to get something of value from the transfer.

OLCC- Oregon Liquor Control Commission

OMMP- Oregon Medical Marijuana Program

Mark

## Summary of Measure 91 – Legal Recreational Marijuana

- Definitions
  - Homegrown/made – grown/made by person 21 or older for noncommercial use
  - Household/housing unit – a house, apartment, mobile home, group or rooms, or a single room that is occupied as separate living quarters, in which the occupants live and eat separately and have direct access from the outside or through a common hall; and any place in or around the unit
  - Immature MJ plant – a plant with no observable flowers or buds
  - Marijuana (MJ) – all parts of the plant, except extracts
  - MJ extract – a product obtained by separating resins from MJ (e.g. hash oil)
  - MJ items – MJ, MJ products, & MJ extracts
  - MJ products – products that contain MJ or MJ extracts and are intended for human consumption (e.g. brownies, shakes)
  - Mature MJ plant – a plant that is not an immature plant
  - Noncommercial – not for financial consideration
  - Public place – a place to which the general public has access
  - Usable MJ – dried MJ flowers & dried MJ leaves
- OLCC Regulations – violation of reg is a class C violation (CV)
  - Can work on regulations for growers/sellers now, they are not effective until 1/1/16
  - Can receive applications for licenses 1/4/16
  - Must review evidence regarding effects of MJ on ability to drive and on concentration of THC in blood, then present research and recommend whether amendments to vehicle code are appropriate
    - This section likely avoids the seemingly arbitrary THC blood content of 5 nanograms per milliliter set in WA for DUII
- New offenses:
  - Unlawful importing/exporting MJ – a licensee may not import/export MJ items; if for consideration (CF), if not (AM)
  - MJ may not be given as a prize (AM)
  - Providing MJ to intoxicated person; allowing Minor use MJ (AM)
    - May not sell, give, or make available MJ items to visibly intoxicated person
    - Person who exercises control over private real property may not knowingly allow another person under 21 to consume MJ items on the property or remain on the property if the under 21 person consumes MJ items on the property
  - Misrepresentation; maintain disorderly establishment (AM)
    - No person shall make false statements to OLCC to induce/prevent action
    - No licensee shall maintain a noisy, lewd, disorderly or insanitary establishment or supply impure/deleterious MJ items
    - No licensee shall misrepresent MJ items
  - Minor attempt purchase MJ/enter licensed premises (BV) – exception for sting ops
  - Compliance with standards (AM) – no MJ item shall be offered for sale that does not comply
  - Misleading label (AM) – no licensee shall label a container that does not precisely and clearly indicate the nature of its contents
  - Minimum employee age (AM) – A licensee may not employ any person under 21
  - Mature MJ plant prohibitions (AM) – Except for licensed MJ producers, no other licensee may possess or sell a mature MJ plant
  - Use MJ in public place (BV) – May not engage in the use of MJ items in a public place
  - Poss. MJ in correctional facility (BV) – May not possess or use MJ items in a correctional facility or youth correctional facility
  - Homegrown MJ in public view (BV) – May not produce, process, or keep homegrown MJ or homemade MJ products if the item can be readily seen by normal unaided vision from a public place
  - Homemade MJ extracts (AM) – May not produce, process, keep homemade MJ extracts

- Additions and amendments to existing offenses:
  - Use of MJ while driving (BV) – May not use MJ while driving a motor vehicle upon a highway
    - Will be added to vehicle code in ORS 811
  - Controlled substance defined – removes MJ from 475.125-65 (Pharmacy) and 475.175-90 (records)
  - 475.525 Sale of drug paraphernalia – amended to exempt MJ paraphernalia
  - 475.752 General Controlled Substance Offenses – amended to exempt licensees and homegrown/made MJ from MCS and DCS; and to exempt MJ from PCS completely in this section
  - 475.856 MCS MJ
    - Exempts licensees and homegrown MJ in compliance
    - If homegrown MJ has more than 4 but not more than 8 plants (BM)
    - Other than that still (BF)
  - 475.860 DCS MJ
    - Exempts licensees and homegrown/made MJ in compliance
    - No other changes to existing statutory scheme
  - 475.864 PCS MJ
    - Generally keeps existing scheme for persons under 21
    - Exempts licensees, but includes new category for 21 & over violations:
      - More than 1 oz usable MJ in public place
      - More than 8 oz usable MJ
      - More than 16 oz solid MJ products
      - More than 72 oz liquid MJ products
      - More than 1 oz MJ extracts
      - \*Any MJ extracts not purchased from licensed MJ retailer
    - Penalties (except for \*):
      - More than 4 times listed max (CF)
      - More than 2 times, but not more than 4 times listed max (BM)
      - Not more than 2 times listed max (BV)
    - Penalties for \*
      - More than ¼ oz (CF)
      - ¼ oz or less (BM)
  - No changes to MCS/DCS within 1000' of a school
- Homegrown/made MJ exemptions to offenses and OLCC regulations:
  - Homegrown MJ – growing, harvesting, drying, or keeping MJ if the total at the household does not exceed 4 MJ plants and 8 oz usable MJ
  - Homemade MJ products – making or keeping MJ products if the total at the household does not exceed 16 oz of solids or 72 oz of liquids
  - Delivery of not more than 1 oz homegrown MJ, 16 oz solid or 72 oz liquid MJ products, for noncommercial purposes
- Peace officers:
  - Shall enforce the new offenses in this act
  - Shall assist OLCC in detecting violations and apprehending offenders of the new offenses
  - Immediately notify the district attorney (DA) and furnish the DA with information of violations of the act when the officer has notice, knowledge, or reasonable grounds
  - When making an arrest for a new offense, may take possession of MJ items and other property which the arrested person has in possession, or on premises, which is apparently being used in violation of these new offenses
- County Courts, DAs, and municipal authorities:
  - Shall notify OLCC upon conviction of any licensee for a new offense, or any other law in which MJ had any part
  - Shall notify OLCC of any acts, practices, or other conduct of a licensee which may be subversive of the general welfare or contrary to the spirit of this Act

- Property/places as common nuisances
  - Any place where MJ items are sold/kept for sale, manufactured, bartered/kept for barter, given away/kept for gift; or where persons are permitted to resort to use MJ items; in violation of the law is a common nuisance
  - Any person who maintains/assists in maintaining, or knowingly suffers or permits a common nuisance to exist in any place the person is the owner, manager, or lessor is guilty of the underlying new offense
- No changes to OMMA
- Effective dates – while the act itself is effective on 12/4/12, the new offenses and amendments to existing offenses become operative on, and applies to conduct occurring on or after, 7/1/15

KATE BROWN  
SECRETARY OF STATE



JIM WILLIAMS  
DIRECTOR

255 CAPITOL STREET NE, SUITE 501  
SALEM, OREGON 97310-0722

(503) 986-1518

January 28, 2014

To All Interested Parties:

Secretary of State Kate Brown is responsible for the pre-election review of proposed initiative petitions for compliance with the procedural constitutional requirements established in the Oregon Constitution for initiative petitions. This review will be completed before approving the form of the cover and signature sheets for the purpose of circulating the proposed initiative petition to gather signatures.

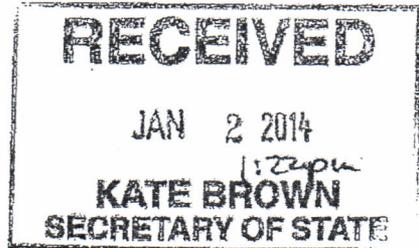
The Secretary of State is seeking public input on whether proposed initiative petition (#53), satisfies the procedural constitutional requirements for circulation as a proposed initiative petition. Petition #53 was filed in our office on January 28, 2014, by Anthony Johnson, for the General Election of November 4, 2014.

A copy of the text of this proposed initiative petition is on the second page of the letter. If you are interested in providing comments on whether the proposed initiative petition meets the procedural constitutional requirements, please write to the secretary at the Elections Division. Your comments, if any, must be received by the Elections Division no later than February 20, 2014, in order for them to be considered in the review.

KATE BROWN  
Secretary of State

BY:

Lydia Plukchi  
Compliance Specialist



An Act

Be it Enacted by the People of the State of Oregon:

This Act shall be known as:

Control, Regulation, and Taxation of Marijuana and Industrial Hemp Act

**SECTION 1. (1)** The People of the State of Oregon declare that the purposes of this Act are:

- (a) To eliminate the problems caused by the prohibition and uncontrolled manufacture, delivery, and possession of marijuana within this state;
- (b) To protect the safety, welfare, health, and peace of the people of this state by prioritizing the state's limited law enforcement resources in the most effective, consistent, and rational way;
- (c) To permit persons licensed, controlled, regulated, and taxed by this state to legally manufacture and sell marijuana to persons 21 years of age and older, subject to the provisions of this Act;
- (d) To ensure that the State Department of Agriculture issues industrial hemp licenses and agricultural hemp seed production permits in accordance with existing state law; and
- (e) To establish a comprehensive regulatory framework concerning marijuana under existing state law.

(2) The People of the State of Oregon intend that the provisions of this Act, together with the other provisions of existing state law, will:

- (a) Prevent the distribution of marijuana to persons under 21 years of age;
- (b) Prevent revenue from the sale of marijuana from going to criminal enterprises, gangs, and cartels;
- (c) Prevent the diversion of marijuana from this state to other states;
- (d) Prevent marijuana activity that is legal under state law from being used as a cover or pretext for the trafficking of other illegal drugs or other illegal activity;
- (e) Prevent violence and the use of firearms in the cultivation and distribution of marijuana;
- (f) Prevent drugged driving and the exacerbation of other adverse public health consequences associated with the use of marijuana;
- (g) Prevent the growing of marijuana on public lands and the attendant public safety and environmental dangers posed by marijuana production on public lands; and
- (h) Prevent the possession and use of marijuana on federal property.

**SECTION 2.** (1) Sections 3 to 70 of this Act are added to and made a part of the Oregon Revised Statutes.

(2) Section 71 is added to and made a part of ORS chapter 317.

(3) Section 72 is added to and made a part of ORS chapter 475.

(4) Section 73 is added to and made a part of ORS chapter 811.

(General)

**SECTION 3. Short title.** Sections 3 to 70 of this Act shall be known and may be cited as the Control, Regulation, and Taxation of Marijuana and Industrial Hemp Act.

**SECTION 4. Limitations.** Sections 3 to 70 of this Act may not be construed:

(1) To amend or affect in any way any state or federal law pertaining to employment matters;

(2) To amend or affect in any way any state or federal law pertaining to landlord-tenant matters;

(3) To prohibit a recipient of a federal grant or an applicant for a federal grant from prohibiting the manufacture, delivery, possession, or use of marijuana to the extent necessary to satisfy federal requirements for the grant;

(4) To prohibit a party to a federal contract or a person applying to be a party to a federal contract from prohibiting the manufacture, delivery, possession, or use of marijuana to the extent necessary to comply with the terms and conditions of the contract or to satisfy federal requirements for the contract;

(5) To require a person to violate a federal law;

(6) To exempt a person from a federal law or obstruct the enforcement of a federal law; or

(7) To amend or affect in any way the Oregon Medical Marijuana Act.

**SECTION 5. Definitions.** As used in sections 3 to 70 of this Act:

(1) "Authority" means the Oregon Health Authority.

(2) "Commission" means the Oregon Liquor Control Commission.

(3) "Consumer" means a person who purchases, acquires, owns, holds, or uses marijuana items other than for the purpose of resale.

(4) "Department" means the State Department of Agriculture.

(5)(a) "Financial consideration," except as provided in paragraph (b) of this subsection, means value that is given or received directly or indirectly through sales, barter, trade, fees, charges, dues, contributions or donations.

(b) "Financial consideration" does not mean any of the following:

(A) Homegrown marijuana made by another person.

(B) Homemade marijuana products made by another person.

(6) "Homegrown" or "homemade" means grown or made by a person 21 years of age or older for noncommercial purposes.

(7) "Household" means a housing unit, and includes any place in or around the housing unit at which the occupants of the housing unit are producing, processing, keeping, or storing homegrown marijuana or homemade marijuana products.

(8) "Housing unit" means a house, an apartment, a mobile home, a group of rooms, or a single room that is occupied as separate living quarters, in which the occupants live and eat separately from any other persons in the building and which have direct access from the outside of the building or through a common hall.

(9) "Immature marijuana plant" means a marijuana plant with no observable flowers or buds.

(10) "Licensee" means any person holding a license issued under this Act, or any person holding a license or permit issued under any regulation promulgated under paragraph (e) of subsection (2) of section 7 of this Act.

(11) "Licensee representative" means an owner, director, officer, manager, employee, agent, or other representative of a licensee, to the extent such person acts in such representative capacity.

(12)(a) "Marijuana" means all parts of the plant Cannabis family Moraceae, whether growing or not, other than marijuana extracts.

(b) "Marijuana" does not include industrial hemp, as defined in ORS 571.300, or industrial hemp commodities or products.

(13) "Marijuana extract" means a product obtained by separating resins from marijuana by solvent extraction, using solvents other than vegetable glycerin, such as butane, hexane, isopropyl alcohol, ethanol, and carbon dioxide.

(14)(a) "Marijuana flowers" means the flowers of the plant Cannabis family Moraceae.

(b) "Marijuana flowers" does not include any part of the plant other than the flowers.

(15) "Marijuana items" means marijuana, marijuana products, and marijuana extracts.

