

From: James Kilburn, Oregon Resident
Sent: May 24, 2015
To: Ann Lininger (Members of the Measure 91 Committee)
Subject: Measure 91 and House Bill 3400 Amendment 1

To: Members of the Measure 91 Committee
From: James Kilburn, Oregon Resident

Members of the Measure 91 Committee, thank you for all of your long hours spent in bringing such a large undertaking as Measure 91 to fruition for Oregon citizens, in the meager time you've been allotted. As I am not able to attend a public meeting discussing House Bill 3400 and/or its Amendment 1, I am sending this letter listing inconsistencies and/or discrepancies I have found in House Bill 3400 amendment 1.

HB 3400 Amendment 1

1.

Page 8, (lines 5 – 8)

“SECTION 2.

(2)(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] **the commission's** discretion, the transfer of a license of any person.

- *This can easily be interpreted as licenses could be pulled for any reason, real or imagined, or no reason at all.*

2.

Page 9, (lines 8 – 10)

“[(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.**]

- *Because “otherwise” is a blanket statement, an exception needs to be made i.e.; “Exception: Internet advertising (i.e.; websites with "Over 21 ONLY" front end pop-up warnings, internet ads), ads will not be designed to target minors.”*

3.

Page 10, (lines 29 & 30)

Oregon Laws 2015 [of this Act], except for a cause [which] **that** would be grounds for refusal to issue [such] **the** license under section 29, **chapter 1,**

- *To ambiguous, ‘section 29’ gives no ‘grounds’ (at least, at this time) under which a license would be refused*

4.

Page 14, (line 7)

“[(F)] (f) Is not of good repute and moral character.

- *Clarify the standards by which the licensee will be judged*

5.

Page 32, (lines 1 – 7)

“**SECTION 29.** In addition to any other liability or penalty provided by law, the Oregon Liquor Control Commission may impose for each violation of a provision of sections 3 to 70, chapter 1, Oregon Laws 2015, or a rule adopted under a provision of sections 3 to 70, chapter 1, Oregon Laws 2015, a civil penalty that does not exceed **\$5,000 for each** day that the violation occurs. The commission shall impose civil penalties under this section in the manner provided by **ORS 183.745.**”

- *\$5000 per DAY? ORS 183.745 gives time frames in which to pay penalties/fines which contradict this section stating the fine is charged "each day the violation occurs."*

6.

Page 40 (Lines 1 & 2)

State Department of Agriculture[,] or the Oregon Health Authority may **not** be sued for doing or **omitting** to do any act in the performance of duties [as

- *If the required omitted act causes unjustified loss of income, character defamation, public embarrassment, or any other personal or professional damage to the licensee, the offending state department employee will be held in liability for the offense.*

7.

Page 44 (lines 19 – 21)

“Sec. 53. (1) Except for licensed marijuana producers and their licensee representatives, [no] a licensee may not possess a mature marijuana plant. “(2) [No] A licensee may not sell a mature marijuana plant.

- *The first part of this section contradicts itself. It translates as, a licensed producer **may** possess a plant (because he “produces plants”), but he **may not** possess a plant?*

8. [(Of IMMEDIATE concern) see attached letter: Measure 91 and House Bill 3400 Amendment 1 Section 112 “Certified breeders of seeds and immature plants”]

Page 86 (lines 23 – 28)

“SECTION 112. (1)(a) The Oregon Liquor Control Commission shall certify breeders of the seeds of the plant Cannabis family Cannabaceae and propagators of immature marijuana plants. Subject to paragraph (b) of this subsection, **a person may not breed the seeds** of the

plant Cannabis family Cannabaceae *or propagate* immature marijuana plants unless the person is certified under this section.

- This section calls for the dependency of and creation of, a state certified ‘**breeder of the seeds of the plant Cannabis...**’
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9.

The Oregon Constitution of Oregon (2014 Edition), Article I, Bill of Rights, page 5, Section 32 states: “Section 32. Taxes and duties; uniformity of taxation. *No tax or duty shall be imposed without the consent of the people or their representatives in the Legislative Assembly*; and all taxation shall be uniform on the same class of subjects within the territorial limits of the authority levying the tax.”

- “The people” have already voted on the taxation of measure 91, per the included taxation rate in Measure 91, and approved it per its original wording at a rate of ‘\$35 per ounce’.

The taxation for recreational marijuana in Oregon has already been put to the people at a rate of ‘...\$35 per ounce..’ and the people voted Yes.

Instead of fine tuning the EXISTING and legally voted on Measure 91, why was the first thing to happen, was to ask to, ‘...delete pages 2 – 33..’?

Thank you for your time and attention and again, the considerable time you’ve already spent, as well as the time you have yet to spend on this program.

Information is as true and accurate as their respective references, as of the date of this letter.

James Kilburn, USAF (Retired)
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Att: Att.HB3400-1_Inconsistancies_IMPORTANT.pdf

Cc:

Ann Lininger, Co-Chair: Oregon Measure 91 Committee
Adam Crawford, Committee Administrator: Oregon Measure 91 Committee
Joshua Flamm, Committee Assistant: Oregon Measure 91 Committee
Jeff Mapes, Oregonian Media Group