- (16)(a) "Marijuana leaves" means the leaves of the plant Cannabis family Moraceae.
- (b) "Marijuana leaves" does not include any part of the plant other than the leaves.
- (17) "Marijuana processor" means a person who processes marijuana items in this state.
- (18) "Marijuana producer" means a person who produces marijuana in this state.
- (19)(a) "Marijuana products" means products that contain marijuana or marijuana extracts and are intended for human consumption.
- (b) "Marijuana products" does not mean:
- (A) Marijuana, by itself; or
- (B) A marijuana extract, by itself.
- (20) "Marijuana retailer" means a person who sells marijuana items to a consumer in this state.
- (21) "Marijuana wholesaler" means a person who purchases marijuana items in this state for resale to a person other than a consumer in this state.
- (22) "Mature marijuana plant" means any marijuana plant that is not an immature marijuana plant.
- (23) "Noncommercial" means not dependent or conditioned upon the provision or receipt of financial consideration.
- (24) "Person" means any natural person, corporation, professional corporation, nonprofit corporation, cooperative corporation, profit or nonprofit unincorporated association, business trust, limited liability company, general or limited partnership, joint venture, or any other legal entity.
- (25) "Premises" or "licensed premises" means a location licensed under sections 3 to 70 of this Act and includes:
- (a) All enclosed areas at the location that are used in the business operated at the location, including offices, kitchens, rest rooms and storerooms, including all public and private areas;
- (b) All areas outside of a building that the Oregon Liquor Control Commission has specifically licensed for the production, processing, wholesale sale, or retail sale of marijuana items; and
- (c) For a location that the commission has specifically licensed for the production of marijuana outside of a building, the entire lot or parcel, as defined in ORS 92.010, that the licensee owns, leases, or has a right to occupy.
- (26)(a) "Processes" means:
- (A) The processing, compounding, or conversion of marijuana into marijuana products or

marijuana extracts;

(B) The processing, compounding, or conversion of marijuana, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis;

(C) The packaging or repackaging of marijuana items; or

(D) The labeling or relabeling of any package or container of marijuana items.

(b) "Processes" does not include:

(A) The drying of marijuana by a marijuana producer, if the marijuana producer is not otherwise processing marijuana; or

(B) The packaging and labeling of marijuana by a marijuana producer in preparation for delivery to a marijuana processor.

(27)(a) "Produces" means the manufacture, planting, cultivation, growing, or harvesting of marijuana.

(b) "Produces" does not include:

(A) The drying of marijuana by a marijuana processor, if the marijuana processor is not otherwise producing marijuana; or

(B) The cultivation and growing of an immature marijuana plant by a marijuana processor, marijuana wholesaler, or marijuana retailer if the marijuana processor, marijuana wholesaler, or marijuana retailer purchased or otherwise received the plant from a licensed marijuana producer.

(28) "Public place" means a place to which the general public has access and includes, but is not limited to, hallways, lobbies and other parts of apartment houses and hotels not constituting rooms or apartments designed for actual residence, and highways, streets, schools, places of amusement, parks, playgrounds and premises used in connection with public passenger transportation.

(29) "Usable marijuana" means dried marijuana flowers and dried marijuana leaves, and any mixture or preparation thereof.

**SECTION 6. Exemptions.** (1) Sections 7 to 44 and 60 to 62 of this Act do not apply:

(a) To the production, processing, keeping, or storage of homegrown marijuana at a household by one or more persons 21 years of age and older if the total of homegrown marijuana at the household does not exceed four marijuana plants and eight ounces of usable marijuana at a given time.

(b) To the making, processing, keeping, or storage of homemade marijuana products at a household by one or more persons 21 years of age and older if the total of homemade marijuana products at the household does not exceed sixteen ounces in solid form at a given time.

(c) To the making, processing, keeping, or storage of homemade marijuana products at a household by one or more persons 21 years of age and older if the total of homemade marijuana products at the household does not exceed seventy-two ounces in liquid form at a given time.

(d) To the delivery of not more than one ounce of homegrown marijuana at a given time by a person 21 years of age or older to another person 21 years of age or older for noncommercial purposes.

(e) To the delivery of not more than sixteen ounces of homemade marijuana products in solid form at a given time by a person 21 years of age or older to another person 21 years of age or older for noncommercial purposes.

(f) To the delivery of not more than seventy-two ounces of homemade marijuana products in liquid form at a given time by a person 21 years of age or older to another person 21 years of age or older for noncommercial purposes.

(2) Sections 7 to 70 of this Act:

(a) Do not apply to the extent a person acts within the scope of and in compliance with the Oregon Medical Marijuana Act; or

(b) Do not amend or affect in any way the function, duties, and powers of the Oregon Health Authority under the Oregon Medical Marijuana Act.

**SECTION 7. Powers and duties of Oregon Liquor Control Commission.** (1) The Oregon Liquor Control Commission has the powers and duties specified in sections 3 to 70 of this Act, and also the powers necessary or proper to enable it to carry out fully and effectually all the purposes of sections 3 to 70 of this Act. The jurisdiction, supervision, powers and duties of the commission extend to any person who buys, sells, produces, processes, transports, or delivers any marijuana items within this state. The commission may sue and be sued.

(2) The function, duties, and powers of the commission in sections 3 to 70 of this Act include the following:

(a) To regulate the purchase, sale, production, processing, transportation, and delivery of marijuana items in accordance with the provisions of sections 3 to 70 of this Act.

(b) To grant, refuse, suspend or cancel licenses for the sale, processing, or production of marijuana items, or other licenses in regard to marijuana items, and to permit, in its discretion, the transfer of a license of any person.

(c) To collect the taxes and duties imposed by sections 3 to 70 of this Act, and to issue, and provide for cancellation, stamps and other devices as evidence of payment of such taxes or duties.

(d) To investigate and aid in the prosecution of every violation of Oregon statutes relating to marijuana items, and cooperate in the prosecution of offenders before any state court of competent jurisdiction.

(e) To adopt such regulations as are necessary and feasible for carrying out the intent and

provisions of sections 3 to 70 of this Act and to amend or repeal such regulations. When such regulations are adopted they shall have the full force and effect of law.

(f) To exercise all powers incidental, convenient or necessary to enable it to administer or carry out any of the provisions of sections 3 to 70 of this Act.

(g) To regulate and prohibit any advertising by manufacturers, processors, wholesalers or retailers of marijuana items by the medium of newspapers, letters, billboards, radio or otherwise.

(h) To regulate the use of marijuana items for scientific, pharmaceutical, manufacturing, mechanical, industrial and other purposes.

(3) On or before January 1, 2016, the commission, after consultation with the State Department of Agriculture and the Oregon Health Authority, shall prescribe forms and adopt such rules and regulations as the commission deems necessary for the implementation and administration of sections 3 to 70 of this Act.

(4) On or before January 1, 2017, the commission shall:

(a) Examine available research, and may conduct or commission new research, to investigate the influence of marijuana on the ability of a person to drive a vehicle and on the concentration of delta-9 tetrahydrocannabinol in a person's blood, in each case taking into account all relevant factors; and

(b) Present the results of the research to the Legislative Assembly and make recommendations to the Legislative Assembly regarding whether any amendments to the Oregon Vehicle Code are appropriate.

(5) The commission has no power to purchase, own, sell, or possess any marijuana items.

SECTION 8. Powers and duties of State Department of Agriculture. The State Department of Agriculture shall assist and cooperate with the Oregon Liquor Control Commission and the Oregon Health Authority to the extent necessary for the commission and the authority to carry out the duties of the commission and the authority under sections 3 to 70 of this Act.

SECTION 9. Powers and duties of Oregon Health Authority. The Oregon Health Authority shall assist and cooperate with the Oregon Liquor Control Commission and the State Department of Agriculture to the extent necessary for the commission and the department to carry out the duties of the commission and the department under sections 3 to 70 of this Act.

SECTION 10. No liability for official acts. No member of the Oregon Liquor Control Commission, the State Department of Agriculture, or the Oregon Health Authority may be sued for doing or omitting to do any act in the performance of duties as prescribed in sections 3 to 70 of this Act.

SECTION 11. Powers; licenses; federal law. (1) Neither the Oregon Liquor Control Commission, the State Department of Agriculture, nor the Oregon Health Authority may refuse to perform any

duty under sections 3 to 70 of this Act on the basis that manufacturing, distributing, dispensing, possessing, or using marijuana is prohibited by federal law.

(2) The commission may not revoke or refuse to issue or renew a license under sections 3 to 70 of this Act on the basis that manufacturing, distributing, dispensing, possessing, or using marijuana is prohibited by federal law.

**SECTION 12. Contracts.** No contract shall be unenforceable on the basis that manufacturing, distributing, dispensing, possessing, or using marijuana is prohibited by federal law.

**SECTION 13. Licensees and licensee representatives.** Licensees and licensee representatives may produce, deliver, and possess marijuana items subject to the provisions of sections 3 to 70 of this Act. The production, delivery, and possession of marijuana items by a licensee or a licensee representative in compliance with sections 3 to 70 of this Act shall not constitute a criminal or civil offense under Oregon law.

(Purchaser's Qualifications and Identification)

**SECTION 14. Purchaser's qualifications.** No licensee or licensee representative may sell or deliver any marijuana items to any person under 21 years of age.

**SECTION 15. Limitations on purchasing may be imposed.** The Oregon Liquor Control Commission may limit the quantity of marijuana items purchased at any one time by a consumer so as effectually to prevent the resale of marijuana items.

**SECTION 16. Requiring identification from certain purchasers.** All licensees and licensee representatives, before selling or serving marijuana items to any person about whom there is any reasonable doubt of the person's having reached 21 years of age, shall require such person to produce one of the following pieces of identification:

- (1) The person's passport.
- (2) The person's motor vehicle operator's license, whether issued in this state or by any other state, so long as the license has a picture of the person.
- (3) An identification card issued under ORS 807.400.
- (4) A United States military identification card.
- (5) Any other identification card issued by a state that bears a picture of the person, the name of the person, the person's date of birth and a physical description of the person.

**SECTION 17. False statement of age; statement of age as defense.** (1) No person shall produce any piece of identification that would falsely indicate the person's age.

(2) If a piece of identification is offered as evidence in any administrative or criminal prosecution of a licensee or licensee representative for sale or service of marijuana items to a person not having reached 21 years of age, the licensee or licensee representative shall be found to have committed no crime or other wrong unless it is demonstrated that a reasonable person would have determined that the identification exhibited was altered or did not accurately describe the person to whom the marijuana items were sold or served.

(Marijuana Licenses)

**SECTION 18. Oregon Liquor Control Commission's licensing duties.** (1) On or before January 4, 2016, the Oregon Liquor Control Commission shall begin receiving applications for the licensing of persons to produce, process, and sell marijuana within the state. Upon receipt of a license application, the commission shall not unreasonably delay the processing, approval, or rejection of the application or, if the application is approved, the issuance of the license.

(2) The licenses described in sections 3 to 70 of this Act shall be issued by the commission, subject to its regulations and restrictions and the provisions of sections 3 to 70 of this Act.

(3) The commission may not license a premises that does not have defined boundaries. A licensed premises need not be enclosed by a wall, fence or other structure, but the commission may require that any licensed premises be enclosed as a condition of issuing or renewing a license. The commission may not license premises that are mobile.

**SECTION 19. Production license.** (1) The production of marijuana is subject to regulation by the Oregon Liquor Control Commission.

(2) A marijuana producer must have a production license issued by the commission for the premises at which the marijuana is produced.

**SECTION 20. Processor license.** (1) The processing of marijuana items is subject to regulation by the Oregon Liquor Control Commission.

(2) A marijuana processor must have a processor license issued by the commission for the premises at which marijuana items are processed.

**SECTION 21. Wholesale license.** (1) The wholesale sale of marijuana items is subject to regulation by the Oregon Liquor Control Commission.

(2) A marijuana wholesaler must have a wholesale license issued by the commission for the premises at which marijuana items are received, kept, stored, or delivered.

**SECTION 22. Retail license.** (1) The retail sale of marijuana items is subject to regulation by the Oregon Liquor Control Commission.

(2) A marijuana retailer must have a retail license issued by the commission for the premises at

which marijuana items are sold.

**SECTION 23. Examination of books and premises of licensees.** (1) The Oregon Liquor Control Commission has the right after 72 hours' notice to the owner or the agent of the owner to make an examination of the books and may at any time make an examination of the premises of any person licensed under sections 3 to 70 of this Act, for the purpose of determining compliance with sections 3 to 70 of this Act and the rules of the commission.

(2) The commission shall not require the books of any licensee to be maintained on the premises of the licensee.

**SECTION 24. No "tied house" prohibitions.** The same person may hold one or more production licenses, one or more processor licenses, one or more wholesale licenses, and one or more retail licenses.

(Licensing Procedures)

**SECTION 25. Characteristics of license.** (1) A license granted under sections 3 to 70 of this Act shall:

- (a) Be a purely personal privilege.
  - (b) Be valid for the period stated in the license.
  - (c) Be renewable in the manner provided in section 28 of this Act, except for a cause which would be grounds for refusal to issue such license under section 29 of this Act.
  - (d) Be revocable or suspendible as provided in section 30 of this Act.
  - (e) Be transferable from the premises for which the license was originally issued to another premises subject to the provisions of this Act, any rules of the Oregon Liquor Control Commission and any municipal ordinance or local regulation.
  - (f) Cease upon the death of the licensee, except as provided in subsection (2) of this section.
  - (g) Not constitute property.
  - (h) Not be alienable.
  - (i) Not be subject to attachment or execution.
  - (j) Not descend by the laws of testate or intestate devolution.
- (2) The commission may, by order, provide for the manner and conditions under which:
- (a) Marijuana items left by any deceased, insolvent or bankrupt person or licensee, or subject to

a security interest, may be foreclosed, sold under execution or otherwise disposed of.

(b) The business of any deceased, insolvent or bankrupt licensee may be operated for a reasonable period following the death, insolvency or bankruptcy.

(c) A business licensed pursuant to sections 3 to 70 of this Act subject to a security interest may be continued in business by a secured party as defined in ORS 79.0102 for a reasonable period after default on the indebtedness by the debtor.

SECTION 26. License terms; licenses issued for less than year; determination of fees. (1) Except as otherwise provided in this section, all licenses under sections 3 to 70 of this Act and renewals thereof shall be issued for a period of one year which shall expire at 12 midnight on March 31, June 30, September 30 or December 31 of each year.

(2) Notwithstanding subsection (1) of this section, a license issued for the first time to an applicant may be issued for less than a year. The fee for a license issued for less than a year under this subsection is the annual license fee prescribed by section 28 of this Act.

SECTION 27. Delivery of marijuana. A marijuana producer, marijuana processor, or marijuana wholesaler shall deliver marijuana items only to or on a licensed premises. The sale of marijuana items under any license issued by the Oregon Liquor Control Commission for retail sales by a licensee shall be restricted to the premises described in the license, but deliveries may be made by the marijuana retailer to consumers pursuant to bona fide orders received on the licensed premises prior to delivery.

SECTION 28. Application for license; rules; fees. (1) Any person desiring a license or renewal of a license under sections 3 to 70 of this Act shall make application to the Oregon Liquor Control Commission upon forms to be furnished by the commission showing the name and address of the applicant, location of the place of business that is to be operated under the license, and such other pertinent information as the commission may require. No license shall be granted or renewed until the applicant has complied with the provisions of sections 3 to 70 of this Act and the rules of the commission.

(2) The commission may reject any application that is not submitted in the form required by rule. The commission shall give applicants an opportunity to be heard if an application is rejected. A hearing under this subsection is not subject to the requirements for contested case proceedings under ORS chapter 183.

(3) Except as provided in subsection (2) of this section, a revocation of, or a refusal to issue or renew, a license under sections 3 to 70 of this Act is subject to the requirements for contested case proceedings under ORS chapter 183.

(4) The commission shall assess a nonrefundable fee for processing a new or renewal application for any license authorized by sections 3 to 70 of this Act. The application processing fee shall be \$250.

(5) The annual license fee for any license granted under sections 3 to 70 of this Act shall be \$1,000. The license fee is nonrefundable and shall be paid by each applicant upon the granting or

committing of a license.

SECTION 29. Grounds for refusing to issue license. (1) The Oregon Liquor Control Commission may not license any applicant under the provisions of sections 3 to 70 of this Act if the applicant is under 21 years of age.

(2) The Oregon Liquor Control Commission may refuse to license any applicant under the provisions of sections 3 to 70 of this Act if the commission has reasonable ground to believe any of the following to be true:

(a) That there are sufficient licensed premises in the locality set out in the application, or that the granting of a license in the locality set out in the application is not demanded by public interest or convenience. In determining whether there are sufficient licensed premises in the locality, the commission shall consider seasonal fluctuations in the population of the locality and shall ensure that there are adequate licensed premises to serve the needs of the locality during the peak seasons.

(b) That the applicant:

(A) Is in the habit of using alcoholic beverages, habit-forming drugs, marijuana, or controlled substances to excess.

(B) Has made false statements to the commission.

(C) Is incompetent or physically unable to carry on the management of the establishment proposed to be licensed.

(D) Has been convicted of violating a general or local law of this state or another state, or of violating a federal law, if the conviction is substantially related to the fitness and ability of the applicant to lawfully carry out activities under the license.

(E) Has maintained an insanitary establishment.

(F) Is not of good repute and moral character.

(G) Did not have a good record of compliance with sections 3 to 70 of this Act or any rule of the commission adopted pursuant thereto.

(H) Is not the legitimate owner of the business proposed to be licensed, or other persons have ownership interests in the business which have not been disclosed.

(I) Is not possessed of or has not demonstrated financial responsibility sufficient to adequately meet the requirements of the business proposed to be licensed.

(J) Is unable to understand the laws of Oregon relating to marijuana or the rules of the commission.

(3) Notwithstanding subparagraph (D) of paragraph (b) of subsection (2) of this section, in determining whether the commission may refuse to license an applicant, the commission may not

consider the prior conviction of the applicant or any owner, director, officer, manager, employee, agent, or other representative of the applicant for:

(a) The manufacture of marijuana, if:

(A) The date of the conviction is more than five years before the date of the application; and

(B) The person has not been convicted more than once for the manufacture or delivery of marijuana;

(b) The delivery of marijuana to a person 21 years of age or older, if:

(A) The date of the conviction is more than five years before the date of the application; and

(B) The person has not been convicted more than once for the manufacture or delivery of marijuana; or

(c) The possession of marijuana.

SECTION 30. Grounds for cancellation or suspension of license. (1) The Oregon Liquor Control Commission may cancel or suspend any license issued under sections 3 to 70 of this Act, if the commission finds or has reasonable ground to believe any of the following to be true:

(a) That the licensee:

(A) Has violated any provision of sections 3 to 70 of this Act or any rule of the commission adopted pursuant thereto.

(B) Has made any false representation or statement to the commission in order to induce or prevent action by the commission.

(C) Has maintained an insanitary establishment.

(D) Is insolvent or incompetent or physically unable to carry on the management of the establishment of the licensee.

(E) Is in the habit of using alcoholic liquor, habit-forming drugs, marijuana, or controlled substances to excess.

(F) Has misrepresented to a customer or the public any marijuana items sold by the licensee.

(G) Since the granting of the license, has been convicted of a felony, of violating any of the marijuana laws of this state, general or local, or of any misdemeanor or violation of any municipal ordinance committed on the licensed premises.

(b) That there is any other reason that, in the opinion of the commission, based on public convenience or necessity, warrants canceling or suspending such license.

(2) Civil penalties under this section shall be imposed as provided in ORS 183.745.

(Marijuana Tax)

SECTION 31. Administration by Oregon Liquor Control Commission. The Oregon Liquor Control Commission shall administer sections 31 to 44 of this Act, and shall prescribe forms and make such rules and regulations as it deems necessary to enforce sections 31 to 44 of this Act.

SECTION 32. Definition of "sale". (1) As used in sections 31 to 44 of this Act, "sale" or "sold" means any transfer, exchange or barter, in any manner or by any means, for a consideration, and includes and means all sales made by any person. It includes a gift by a person engaged in the business of selling marijuana, for advertising, as a means of evading sections 31 to 44 of this Act, or for any other purpose.

(2) If a marijuana producer also holds one or more processor licenses, one or more wholesale licenses, or one or more retail licenses, a sale of marijuana flowers, marijuana leaves, or immature marijuana plants will be deemed to occur if and when the marijuana producer processes or takes any other action with respect to such marijuana flowers, marijuana leaves, or immature marijuana plants for which a processor license, wholesale license, or retail license is required, regardless of whether the marijuana producer continues to own or possess the marijuana flowers, marijuana leaves, or immature marijuana plants.

SECTION 33. Tax on marijuana. (1) A tax is imposed upon the privilege of engaging in business as a marijuana producer at the rate of:

- (a) \$35 per ounce on all marijuana flowers;
- (b) \$10 per ounce on all marijuana leaves; and
- (c) \$5 per immature marijuana plant.

(2) The rates of tax imposed by this section upon marijuana flowers and marijuana leaves apply proportionately to quantities of less than one ounce.

(3) The tax imposed by this section shall be measured by the quantities of marijuana flowers, marijuana leaves, and immature marijuana plants produced and sold by any marijuana producer. The taxes specified in this section shall be levied and assessed to the marijuana producer at the time of the first sale of the marijuana flowers, marijuana leaves, and immature marijuana plants by the marijuana producer.

(4) For reporting periods beginning on or after July 1, 2017, the rates of tax under subsection (1) of this section shall be adjusted for each biennium according to the cost-of-living adjustment for the calendar year. The Oregon Liquor Control Commission shall recompute the rates for each biennium by adding to each rate in subsection (1) of this section the product obtained by multiplying the rate by a factor that is equal to 0.25 multiplied by the percentage (if any) by which the monthly averaged U.S. City Average Consumer Price Index for the 12 consecutive months ending August 31 of the prior calendar year exceeds the monthly averaged U.S. City Average Consumer Price Index for the 12 consecutive months ending August 31, 2015.

(5) The commission shall regularly review the rates of tax under subsection (1) of this section and make recommendations to the Legislative Assembly regarding appropriate adjustments to the rates that will further the purposes of:

- (a) Maximizing net revenue;
- (b) Minimizing the illegal marijuana industry under Oregon law; and
- (c) Discouraging the use of marijuana by minors under 21 years of age.

**SECTION 34. Payment of taxes; refunds; interest or penalty; appeal.** (1) The privilege tax imposed by section 33 of this Act shall be paid to the Oregon Liquor Control Commission. The taxes covering the periods for which statements are required to be rendered by section 35 of this Act shall be paid before the time for filing such statements expires. If not so paid, a penalty of 10 percent and interest at the rate of one percent a month or fraction of a month shall be added and collected. The commission may refund any tax payment imposed upon or paid in error by any licensee.

(2) The commission may waive any interest or penalty assessed to a marijuana producer subject to the tax imposed under section 33 of this Act if the commission, in its discretion, determines that the marijuana producer has made a good faith attempt to comply with the requirements of sections 31 to 44 of this Act.

(3) Except in the case of fraud, the commission may not assess any interest or penalty on any tax due under section 33 of this Act following the expiration of 36 months from the date on which was filed the statement required under section 35 of this Act reporting the quantities of marijuana flowers, marijuana leaves, and immature marijuana plants upon which the tax is due.

(4) A marijuana producer may appeal a tax imposed under section 33 of this Act in the manner of a contested case under ORS chapter 183.

**SECTION 35. Statements by marijuana producers as to quantities sold.** On or before the 20th day of each month, every marijuana producer shall file with the Oregon Liquor Control Commission a statement of the quantities of marijuana flowers, marijuana leaves, and immature marijuana plants sold by the marijuana producer during the preceding calendar month.

**SECTION 36. Estimate by Oregon Liquor Control Commission when statement not filed or false statement filed.** If any marijuana producer fails, neglects or refuses to file a statement required by section 35 of this Act or files a false statement, the Oregon Liquor Control Commission shall estimate the quantities of marijuana flowers, marijuana leaves, and immature marijuana plants sold by the marijuana producer and assess the privilege taxes thereon. The marijuana producer shall be estopped from complaining of the quantities so estimated.

**SECTION 37. Lien created by the tax.** The privilege tax required to be paid by section 33 of this Act constitutes a lien upon, and has the effect of an execution duly levied against, any and all property of the marijuana producer, attaching at the time the marijuana flowers, marijuana leaves, and immature marijuana plants subject to the tax were sold, and remaining until the tax is paid. The lien created by this section is paramount to all private liens or encumbrances.

SECTION 38. Records to be kept by marijuana producers. Every marijuana producer shall keep a complete and accurate record of all sales of marijuana flowers, marijuana leaves, and immature marijuana plants, and a complete and accurate record of the number of ounces of marijuana flowers produced, the number of ounces of marijuana leaves produced, the number of immature marijuana plants produced, and the dates of production. The records shall be in such form and contain such other information as the Oregon Liquor Control Commission may prescribe.

SECTION 39. Inspection of marijuana producer's records; records to be kept for prescribed period. (1) The Oregon Liquor Control Commission may, at any time, examine the books and records of any marijuana producer, and may appoint auditors, investigators and other employees that the commission considers necessary to enforce its powers and perform its duties under sections 31 to 44 of this Act.

(2) Every marijuana producer shall maintain and keep for two years all records, books and accounts required by sections 31 to 44 of this Act and shall provide copies of those records, books and accounts to the commission when requested by the commission.

SECTION 40. Failure to pay tax or maintain records. (1) No marijuana producer shall:

(a) Fail to pay the privilege tax prescribed in section 33 of this Act when it is due; or

(b) Falsify the statement required by section 35 of this Act.

(2) No person shall:

(a) Refuse to permit the Oregon Liquor Control Commission or any of its representatives to make an inspection of the books and records authorized by sections 38 and 39 of this Act;

(b) Fail to keep books of account prescribed by the commission or required by sections 31 to 44 of this Act;

(c) Fail to preserve the books for two years for inspection of the commission; or

(d) Alter, cancel or obliterate entries in the books of account for the purpose of falsifying any record required by sections 31 to 44 of this Act to be made, maintained or preserved.

SECTION 41. Applicability to interstate and foreign commerce. Sections 31 to 44 of this Act do not apply to commerce with foreign nations or commerce with the several states, except in so far as the same may be permitted under the Constitution and laws of the United States.

SECTION 42. State has exclusive right to tax marijuana. No county or city of this state shall impose any fee or tax, including occupation taxes, privilege taxes and inspection fees, in connection with the purchase, sale, production, processing, transportation, and delivery of marijuana items.

(Distribution of Moneys)

SECTION 43. Disposition of moneys; revolving fund. (1) All money collected by the Oregon Liquor Control Commission under sections 3 to 70 of this Act shall be remitted to the State Treasurer who shall credit it to a suspense account of the commission. Whenever the commission determines that moneys have been received by it in excess of the amount legally due and payable to the commission or that it has received money to which it has no legal interest, or that any license fee or deposit is properly refundable, the commission is authorized and directed to refund such money by check drawn upon the State Treasurer and charged to the suspense account of the commission. After withholding refundable license fees and such sum, not to exceed \$250,000, as it considers necessary as a revolving fund for a working cash balance for the purpose of paying travel expenses, advances, other miscellaneous bills and extraordinary items which are payable in cash immediately upon presentation, the commission shall direct the State Treasurer to transfer the money remaining in the suspense account to the Oregon Marijuana Account established under section 44 of this Act. Moneys in the Oregon Marijuana Account are continuously appropriated to the commission to be distributed and used as required or allowed by Oregon law.

(2) All necessary expenditures of the commission incurred in carrying out sections 3 to 70 of this Act, including such sums necessary to reimburse the \$250,000 revolving fund, shall be paid from the Oregon Marijuana Account.

SECTION 44. Distribution of available moneys in Oregon Marijuana Account. (1) There is established the Oregon Marijuana Account, separate and distinct from the General Fund.

(2) At the end of each month, the Oregon Liquor Control Commission shall certify the amount of moneys available for distribution in the Oregon Marijuana Account and, after withholding such moneys as it may deem necessary to carry out its obligations under sections 3 to 70 of this Act, shall within 35 days of the month for which a distribution is made distribute the moneys as follows:

(a) Forty percent shall be transferred to the Common School Fund;

(b) Twenty percent shall be transferred to the Mental Health Alcoholism and Drug Services Account established under ORS 430.380;

(c) Fifteen percent shall be transferred to the State Police Account established under ORS 181.175;

(d) To assist local law enforcement in performing its duties under this Act, ten percent shall be transferred to the cities of the state in the following shares:

(A) For all distributions made from the Oregon Marijuana Account before July 1, 2017, in such shares as the population of each city bears to the population of the cities of the state, as determined by the State Board of Higher Education last preceding such apportionment, under ORS 190.510 to 190.610; and

(B) For all distributions made from the Oregon Marijuana Account on or after July 1, 2017:

(i) Fifty percent of such ten percent shall be transferred in such shares as the number of licenses

issued by the commission under sections 19 to 21 of this Act during the calendar year preceding the date of the distribution for premises located in each city bears to the number of such licenses issued by the commission during such calendar year for all premises in the state; and

(ii) Fifty percent of such ten percent shall be transferred in such shares as the number of licenses issued by the commission under section 22 of this Act during the calendar year preceding the date of the distribution for premises located in each city bears to the number of such licenses issued by the commission during such calendar year for all premises in the state;

(e) To assist local law enforcement in performing its duties under this Act, ten percent shall be transferred to counties in the following shares:

(A) For all distributions made from the Oregon Marijuana Account before July 1, 2017, in such shares as their respective populations bear to the total population of the state, as estimated from time to time by the State Board of Higher Education; and

(B) For all distributions made from the Oregon Marijuana Account on or after July 1, 2017:

(i) Fifty percent of such ten percent shall be transferred in such shares as the number of licenses issued by the commission under sections 19 to 21 of this Act during the calendar year preceding the date of the distribution for premises located in each county bears to the number of such licenses issued by the commission during such calendar year for all premises in the state; and

(ii) Fifty percent of such ten percent shall be transferred in such shares as the number of licenses issued by the commission under section 22 of this Act during the calendar year preceding the date of the distribution for premises located in each county bears to the number of such licenses issued by the commission during such calendar year for all premises in the state; and

(f) Five percent shall be transferred to the Oregon Health Authority to be used for the establishment, operation, and maintenance of alcohol and drug abuse prevention, early intervention and treatment services.

(3) It is the intent of this section that the moneys distributed from the Oregon Marijuana Account to the distributees in subsection (2) of this section are in addition to any other available moneys to such distributees and do not supplant moneys available from any other source.

#### (Prohibitions Relating to Marijuana)

SECTION 45. Importing and exporting marijuana prohibited. (1) Marijuana items may not be imported into this state or exported from this state by any licensee or licensee representative.

(2) A violation of subsection (1) of this section is a:

(a) Class C felony, if the importation or exportation is for consideration; or

(b) Class A misdemeanor, if the importation or exportation is not for consideration.

SECTION 46. Marijuana may not be given as prize. Marijuana items may not be given as a prize, premium or consideration for a lottery, contest, game of chance or skill, or competition of any kind.

SECTION 47. Providing marijuana to intoxicated person; allowing consumption by minor on property. (1) A person may not sell, give or otherwise make available any marijuana items to any person who is visibly intoxicated.

(2)(a) A person who exercises control over private real property may not knowingly allow any other person under the age of 21 years to consume marijuana items on the property, or allow any other person under the age of 21 years to remain on the property if the person under the age of 21 years consumes marijuana items on the property.

(b) This subsection:

(A) Applies only to a person who is present and in control of the location at the time the consumption occurs; and

(B) Does not apply to the owner of rental property, or the agent of an owner of rental property, unless the consumption occurs in the individual unit in which the owner or agent resides.

SECTION 48. Misrepresentation by licensee and others; maintenance of disorderly establishment.

(1) No person shall make false representations or statements to the Oregon Liquor Control Commission in order to induce or prevent action by the commission.

(2) No licensee of the commission shall maintain a noisy, lewd, disorderly or insanitary establishment or supply impure or otherwise deleterious marijuana items.

(3) No licensee of the commission shall misrepresent to a customer or to the public any marijuana items.

SECTION 49. Attempted purchase of marijuana by person under 21; entry of licensed premises by person under 21. (1) A person under 21 years of age may not attempt to purchase marijuana items.

(2) Except as authorized by rule or as necessitated in an emergency, a person under 21 years of age may not enter or attempt to enter any portion of a licensed premises that is posted or otherwise identified as being prohibited to the use of minors.

(3) A person who violates subsection (1) or (2) of this section commits a Class B violation.

(4) In addition to and not in lieu of any other penalty established by law, a person under 21 years of age who violates subsection (1) of this section through misrepresentation of age may be required to perform community service and the court shall order that the person's driving privileges and right to apply for driving privileges be suspended for a period not to exceed one year. If a court has issued an order suspending driving privileges under this section, the court, upon petition of the person, may withdraw the order at any time the court deems appropriate. The court notification to the Department of Transportation under this subsection may include a recommendation that the person be granted a hardship permit under ORS 807.240 if the person is

otherwise eligible for the permit.

(5) If a person cited under this section is at least 13 years of age but less than 21 years of age at the time the person is found in default under ORS 153.102 or 419C.472 for failure to appear, in addition to and not in lieu of any other penalty, the court shall issue notice under ORS 809.220 to the department for the department to suspend the person's driving privileges under ORS 809.280 (4).

(6) The prohibitions of this section do not apply to a person under 21 years of age who is acting under the direction of the Oregon Liquor Control Commission or under the direction of state or local law enforcement agencies for the purpose of investigating possible violations of laws prohibiting sales of marijuana items to persons who are under 21 years of age.

SECTION 50. Compliance with standards. (1) No marijuana items shall be sold or offered for sale within this state unless such marijuana items comply with the minimum standards fixed pursuant to law.

(2) The Oregon Liquor Control Commission may require a marijuana producer, marijuana processor, or marijuana wholesaler to provide a laboratory analysis demonstrating to the satisfaction of the commission that particular marijuana items comply with the minimum standards in this state.

(3) No marijuana items offered for sale within this state may be altered or tampered with in any way by any person not licensed to do so by the commission.

(4) The commission may prohibit the sale of any marijuana items for a reasonable period of time while it is determining whether the marijuana items comply with minimum standards in this state.

SECTION 51. Use of misleading mark or label on container; injurious or adulterated ingredients.

(1) No licensee shall use or allow the use of any mark or label on the container of any marijuana items which are kept for sale, if the container does not precisely and clearly indicate the nature of its contents or in any way might deceive any customer as to the nature, composition, quantity, age or quality of such marijuana items.

(2) The Oregon Liquor Control Commission may prohibit any licensee from selling any brand of marijuana items which in its judgment is deceptively labeled or branded as to content, or contains injurious or adulterated ingredients.

SECTION 52. Minimum age requirement. (1) A licensee may not employ any person under 21 years of age in any part of any licensed premises.

(2) During any inspection of a licensed premises, the Oregon Liquor Control Commission may require proof that a person performing work at the premises is 21 years of age or older. If the person does not provide the commission with acceptable proof of age upon request, the commission may require the person to immediately cease any activity and leave the premises until the commission receives acceptable proof of age. This subsection does not apply to a person temporarily at the premises to make a service, maintenance or repair call or for other purposes

independent of the premises operations.

(3) If a person performing work has not provided proof of age requested by the commission under subsection (2) of this section, the commission may request that the licensee provide proof that the person is 21 years of age or older. Failure of the licensee to respond to a request made under this subsection by providing acceptable proof of age for a person is prima facie evidence that the licensee has allowed the person to perform work at the licensed premises in violation of the minimum age requirement.

SECTION 53. Mature marijuana plants. (1) Except for licensed marijuana producers and their licensee representatives, no licensee may possess a mature marijuana plant.

(2) No licensee may sell a mature marijuana plant.

SECTION 54. Use of marijuana in public place prohibited. (1) It is unlawful for any person to engage in the use of marijuana items in a public place.

(2) A violation of subsection (1) of this section is a Class B violation.

SECTION 55. Possession of marijuana in correctional facility prohibited. (1) It is unlawful for any person to possess or engage in the use of marijuana items in a correctional facility as defined in ORS 162.135 or in a youth correction facility as defined in ORS 162.135.

(2) A violation of subsection (1) of this section is a Class B violation.

SECTION 56. Homegrown marijuana in public view prohibited. (1) No person may produce, process, keep, or store homegrown marijuana or homemade marijuana products if the homegrown marijuana or homemade marijuana products can be readily seen by normal unaided vision from a public place.

(2) A violation of subsection (1) of this section is a Class B violation.

SECTION 57. Homemade marijuana extracts prohibited. No person may produce, process, keep, or store homemade marijuana extracts.

(Cities and Counties; Local Option)

SECTION 58. Marijuana laws supersede and repeal inconsistent charters and ordinances. Sections 3 to 70 of this Act, designed to operate uniformly throughout the state, shall be paramount and superior to and shall fully replace and supersede any and all municipal charter enactments or local ordinances inconsistent with it. Such charters and ordinances hereby are repealed.

SECTION 59. Authority of cities and counties over establishments that serve marijuana. (1) Cities and counties may adopt reasonable time, place and manner regulations of the nuisance aspects of

establishments that sell marijuana to consumers if the city or county makes specific findings that the establishment would cause adverse effects to occur.

(2) The authority granted to cities and counties by this section is in addition to, and not in lieu of, the authority granted to a city or county under its charter and the statutes and Constitution of this state.

**SECTION 60. Petition and election for local option.** (1) The governing body of a city or a county, when a petition is filed as provided in this section, shall order an election on the question whether the operation of licensed premises shall be prohibited in the city or county.

(2) Except as provided in subsections (3), (4) and (5) of this section, the requirements for preparing, circulating and filing a petition under this section:

(a) In the case of a city, shall be as provided for an initiative petition under ORS 250.265 to 250.346.

(b) In the case of a county, shall be as provided for an initiative petition under ORS 250.165 to 250.235.

(3) A petition under subsection (2) of this section:

(a) Must be filed not less than 60 days before the day of the election; and

(b) Must be signed by not less than 10 percent of the electors registered in the city or county.

(4) If ORS 250.155 makes ORS 250.165 to 250.235 inapplicable to a county or if ORS 250.255 makes ORS 250.265 to 250.346 inapplicable to a city, the requirements for preparing, circulating and filing a petition under this section shall be as provided for an initiative petition under the county or city charter or an ordinance adopted under the county or city charter.

(5) No signature is valid unless signed within 180 days before the petition is filed.

(6) An election under this section shall be held at the time of the next statewide general election.

(7) An election under this section shall be conducted under ORS chapters 246 to 260.

**SECTION 61. Sales not affected by local option laws.** Section 60 of this Act shall not prevent any person residing in the county or city from having, for personal use, marijuana items purchased from marijuana retailers duly licensed under this Act.

**SECTION 62. Effective date of local option.** In each county or city that returns a majority vote for or against prohibition, the law shall take effect on January 1 following the day of election.

(Enforcement of Marijuana Laws)

SECTION 63. Duty of officers to enforce and to inform district attorney. The state police, sheriffs, constables and all police officers within the State of Oregon shall enforce sections 3 to 30 of this Act and sections 45 to 70 of this Act and assist the Oregon Liquor Control Commission in detecting violations of sections 3 to 30 of this Act and sections 45 to 70 of this Act and apprehending offenders. Each such enforcing officer having notice, knowledge or reasonable ground of suspicion of any violation of sections 3 to 30 of this Act or sections 45 to 70 of this Act shall immediately notify the district attorney, and furnish the district attorney with names and addresses of any witnesses, or other information within the officer's knowledge, of such violation.

SECTION 64. Confiscation of marijuana and property. (1) Whenever any officer arrests any person for violation of sections 3 to 30 of this Act or sections 45 to 70 of this Act, the officer may take into possession all marijuana items, and other property which the person so arrested has in possession, or on the premises, which is apparently being used in violation of sections 3 to 30 of this Act or sections 45 to 70 of this Act.

(2) If the person so arrested is convicted, and it is found that the marijuana items, and other property has been used in violation of Oregon law:

(a) The marijuana items shall be forfeited to an appropriate state or local law enforcement agency, and shall be delivered by the court or officer to the law enforcement agency; and

(b) Subject to other applicable law, the other property shall be forfeited to the Oregon Liquor Control Commission, and shall be delivered by the court or officer to the commission.

(3) The commission is authorized to destroy or make such other disposition of any property it receives under paragraph (b) of subsection (2) of this section as it considers to be in the public interest. In any such case, all such property, including lockers, chairs, tables, cash registers, music devices, gambling devices, furniture, furnishings, equipment and facilities for the storing, serving or using of marijuana items shall be confiscated and forfeited to the state, and the clear proceeds shall be deposited with the State Treasury in the Common School Fund in the manner provided in this section.

SECTION 65. Duty to notify Oregon Liquor Control Commission of conviction of licensee. The county courts, district attorneys and municipal authorities, immediately upon the conviction of any licensee of the Oregon Liquor Control Commission of a violation of any provision of sections 3 to 30 of this Act or sections 45 to 70 of this Act or the violation of any other law of this state or ordinance of any municipality therein, in which violation marijuana had any part, shall notify the commission thereof. Such officials shall notify the commission of any acts, practices or other conduct of any such licensee which may be subversive of the general welfare or contrary to the spirit of this Act and shall recommend such action on the part of the commission as will remove the evil.

SECTION 66. Property and places as common nuisances. Any room, house, building, boat, structure or place of any kind where marijuana items are sold, manufactured, bartered or given away in violation of Oregon law, or where persons are permitted to resort for the purpose of using marijuana items in violation of Oregon law, or any place where marijuana items are kept for sale, barter or gift in violation of Oregon law, and all marijuana items or property subject to confiscation under section 64 of this Act kept and used in such place is a common nuisance. Any person who maintains or assists in maintaining such common nuisance or knowingly suffers or

permits such nuisance to exist in any place of which the person is the owner, manager or lessor, shall be guilty of a violation of sections 3 to 30 of this Act and sections 45 to 70 of this Act.

SECTION 67. Lien on place used to unlawfully handle marijuana. If it is proved that the owner of any building or premises knowingly has suffered the same to be used or occupied for the manufacture, sale or possession of marijuana items, contrary to the provisions of sections 3 to 30 of this Act or sections 45 to 70 of this Act, such building or premises are subject to a lien for, and may be sold to pay all fines and costs assessed against their occupants for any violation of sections 3 to 30 of this Act or sections 45 to 70 of this Act. The lien shall be enforced immediately by civil action in any court having jurisdiction, by the district attorney of the county wherein the building or premises are located.

SECTION 68. Governor authorized to suspend license. In case of invasion, disaster, insurrection, riot, or imminent danger thereof, the Governor may, for the duration of such invasion, disaster, insurrection, riot, or imminent danger thereof, immediately suspend without notice any license in the area involved granted under sections 3 to 30 of this Act or sections 45 to 70 of this Act.

(Penalties)

SECTION 69. Penalties. (1) Except where other punishment is specifically provided for in sections 3 to 70 of this Act, violation of any provision of sections 3 to 70 of this Act is a Class A misdemeanor.

(2) A violation of subsection (1) of section 40 of this Act is a Class B misdemeanor.

(3) Subject to ORS 153.022, violation of any regulation promulgated under paragraph (c) of subsection (2) of section 7 of this Act is a Class C violation.

SECTION 70. Severability. If any sections, subsections, paragraphs, phrases, or words of sections 3 to 70 of this Act shall be held unconstitutional, void, or illegal, either on their face or as applied, this shall not affect the applicability, constitutionality, or legality of any other sections, subsections, paragraphs, phrases, and words of sections 3 to 70 of this Act. To that end, the sections, subsections, paragraphs, phrases, and words of sections 3 to 70 of this Act are intended to be severable. It is hereby declared to be the intent of sections 3 to 70 of this Act that sections 3 to 70 of this Act would have been adopted had such unconstitutional, void, or illegal sections, subsections, paragraphs, phrases, or words, if any, not been included in sections 3 to 70 of this Act.

SECTION 71. Section 280E of the Internal Revenue Code. Section 280E of the Internal Revenue Code does not apply for purposes of determining taxable income or loss under this chapter.

SECTION 72. Definition of controlled substance. As used in the following statutes and any rule adopted thereunder, the term "controlled substance" shall not include marijuana:

(1) ORS 475.125 to ORS 475.165 (registration with the State Board of Pharmacy).

(2) ORS 475.175 to ORS 475.190 (records).

**SECTION 73. Use of marijuana while driving; penalty.** (1) A person commits the offense of use of marijuana while driving if the person uses any marijuana while driving a motor vehicle upon a highway.

(2) The offense described in this section, use of marijuana while driving, is a Class B traffic violation.

**SECTION 74.** ORS 316.680, as amended by section 3, chapter 194, Oregon Laws 2013, is amended to read:

**316.680 Modification of taxable income.** (1) There shall be subtracted from federal taxable income:

(a) The interest or dividends on obligations of the United States and its territories and possessions or of any authority, commission or instrumentality of the United States to the extent includable in gross income for federal income tax purposes but exempt from state income taxes under the laws of the United States. However, the amount subtracted under this paragraph shall be reduced by any interest on indebtedness incurred to carry the obligations or securities described in this paragraph, and by any expenses incurred in the production of interest or dividend income described in this paragraph to the extent that such expenses, including amortizable bond premiums, are deductible in determining federal taxable income.

(b) The amount of any federal income taxes accrued by the taxpayer during the taxable year as described in ORS 316.685, less the amount of any refunds of federal taxes previously accrued for which a tax benefit was received.

(c) Amounts allowable under sections 2621(a)(2) and 2622(b) of the Internal Revenue Code to the extent that the taxpayer does not elect under section 642(g) of the Internal Revenue Code to reduce federal taxable income by those amounts.

(d) Any supplemental payments made to JOBS Plus Program participants under ORS 411.892.

(e)(A) Federal pension income that is attributable to federal employment occurring before October 1, 1991. Federal pension income that is attributable to federal employment occurring before October 1, 1991, shall be determined by multiplying the total amount of federal pension income for the tax year by the ratio of the number of months of federal creditable service occurring before October 1, 1991, over the total number of months of federal creditable service.

(B) The subtraction allowed under this paragraph applies only to federal pension income received at a time when:

(i) Benefit increases provided under chapter 569, Oregon Laws 1995, are in effect; or

(ii) Public Employees Retirement System benefits received for service prior to October 1, 1991, are exempt from state income tax.

(C) As used in this paragraph:

(i) "Federal creditable service" means those periods of time for which a federal employee earned a federal pension.

(ii) "Federal pension" means any form of retirement allowance provided by the federal government, its agencies or its instrumentalities to retirees of the federal government or their beneficiaries.

(f) Any amount included in federal taxable income for the tax year that is attributable to the conversion of a regular individual retirement account into a Roth individual retirement account described in section 408A of the Internal Revenue Code, to the extent that:

(A) The amount was subject to the income tax of another state or the District of Columbia in a prior tax year; and

(B) The taxpayer was a resident of the other state or the District of Columbia for that prior tax year.

(g) Any amounts awarded to the taxpayer by the Public Safety Memorial Fund Board under ORS 243.954 to 243.974 to the extent that the taxpayer has not taken the amount as a deduction in determining the taxpayer's federal taxable income for the tax year.

(h) If included in taxable income for federal tax purposes, the amount withdrawn during the tax year in qualified withdrawals from a college savings network account established under ORS 348.841 to 348.873.

**(i) For income tax years commencing on or after January 1, 2015, the amount of any deductions or credits that the taxpayer would have been allowed but for the provisions of section 280E of the Internal Revenue Code.**

(2) There shall be added to federal taxable income:

(a) Interest or dividends, exempt from federal income tax, on obligations or securities of any foreign state or of a political subdivision or authority of any foreign state. However, the amount added under this paragraph shall be reduced by any interest on indebtedness incurred to carry the obligations or securities described in this paragraph and by any expenses incurred in the production of interest or dividend income described in this paragraph.

(b) Interest or dividends on obligations of any authority, commission, instrumentality and territorial possession of the United States that by the laws of the United States are exempt from federal income tax but not from state income taxes. However, the amount added under this paragraph shall be reduced by any interest on indebtedness incurred to carry the obligations or securities described in this paragraph and by any expenses incurred in the production of interest or dividend income described in this paragraph.

(c) The amount of any federal estate taxes allocable to income in respect of a decedent not taxable by Oregon.

(d) The amount of any allowance for depletion in excess of the taxpayer's adjusted basis in the property depleted, deducted on the taxpayer's federal income tax return for the taxable year, pursuant to sections 613, 613A, 614, 616 and 617 of the Internal Revenue Code.

(e) For taxable years beginning on or after January 1, 1985, the dollar amount deducted under section

151 of the Internal Revenue Code for personal exemptions for the taxable year.

(f) The amount taken as a deduction on the taxpayer's federal return for unused qualified business credits under section 196 of the Internal Revenue Code.

(g) The amount of any increased benefits paid to a taxpayer under chapter 569, Oregon Laws 1995, under the provisions of chapter 796, Oregon Laws 1991, and under section 26, chapter 815, Oregon Laws 1991, that is not includable in the taxpayer's federal taxable income under the Internal Revenue Code.

(h) The amount of any long term care insurance premiums paid or incurred by the taxpayer during the tax year if:

(A) The amount is taken into account as a deduction on the taxpayer's federal return for the tax year; and

(B) The taxpayer claims the credit allowed under ORS 315.610 for the tax year.

(i) Any amount taken as a deduction under section 1341 of the Internal Revenue Code in computing federal taxable income for the tax year, if the taxpayer has claimed a credit for claim of right income repayment adjustment under ORS 315.068.

(j) If the taxpayer makes a nonqualified withdrawal, as defined in ORS 348.841, from a college savings network account established under ORS 348.841 to 348.873, the amount of the withdrawal that is attributable to contributions that were subtracted from federal taxable income under ORS 316.699.

(3) Discount and gain or loss on retirement or disposition of obligations described under subsection (2)(a) of this section issued on or after January 1, 1985, shall be treated for purposes of this chapter in the same manner as under sections 1271 to 1283 and other pertinent sections of the Internal Revenue Code as if the obligations, although issued by a foreign state or a political subdivision of a foreign state, were not tax exempt under the Internal Revenue Code.

**SECTION 75.** ORS 475.525 is amended to read:

**475.525 Sale of drug paraphernalia prohibited; definition of drug paraphernalia; exceptions.**

(1) It is unlawful for any person to sell or deliver, possess with intent to sell or deliver or manufacture with intent to sell or deliver drug paraphernalia, knowing that it will be used to unlawfully plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance as defined by ORS 475.005.

(2) For the purposes of this section, "drug paraphernalia" means all equipment, products and materials of any kind which are marketed for use or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance in violation of ORS 475.840 to 475.980. Drug paraphernalia includes, but is not limited to:

(a) Kits marketed for use or designed for use in unlawfully planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance

can be derived;

(b) Kits marketed for use or designed for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances;

(c) Isomerization devices marketed for use or designed for use in increasing the potency of any species of plant which is a controlled substance;

(d) Testing equipment marketed for use or designed for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances;

(e) Scales and balances marketed for use or designed for use in weighing or measuring controlled substances;

(f) Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, marketed for use or designed for use in cutting controlled substances;

(g) Separation gins and sifters marketed for use or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining marijuana;

(h) Containers and other objects marketed for use or designed for use in storing or concealing controlled substances; and

(i) Objects marketed for use or designed specifically for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish or hashish oil into the human body, such as:

(A) Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens or hashish beads;

(B) Water pipes;

(C) Carburetion tubes and devices;

(D) Smoking and carburetion masks;

(E) Roach clips, meaning objects used to hold burning material that has become too small or too short to be held in the hand, such as a marijuana cigarette;

(F) Miniature cocaine spoons and cocaine vials;

(G) Chamber pipes;

(H) Carburetor pipes;

(I) Electric pipes;

(J) Air-driven pipes;

(K) Chillums;

(L) Bongs;

(M) Ice pipes or chillers; and

(N) Lighting equipment specifically designed for the growing of controlled substances.

(3) Drug paraphernalia does not include hypodermic syringes or needles.

(4) For the purposes of this section, "marijuana paraphernalia" means all equipment, products and materials of any kind which are marketed for use or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body marijuana in violation of ORS 475.840 to 475.980.

[[4]] (5) In determining whether an object is drug paraphernalia or marijuana paraphernalia, a trier of fact should consider, in addition to all other relevant factors, the following:

(a) Instructions, oral or written, provided with the object concerning its use;

(b) Descriptive materials accompanying the object which explain or depict its use;

(c) National and local advertising concerning its use;

(d) The manner in which the object is displayed for sale;

(e) The existence and scope of legitimate uses for the object in the community; and

(f) Any expert testimony which may be introduced concerning its use.

[[5]] (6) The provisions of ORS 475.525 to 475.565 do not apply to persons registered under the provisions of ORS 475.125 or to persons specified as exempt from registration under the provisions of that statute.

(7) The provisions of ORS 475.525 to 475.565 do not apply to a person who sells or delivers marijuana paraphernalia to a person 21 years of age or older.

**SECTION 76.** ORS 475.752, as amended by section 3, chapter 591, Oregon Laws 2013, is amended to read:

**475.752 Prohibited acts generally; penalties; affirmative defense for certain peyote uses; causing death by Schedule IV substance.** (1) Except for licensees and licensee representatives as defined in subsections (10) and (11) of section 5 of this Act, and except for a person acting within the scope of and in compliance with subsection (1) of section 6 of this Act, and except as authorized by ORS 475.005 to 475.285 and 475.752 to 475.980, it is unlawful for any person to manufacture or deliver a controlled substance. Any person who violates this subsection with respect to:

(a) A controlled substance in Schedule I, is guilty of a Class A felony, except as otherwise provided in

ORS 475.886 and 475.890.

(b) A controlled substance in Schedule II, is guilty of a Class B felony, except as otherwise provided in ORS 475.858, 475.860, 475.862, 475.878, 475.880, 475.882, 475.904 and 475.906.

(c) A controlled substance in Schedule III, is guilty of a Class C felony, except as otherwise provided in ORS 475.904 and 475.906.

(d) A controlled substance in Schedule IV, is guilty of a Class B misdemeanor.

(e) A controlled substance in Schedule V, is guilty of a Class C misdemeanor.

(2) Except as authorized in ORS 475.005 to 475.285 and 475.752 to 475.980, it is unlawful for any person to create or deliver a counterfeit substance. Any person who violates this subsection with respect to:

(a) A counterfeit substance in Schedule I, is guilty of a Class A felony.

(b) A counterfeit substance in Schedule II, is guilty of a Class B felony.

(c) A counterfeit substance in Schedule III, is guilty of a Class C felony.

(d) A counterfeit substance in Schedule IV, is guilty of a Class B misdemeanor.

(e) A counterfeit substance in Schedule V, is guilty of a Class C misdemeanor.

(3) It is unlawful for any person knowingly or intentionally to possess a controlled substance, **other than marijuana**, unless the substance was obtained directly from, or pursuant to a valid prescription or order of, a practitioner while acting in the course of professional practice, or except as otherwise authorized by ORS 475.005 to 475.285 and 475.752 to 475.980. Any person who violates this subsection with respect to:

(a) A controlled substance in Schedule I, is guilty of a Class B felony, except as otherwise provided in ORS 475.894.

(b) A controlled substance in Schedule II, is guilty of a Class C felony, except as otherwise provided in ORS 475.864.

(c) A controlled substance in Schedule III, is guilty of a Class A misdemeanor.

(d) A controlled substance in Schedule IV, is guilty of a Class C misdemeanor.

(e) A controlled substance in Schedule V, is guilty of a violation.

(4) In any prosecution under this section for manufacture, possession or delivery of that plant of the genus *Lophophora* commonly known as peyote, it is an affirmative defense that the peyote is being used or is intended for use:

(a) In connection with the good faith practice of a religious belief;

(b) As directly associated with a religious practice; and

(c) In a manner that is not dangerous to the health of the user or others who are in the proximity of the user.

(5) The affirmative defense created in subsection (4) of this section is not available to any person who has possessed or delivered the peyote while incarcerated in a correctional facility in this state.

(6)(a) Notwithstanding subsection (1) of this section, a person who unlawfully manufactures or delivers a controlled substance in Schedule IV and who thereby causes death to another person is guilty of a Class C felony.

(b) For purposes of this subsection, causation is established when the controlled substance plays a substantial role in the death of the other person.

SECTION 77. ORS 475.856, as amended by section 1, chapter 591, Oregon Laws 2013, is amended to read:

**475.856 Unlawful manufacture of marijuana.** (1) [It] Except for licensees and licensee representatives as defined in subsections (10) and (11) of section 5 of this Act, and except for a person acting within the scope of and in compliance with subsection (1) of section 6 of this Act, it is unlawful for any person to manufacture marijuana.

(2) Unlawful manufacture of marijuana is a Class B felony.

(3) Notwithstanding subsection (2) of this section, unlawful manufacture of marijuana is a Class B misdemeanor, if a person 21 years of age or older manufactures homegrown marijuana at a household and the total number of homegrown marijuana plants at the household exceeds four marijuana plants but does not exceed eight marijuana plants.

(4) As used in subsection (3) of this section, the terms "homegrown" and "household" have the meanings given to them in section 5 of this Act.

SECTION 78. ORS 475.860 is amended to read:

**475.860 Unlawful delivery of marijuana.** (1) [It] Except for licensees and licensee representatives as defined in subsections (10) and (11) of section 5 of this Act, and except for a person acting within the scope of and in compliance with subsection (1) of section 6 of this Act, it is unlawful for any person to deliver marijuana.

(2) Unlawful delivery of marijuana is a:

(a) Class B felony if the delivery is for consideration.

(b) Class C felony if the delivery is for no consideration.

(3) Notwithstanding subsection (2) of this section, unlawful delivery of marijuana is a:

(a) Class A misdemeanor, if the delivery is for no consideration and consists of less than one avoirdupois ounce of the dried leaves, stems and flowers of the plant Cannabis family Moraceae; or

(b) Violation, if the delivery is for no consideration and consists of less than five grams of the dried leaves, stems and flowers of the plant Cannabis family Moraceae. A violation under this paragraph is a specific fine violation. The presumptive fine for a violation under this paragraph is \$650.

(4) Notwithstanding subsections (2) and (3) of this section, unlawful delivery of marijuana is a:

(a) Class A felony, if the delivery is to a person under 18 years of age and the defendant is at least 18 years of age and is at least three years older than the person to whom the marijuana is delivered; or

(b) Class C misdemeanor, if the delivery:

(A) Is for no consideration;

(B) Consists of less than five grams of the dried leaves, stems and flowers of the plant Cannabis family Moraceae;

(C) Takes place in a public place, as defined in ORS 161.015, that is within 1,000 feet of the real property comprising a public or private elementary, secondary or career school attended primarily by minors; and

(D) Is to a person who is 18 years of age or older.

**SECTION 79.** ORS 475.864, as amended by section 2, chapter 591, Oregon Laws 2013, is amended to read:

**475.864 Unlawful possession of marijuana.** (1) As used in subsections (2) to (4) of this section:

(a) "Marijuana" means the leaves, stems, and flowers of the plant Cannabis family Moraceae.

(b) "Marijuana product" has the meaning given the term "marijuana" in ORS 475.005 (16), but does not include the leaves, stems and flowers of the plant Cannabis family Moraceae.

(2) It is unlawful for any person under 21 years of age knowingly or intentionally to possess marijuana or marijuana product.

(3)(a) Unlawful possession of four avoirdupois ounces or more of marijuana by a person under 21 years of age is a Class C felony.

(b) Unlawful possession of one avoirdupois ounce of marijuana or more, but less than four avoirdupois ounces, by a person under 21 years of age is a Class B misdemeanor.

(c) Unlawful possession of less than one avoirdupois ounce of marijuana by a person under 21 years of age is a specific fine violation. The presumptive fine for a violation under this paragraph is \$650.

(4)(a) Unlawful possession of one-quarter avoirdupois ounce or more of marijuana product by a

person under 21 years of age is a Class C felony.

(b) Unlawful possession of less than one-quarter avoirdupois ounce of marijuana product by a person under 21 years of age is a Class B misdemeanor.

(5) As used in subsections (6) to (8) of this section, the terms "licensee," "licensee representative," "marijuana," "marijuana extracts," "marijuana products," "marijuana retailer," "public place," and "usable marijuana" have the meanings given to them in section 5 of this Act.

(6) Except for licensees and licensee representatives, it is unlawful for any person 21 years of age or older knowingly or intentionally to possess:

(a) More than one ounce of usable marijuana in a public place.

(b) More than eight ounces of usable marijuana.

(c) More than sixteen ounces of marijuana products in solid form.

(d) More than seventy-two ounces of marijuana products in liquid form.

(e) More than one ounce of marijuana extracts.

(f) Any marijuana extracts that were not purchased from a licensed marijuana retailer.

(7) A violation of paragraphs (a) to (e) of subsection (6) of this section is a:

(a) Class C felony, if the amount possessed is more than four times the applicable maximum amount specified in subsection (6) of this section;

(b) Class B misdemeanor, if the amount possessed is more than two times, but not more than four times, the applicable maximum amount specified in subsection (6) of this section; or

(c) Class B violation, if the amount possessed is not more than two times the applicable maximum amount specified in subsection (6) of this section.

(8) A violation of paragraph (f) of subsection (6) of this section is a:

(a) Class C felony, if the amount possessed is more than one-quarter ounce of such marijuana extracts; or

(b) Class B misdemeanor, if the amount possessed is not more than one-quarter ounce of such marijuana extracts.

SECTION 80. ORS 571.315 is amended to read:

**571.315 Revocation or refusal of license or permit; civil penalty.** (1) In addition to any other liability or penalty provided by Oregon law, the State Department of Agriculture may revoke or refuse to issue or renew an industrial hemp license or an agricultural hemp seed production permit and may impose

a civil penalty for violation of:

- (a) A license or permit requirement;
- (b) License or permit terms or conditions;
- (c) Department rules relating to growing or handling industrial hemp; or
- (d) A final order of the department that is specifically directed to the grower's or handler's industrial hemp operations or activities.

(2) The department may not impose a civil penalty under this section that exceeds \$2,500. The department shall impose civil penalties under this section in the manner provided by ORS 183.745.

(3) The department may revoke or refuse to issue or renew an industrial hemp license or an agricultural hemp seed production permit for violation of any rule of the department that pertains to agricultural operations or activities other than industrial hemp growing or handling.

(4) A revocation of, or a refusal to issue or renew, an industrial hemp license or an agricultural hemp seed production permit is subject to ORS chapter 183.

(5) The department may not revoke or refuse to issue or renew an industrial hemp license or an agricultural hemp seed production permit on the basis that industrial hemp production or possession, or commerce in industrial hemp commodities or products, is prohibited by federal law.

**SECTION 81.** Sections 71 to 73 of this Act and the amendments to ORS 316.680, 475.525, 475.752, 475.856, 475.860, 475.864, and 571.315 by sections 74 to 80 of this Act apply to conduct occurring on and after the operative date specified in subsection (1) of section 82 of this Act.

**SECTION 82.** (1) Sections 3 to 73 of this Act and the amendments to ORS 316.680, 475.525, 475.752, 475.856, 475.860, 475.864, and 571.315 by sections 74 to 80 of this Act become operative on July 1, 2015.

(2) The Oregon Liquor Control Commission may take any action before the operative date specified in subsection (1) of this section that is necessary to enable the commission to exercise, on and after the operative date specified in subsection (1) of this section, all the duties, functions and powers conferred on the commission by sections 3 to 73 of this Act and the amendments to ORS 316.680, 475.525, 475.752, 475.856, 475.860, 475.864, and 571.315 by sections 74 to 80 of this Act.

**SECTION 83.** The section captions used in this Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this Act.

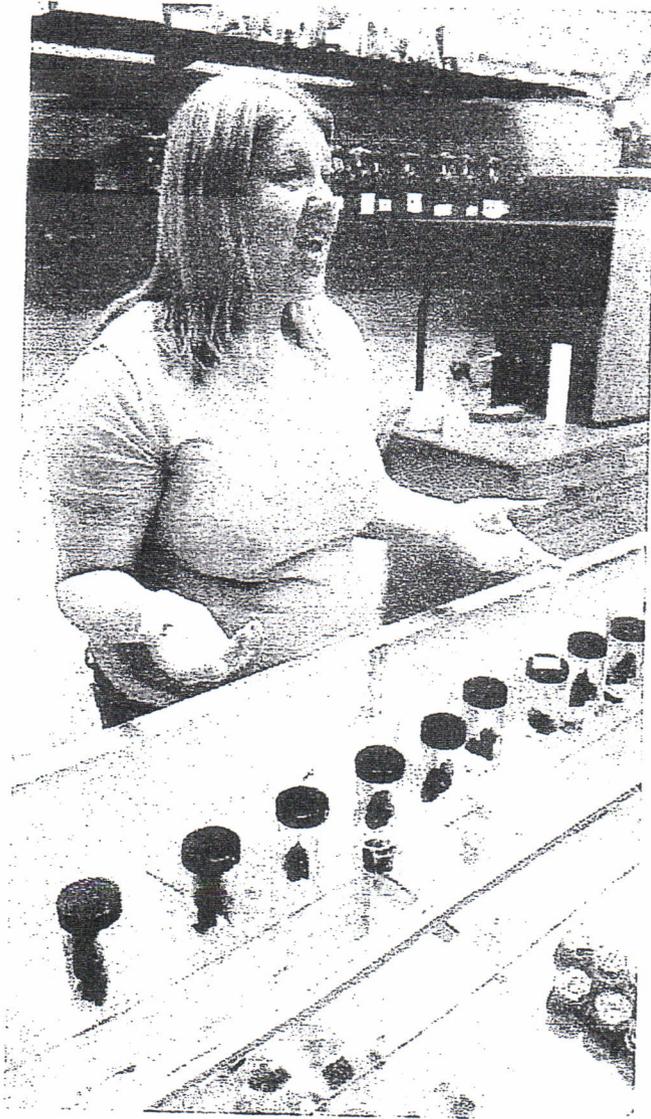
**SECTION 84.** This Act becomes effective 30 days after the day on which it is approved by a majority of the votes cast on it.

**SECTION 85.** If an initiative petition that conflicts with this Act is placed on the ballot at the next regular general election held throughout this state on November 4, 2014, and if both this Act and the conflicting initiative petition are approved by a majority of the votes cast thereon, the conflicting initiative petition is repealed in its entirety if this Act receives a number of affirmative votes greater than the number of affirmative votes received by the conflicting initiative petition.

**SECTION 86.** If any sections, subsections, paragraphs, phrases, or words of this Act (including but not limited to the entirety of sections 7 to 70 of this Act) shall be held unconstitutional, void, or illegal, either on their face or as applied, this shall not affect the applicability, constitutionality, or legality of any other sections, subsections, paragraphs, phrases, and words of this Act. To that end, the sections, subsections, paragraphs, phrases, and words of this Act are intended to be severable. It is hereby declared to be the intent of this Act that this Act would have been adopted had such unconstitutional, void, or illegal sections, subsections, paragraphs, phrases, or words, if any, not been included in this Act.

Please Call Me  
 889-5030  
 Stormy

## Corvallis dispensaries get down to business



JULY 20, 2014 7:00 AM • BY BENNETT HALL, CORVALLIS  
 GAZETTE-TIMES

Three months after the first medical marijuana emporium opened its doors in Corvallis, the novelty appears to be wearing off.

With three dispensaries now operating in town and a fourth potentially on the way, the medicinal cannabis business seems to be evolving much like any other business, with individual operators building their customer bases and establishing individual market niches.

The city's newest dispensary is Nature's Better Health Center, which opened June 17 in 1,800 square feet at 220 N.W. Second St. Up front, along with the reception desk, is a large retail space offering not just hand-blown glass pipes, vaporizers and other marijuana paraphernalia but a growing assortment of other wares made by local artisans, from soaps and baskets to jewelry and little girls' dresses.

"It brings people in for another reason," said owner Melissa Wallace. "I don't want to be a pot shop — that wasn't the idea behind opening up."

Wallace, who lost a good friend to cancer last year, said she opened the business because she's become convinced that marijuana has

legitimate medical benefits.

In back is a patient waiting room and a restricted-access area stocked with a dozen varieties of dried marijuana buds, a small selection of cannabis-infused edibles and more than 10 different types of concentrates. The concentrates come in various forms that can be vaporized, applied topically or used in a variety of other ways and have been particularly well-received by her customers.

"A lot of people use this for just pain because they don't want that high feeling (that comes with smoking marijuana). Not everybody wants to get high," Wallace said.

"People who come in now, they're using this product for a different reason. They're using this product because they have pain or they're trying to cure a disease."

Business was a little slow at first, Wallace said, but seems to be picking up.

"Our customer base is growing," she said. "Our clientele is repeating, which is big."

High Quality Compassion started doing business on May 2 at 1300 N.W. Ninth St. A simple but nicely furnished lobby and reception area greets patients when they come in the front door. There's a limited selection of retail merchandise, primarily T-shirts and handmade pipes.

The main focus, according to owner Brock Binder, is on providing a consistent selection of medicine at a reasonable price point.

"We're all about having options," Binder said. "That's why we carry a variety of strains, lotions, salves, edibles and, of course, the classic flower."

In the dispensary area, where a pair of budtenders in purple HQC-logo polo shirts answer questions and fill orders for patients, Binder tries to keep a rotating selection of at least 20 different strains of dried marijuana flowers on hand to address different conditions and user preferences. And he makes a point of keeping the price to \$10 a gram or less.

There's a glass-fronted refrigerator with a wide selection of edibles, from Chocolate Coma Brownies and Tiger Budder Chocolate Bars to Wake & Bake Coffee Spoons and even a medicated OG Chapstick.

High Quality Compassion also carries a variety of concentrates and has started testing them for solvent residue, which Binder thinks will be a selling point with patients. He says business has been steady, with people coming in from as far away as Portland, Eugene, Bend and the coast.

"We have already branded ourselves," Binder said. "We've been told we're a dispensary for everyone."

The Agrestic Green Collective became the first dispensary in Corvallis when it opened its doors April 15 at 1665 S.E. Third St. and still appears to be the city's busiest, seeing 30 to 50 patients a day. With a ritzy vibe like a high-end boutique, the tastefully appointed shop has built a loyal following.

Co-owner Kayla Dunham said she thought volume might fall off when other dispensaries started up, but so far that hasn't happened.

"It's gotten steadily busier," she said.

"I think it helps that we all have different niches, and it helps that we are all in different parts of town, and we each have different target demographics."

For now, at least, the atmosphere is more collegial than competitive, with local dispensary operators freely referring patients to their rivals if they don't have a particular product available.

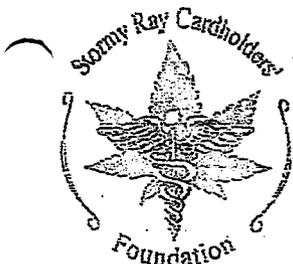
That may change in the near future, with a fourth dispensary provisionally approved by the Oregon Health Authority to operate at an as-yet-undisclosed location (provisional approval means the application meets most of the state criteria but the dispensary is still awaiting approval of its security system).

There could even be fifth entrant. The Healing Center, a proposed dispensary at 300 S.W. Second St., was rejected by the OHA because it was within 1,000 feet of the Community Services Consortium Youth House, a vocational program for teens a few blocks away. The owners of that business are appealing the decision and have a hearing coming up soon before an administrative law judge.

In the meantime, however, local dispensary operators agree that there's enough business to go around for everyone, and patients appear to be benefitting from a lively marketplace.

Oregon Medical Marijuana Program cardholder Steve Smith, who stopped by High Quality Compassion on Thursday to pick up some cannabis, says he's shopped at all three Corvallis dispensaries. He's found all of them consistently welcoming and professional but says he appreciates having choices.

"I like the variety a lot," he said. "Maybe one place is closed, or you live closer to another, or one place is out of something ... even the medicine is different."



August 20, 2014

Attention Dear Community Leaders of: Adrian, Brogan, Harper, Ironside, Jamieson, Jordan Valley, Juntura, Nyssa, Ontario, Owyhee, Riverside, Vale, Westfall, and Malheur County Commissioners.

**YOUR IMMEDIATE ACTION IS NEEDED!** Will "YOU" please add "Rescind ban on patients' medical marijuana dispensaries" to your next scheduled meeting's agenda. Regulate the facilities don't ban them!

Patients in our communities need Oregon **MEDICAL MARIJUANA** Dispensary facilities. They need to have medicine that is free of chemicals, is regulated, lab tested, and is available at reasonable prices.

Our communities need medical marijuana facilities which benefits include: economic development with increased shopping and commerce, new local jobs and funds from state and local taxation up to 35%, support for community programs like the Boys and Girl's Club, swimming pools, and other city and county needs. Benefits would include a reduction in crime from the "LEGAL sales" of medical marijuana from dispensary facilities. A decrease in the black market sales would reduce the burden on Law Enforcement, the courts, and taxpayers.

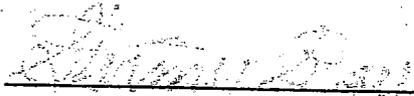
The Malheur County Medical Marijuana Workgroup was formed to look at "What should a Medical Marijuana Dispensary Facility look like in Malheur County"? To hear and identify any objections or issues and concerns with hopes of getting the bans rescinded immediately.

In Malheur County, patients with local gardens have "not" been able to produce enough medicine to cover patient requests for medicine. Basically, these patients have nowhere to go to get the medicine they need. Many medical marijuana patients have had to go through indescribable discomfort and distress because there was no marijuana to give them relief. Others have been forced to deal with blood sucking black market profiteers to get ungraded, untested, and unknown strains at jewelry store prices. This is not a safe avenue and is too seedy to describe the dangers associated with the black market.

The Workgroup has heard testimonies, reviewed information, materials about the effects of medical marijuana, history, and safety of medical marijuana. The Workgroup has held three meetings that were heavily announced thru newspapers, telephone calls, e-mails, community groups, local businesses and bulletin boards. See listings of materials discussed on last page.

The Malheur County Medical Marijuana Workgroup has concluded its work with the recommendation it is time to ask for these bans on medical marijuana dispensary facilities be "rescinded" as quickly as possible. **THERE HAS BEEN NO OBJECTIONS FROM THE COMMUNITY TO HAVE MEDICAL MARIJUANA FACILITIES IN OUR COMMUNITIES!**

Medical Marijuana Patients unfortunately have nowhere to go to get the medicine they need, but to horrendously horrible profiteers. By lifting the ban, Patients would be able to get the safe medicine they need. Your "Yes" vote is most appreciated, but if you are thinking of voting no, we need to talk. Please call me at 1-541-869-5030.

  
Concerned Patient Advocate, Stormy G. Ray



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today from around  
the world

A7



Legal pot now  
short drive for  
Oregonians

A3

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## Workshop aims to teach about medical pot

Group is working toward finding safe, legal options

ZACHARY CHASTAINE  
THE ARGUS OBSERVER

ONTARIO  
The Malheur County medical marijuana workshop met for a second time Tuesday in an ongoing effort to increase pub-

lic knowledge about medical marijuana and work toward finding safe, legal solutions for patients in Malheur County.

Local medical marijuana advocate Stormy Ray told the group of close to 20 people about how

New York had become the latest state that day to sign a medical marijuana law, making it the 23rd state in the nation to allow medical marijuana. The group also talked about growing Republican support for medical

marijuana legislation in Oregon and in other states.

Among the major issues discussed was a change to the Oregon Medical Marijuana Program. Veterans may now apply to become medical marijuana patients for a reduced fee

### WHAT'S NEXT

Malheur County medical marijuana workshops are open to the public. The next meeting is scheduled for 6 p.m. July 29 at the Plaza Inn Restaurant in Ontario.

SEE WORKSHOP | PAGE A3

## WORKSHOP: County judge invited to take a walk

FROM PAGE A1

of \$20, opposed to the normal fee, which can be up to \$250.

The group hailed the move as a great success for Oregon veterans who can use medical marijuana to treat post-traumatic stress disorder from combat and sexual abuse. They looked at figures from a blog called Veterans for Medical Marijuana Access that said 85,000 veterans in the U.S. had applied for some type of medical treatment for sex abuse trauma in 2012.

The blog also said veteran suicides now outnumber combat deaths.

"We have an enormous amount of veterans who have PTSD," Ray said. "And I don't think our veterans deserve any less than the best of what we can give them."

The workshop also discussed plans for a future medical marijuana dispensary in Malheur County af-

ter the county's moratorium on pot shops expires in May 2015. Group members said they are committed to helping educate city officials in Nyssa, Vale and Ontario, as well as asking patients and caregivers to come forward to their representatives to help support their efforts.

Malheur County Judge Dan Joyce represented the county at the workshop. District attorney Dan Norris is also planning to attend upcoming meetings, along with Sheriff Brian Wolfe, Joyce said.

To help garner support from city officials, especially in Ontario, the group examined figures from Colorado since the legalization of recreational marijuana. Colorado has collected more than \$6.1 million in marijuana tax revenue in the first two months of legalization there.

People at the workshop said they believed that if

such income could be produced in Malheur County, it could be put toward civic projects such as the Ontario Aquatic Center, among other projects.

Tax income figures from counties in Oregon that do have medical marijuana sales are not yet complete and are not expected to be available until the end of the year.

Flora Gibbs, who is working toward opening a dispensary in Malheur County, expressed frustration at the hurdles in simply getting a license for the facility. The license application is a 43-page document that costs \$4,000 to file. Afterward, a facility must be outfitted with bars, cameras — that police have access to — and other security measures so it can be certified by the state.

After opening, the facility, along with the marijuana, must then be inspected by the state.

"We have more than

what a bank has to follow in terms of security," Gibbs said.

Joyce was given information about the possible dispensary. He also was invited to tour the building that could eventually serve as the dispensary.

Ray walked the workshop through possible dispensary models that would enable patients to receive the amount of medication they need while remaining compliant with state laws. Until the county moratorium expires in 2015, the group hopes to educate as many people as possible and find effective solutions for patients.

### ZACHARY CHASTAINE

is a news reporter at The Argus Observer. He can be reached at (541) 823-4815 or by emailing zachc@argusobserver.com.



To comment on this story, go to [www.argusobserver.com](http://www.argusobserver.com).

## Malheur County Marijuana Workgroup List of Information And Materials

1. Safe access to medicine for the patients and the benefits to our patients and the community.
2. The medicinal properties of MMJ.
3. The patients.
4. The Oregon Medical Marijuana Act of 1998 (OMMA).
5. The Oregon Medical Marijuana Program (OMMP).
6. How patients utilize and grow their medical marijuana.
7. What's in marijuana and a listing of cannabinoids.
8. How marijuana affects the brain.
9. U.S. Congress bill to halt federal prosecution of medical marijuana users in states that have legalized the drug's use with a doctor's verification.
10. Making the first time a chamber of Congress has approved such a broad decriminalization.
11. No lethal toxicity with medical marijuana.
12. Rick Simpson's oil that cures cancer which was announced by the country of Spain.
13. Charlotte's Web medical marijuana strain that blocks epileptic seizures in children.
14. MMJ endorsement from Former Surgeon Joyce Elders and the American College of Physicians which has over 124,000 doctors that specialize in internal medicine and related subspecialties, including cardiology, neurology, pulmonary disease, oncology and infectious diseases.
15. The Oregon Association Chiefs of Police, Oregon State Sheriffs' Association, Oregon State Police and Oregon District Attorney's Association supported the passing of SB-1085 in 2005 that gives OMMA our current limits for OMMP.  
How it's taken 17 years to develop a medical marijuana supply system that works for patients.
17. OMMP's recent reduced registration fee reduction to \$20.00 for veterans.
18. The estimated cannabis production of \$35.8 billion exceeds corn {\$23 billion}, soybeans {\$12.2 billion} according to Gettman's findings.
19. Two remaining problems for patients from top ten problems of October 2000 report.
20. A patients medical marijuana medical marijuana co-op supply system model under the medical marijuana dispensary program.
21. Letter of support for vital part of the crafting of Senate Bill 1085's provisions by Oregon Law Enforcement.
22. Did You Know...
23. Letter to OR Attorney General requesting clarification regarding Federal policy on Patients, their care providers, gardens, and commerce.
24. Dispensaries in Oregon, article about community embracing facility with open arms.
25. FYI Comic Book illustrating why patients need safe access to safe regulated instected and tested medical marijuana medicine.

Sativa or Indica offers over 1,000 different strains for patients to use.

"Mitrating" is the act of self-medicating using medical marijuana, and the best way I can see!"

Using cannabis can change a frown of pain you see in me. The "relief" comes faster than I can say, and chases my aches and pains away!

"The doctor of the "future" will no longer treat the human frame with drugs, but rather will cure and prevent disease with nutrition."



**"Marijuana in its natural form is one of the safest therapeutically active substances known to man."** DEA's Administrative Law Judge, Francis Young. Source: US Department of Justice, Drug Enforcement Agency, "In the Matter of Marijuana Rescheduling Petition," [Docket #86-22], (September 6, 1988), p. 57. <http://www.druglibrary.org/olsen/medical/young/young.html>

Since OMMA passed in 1998, both the American College of Physicians, and the American Medical Association have endorsed the medical use of marijuana.

<http://www.ama-assn.org/ama1/pub/upload/mm/38/i-09-policy-marijuana.pdf>

[http://www.acponline.org/advocacy/where we stand/other issues/medmarijuana.pdf](http://www.acponline.org/advocacy/where_we_stand/other_issues/medmarijuana.pdf)

Scientists have only recently learned about the Human body's "endocannabinoid system", and how marijuana controls pain levels and helps regulate many of the bodies other functions. Please look at this article on the **Society for Neuroscience's** web site:

[http://www.sfn.org/index.aspx?pagename=brainBriefings\\_endocannabinoids](http://www.sfn.org/index.aspx?pagename=brainBriefings_endocannabinoids)

According to the Oregon Pain Management Commission, "Inadequate pain relief is a serious public health problem in the United States. **Estimates of Americans suffering from chronic pain range from 20%-30% of the population.** The physical, psychological, emotional and behavioral effects of under treated pain are serious and wide-ranging. Pain continues to be undertreated. This causes unnecessary suffering and reduced function and quality of life in people with pain as well as increased healthcare utilization and lost workforce productivity." <http://www.oregon.gov/OHPPR/PMC/index.shtml>

## **Some reasons why patients need MMJ Facilities...**

- 1. A “safe”, “regulated”, and “respectable place of business” that is accountable for the medicine and services they provide at an affordable prices to OMMP cardholders.**
- 2. For a “safety net” in case a patient doesn’t have their own garden or they don’t have enough medicine. A MMJ facility also creates a supply system that would be a “safety net” in case there is an infestation or crop failure so patients can get their medicine.**
- 3. MMJ facilities are state licensed, state regulated, state monitored and state inspected to provide a variety of medical marijuana products and services to OMMA patients.**

## **Medicinal Properties...**

- Cannabinoids are groups of chemical compounds present in the cannabis plant that affect body and mind through their interactions with special receptors.**
- THC is one well known cannabinoid CBC is another. CBS is another analgesic, with anti-inflammatory properties, as well as anti-anxiety and neuroprotective, and is non-psychoactive.**

## **Medical usefulness of Cannabinoids...**

**Studies have shown that the cannabinoids in medical marijuana can: Relieve pain, blocks epileptic seizures, reduces spasms, protects nervous system, is an anti-anxiety, anti-diabetic, lowers blood pressure, relaxes muscles, improves circulation, and relieves rheumaty arthritis.**

## **History...**

- According to Census data, in 2012 33.2% of the US population in 18 states plus the District of Columbia were covered by some form of Medical Marijuana Law.**
- The Oregon Medical Marijuana Act of 1998 created the Oregon Medical Marijuana Program. There are over 60,000 patients registered in Oregon.**

**In 2005, SB-1085 was championed by the Stormy Ray Cardholders’ Foundation and was passed in to Oregon law!**

**May 30<sup>th</sup> 2013 PTSD was added to the “List of Qualifying Conditions covered by the Oregon Medical Marijuana Act. The Department of Veterans Affairs estimates that up to 20% of the troops who served in Iraq or Afghanistan have PTDS. Over 7 million Americans (more than the number of Jews who died in the Holocaust) are estimated to have the disorder, according to the National Institutions of Health.**

**SRCF Information Help-line 1-541-889-5030**



## *Did You Know?*

***Marijuana***, in its natural form, is one of the safest therapeutic substances known to man. Studies have shown it can arrest glaucoma, relieve pain, help migraines, alleviate the pain and nausea associated with cancer and its treatments, affect Multiple Sclerosis and paralysis, opens bronchial tubes, helps overcome insomnia, relieves menstrual cramps, and blocks epileptic seizures. It helps people with HIV/AIDS to relieve stress and depression, eliminate nausea, reduce their pain, and fight the wasting syndrome by stimulating their appetite.

In over 5,00 years of use by mankind, there has not been 1 single death caused by lethal toxicity of cannabis. Aspirin alone kills hundreds each year from lethal toxicity.

According to the DEA's Administrative Law Judge Francis Young, "It is estimated that if you could smoke 20,000 to 40,000 joints in a 15 minute period of time, you might induce lethal toxicity, but there's no guarantee."

Cannabis is not a cure-all, and should not be a replacement for other drugs. Medical Marijuana should be used along with whatever other drugs or treatments are effective as deemed by the doctor and patient.

The consensus is that medical marijuana give patients back a "quality of life" they thought was gone forever. It gives people self-value and self-esteem to be able to participate in their lives without being in a drug induced haze or worried about what the drugs are doing to their bodies over a long period.



## **MMJ patients in our community need your help!**

On March 2, 2014, House Bill 3460 created the Oregon Medical Marijuana Dispensary Program establishing a medical marijuana dispensary system throughout Oregon.

However, Senate Bill 1531 passed giving cities and counties the authority to regulate or ban medical marijuana dispensaries, and many areas are already seeing an abuse of this bill – including Malheur County.

On March 13, 2014, two Malheur County Commissioners, providing no credible reason, banned medical marijuana dispensaries when Ordinance Number 203 was passed.

Jeffrey Wolf testified against marijuana facilities just before MC commissioners voted to “ban” instead of regulating medical marijuana facilities that HB-3460 created.

The commissioners also passed an “emergency clause” to prevent a “referendum” from being filed.

This action was both morally wrong and plain harsh. To deliberately prevent a reliable source of medical marijuana for patients like me, who desperately need the medicine, should call to question the very ethics of those responsible.

I have to say that the two Malheur County Commissioners who voted to ban not only MY accessibility to my medicine, but to MULTIPLE others throughout our county, just don't know how important this medical marijuana truly is to our community.

### **NO VOICE!**

How cruel to throw medical marijuana patients back in to the black market to get the medicine they need!

All seven members of the Ontario City Council chose not only to ignore the suffering of medical marijuana patients like me, but obviously did so with little to no consideration of those who would be directly impacted. Countless folks have worked tirelessly so we would have a medical marijuana dispensary in our community to consistently and safely acquire the medicine we need at an affordable price.

As for the Ontario City Council, the one reason provided to the patients and their loved ones was a comparison to a business that was never covered by Oregon Medical Marijuana Act! They checked so much information, the council even had to be reminded of the name of that business they were referring to!

Immediately following the Ontario City Council ban, several marijuana patients and their supporters agreed to support a referendum to allow the voters to decide in November. However, there was an “emergency clause” passed, that prevents any referendum from being conducted.

**Bans have already caused loss of taxation, consumer spending and loss of jobs.**

**Ontario City Council Members 1-541-889-7684**

After 16 years, we shouldn't have to throw medical marijuana patients back into having to defend their right to have accessibility to their medication.

Not to mention, patients with no place to get medical marijuana are forced to the black market to get medicine.

Perhaps the most upsetting aspect was how these bans were approved. Few reasons were provided to the community as to why now Oregon Medical Marijuana Program cardholders would be banned from having MMJ facilities enacted by HB-3460.

**“PATIENTS need help to get the medicine they need in MC!!!**

Things to mention about why the bans need to be **“RESCINDED”**:

- No patient **“VOICE”**! There was no testimony heard by the commissions before they banned medical marijuana facilities from the county.
- Though public notice was given, the marijuana community in our area was not aware that an ordinance to ban the medical marijuana facilities was being heard.
- Two of the three Malheur County Commissions voted. Judge Joyce did not vote as he was in DC.
- The ban of accessibility to medicine for patients was made without consultation or a doctor's degree.

**What this does to patients.**

No Voice, no medication store, no way to reduce garden costs! But there is still action. **“YOUR Resounding Voice is needed to encourage our officials to “rescind the bans”!**

**What you can do!!! Make contact with these officials, and let them know how you feel and what it would mean to you to have these bans rescinded.**

**Please let family, friends, and people in our community know “Patients in “our” community need their help!!!**

**Ask the counter for your Space Tube with this copy...**

**Malheur County Commissioners**

**Dan Joyce, Larry, Wilson, Dan Hodge**

**Phone: (541) 473-5124 [djoyce@malheurcc.org](mailto:djoyce@malheurcc.org)**

**Fax: (541) 473-5168 [lmason@malheur.org](mailto:lmason@malheur.org)**

**“Ask them to rescind the MC ban, maybe they just didn't understand, it's okay for me to have a mmj store where patients can get the medicine they need!”**

**SRCF has asked the Oregon Attorney General's Office to request current medical marijuana policy clarification from the Federal government to help rescind these bans on MMJ Dispensaries in Malheur Counties and Oregon Cities.**

# House votes to halt federal meddling in medical marijuana

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By Stephen Dinan and S.A. Miller - The Washington Times

Friday, May 30, 2014

The House voted early Friday to halt federal prosecutions of medical marijuana users in states that have legalized the drug's use with a doctor's prescription, marking the first time a chamber of Congress has approved such a broad decriminalization.

The 219-189 vote wasn't even particularly close, signaling a dramatic change in Congress on the issue of marijuana.

"This historic vote shows just how quickly marijuana reform has become a mainstream issue," said Tom Angell, chairman of Marijuana Majority. "If any political observers weren't aware that the end of the war on marijuana is nearing, they just found out."

Backers said the vote is a nudge to federal prosecutors that it's time to move past the issue.

"The president in statements has said he has 'bigger fish to fry,' but there are 93 U.S. attorneys who are occasionally frying smaller fish," said Rep. Earl Blumenauer, Oregon Democrat. "There have been similar situations where people have been running legitimate — under state law — marijuana enterprises and they've got federal interference. It's inappropriate."

House lawmakers approved language ordering the federal Justice Department not to interfere in any way with states' medicinal marijuana laws. The vote came as part of the debate on the annual spending bill for the Justice Department.

Minutes earlier, the House also voted to stop federal interference with states that want to grow industrial hemp.

Both actions still need Senate approval to become law.

The first time medicinal marijuana received a vote in the House, on a non-binding resolution in 1998, it was defeated 311-94. Even just a few years ago, backers could only muster about 160 votes in favor of backing off prosecutions.

But both House lawmakers and the country as a whole have seen a major shift in attitudes in recent years, with a number of states approving laws allowing the drug's use for medicinal purposes.

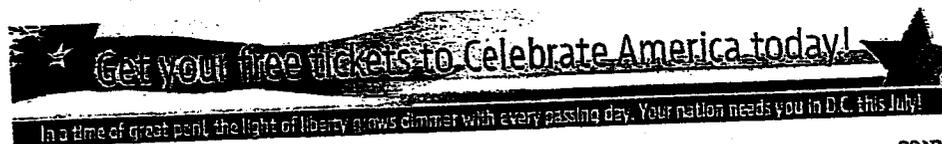
Voters in two states — Colorado and Washington — have approved pot use even for recreational purposes. Friday morning's vote, however, only prohibits federal prosecutions for medical marijuana use. It applies to the District of Columbia and the following states: Alabama, Alaska, Arizona, California, Colorado, Connecticut, Delaware, Florida, Hawaii, Illinois, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Jersey, New Mexico, Oregon, Rhode Island, South Carolina, Tennessee, Utah, Vermont, Washington, and Wisconsin.

House votes to halt federal meddling in medical marijuana - Washin... <http://www.washingtontimes.com/news/2014/may/30/house-votes-ha...>

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EDITORS' PICKS: Chicago woman ticketed for Facebook post: 'Obviously, I'm not going to pay this'

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## A Bear Story

An atheist was walking through the woods. 'What majestic trees!' 'What powerful rivers!' 'What beautiful animals!' He said to himself.

As he was walking alongside the river, he heard a rustling in the bushes behind him.

He turned to look. He saw a 7-foot grizzly bear charge towards him.

He ran as fast as he could up the path. He looked over his shoulder and saw that the bear was closing in on him.



He looked over his shoulder again, and the bear was even closer. He tripped and fell on the ground. He rolled over to pick himself up but saw that the bear was right on top of him, reaching for him with his left paw & raising his right paw to strike him.

At that instant the Atheist cried out, 'Oh my God!' Time Stopped. The bear froze. The forest was silent.

As a bright light shone upon the man, a voice came out of the sky. 'You deny my existence for all these years, teach others I don't exist and even credit creation to cosmic accident.'

'Do you expect me to help you out of this predicament? Am I to count you as a believer'?

The atheist looked directly into the light, 'It would be hypocritical of me to suddenly ask you to treat me as a Christian now,

But perhaps you could make the BEAR a Christian'?

Very Well,' said the voice.

The light went out. The sounds of the forest resumed. And the bear dropped his right paw, brought both paws together, bowed his head & spoke:

Lord bless this food, which I am about to receive from thy bounty through Christ our Lord,

Amen. '