

MEMORANDUM

June 7, 2012

TO: Lawbook Holders

FROM: Jennifer Huntsman, Rules Coordinator

RE: Commission action on rules – June 2012 meeting

At the June 7, 2012 meeting, the Commissioners took the following actions on rules:

PETITION FOR RULEMAKING/POSSIBLE INITIAL ACTION

- **OAR 845-005-0331 Licensing Exterior Areas**

We received a petition from the City of Portland. The petitioner requested to amend this rule by adding language prohibiting the issuance of annual licenses to premises that are exclusively outdoors.

Action: The Commission denied the petition.

INITIAL ACTION

- **OAR 845-005-0325 License Refusal Reasons: Applicant Qualifications (SB 36)**

The 2011 legislature passed Senate Bill (SB) 36, effective January 1, 2012, which amended ORS 471.313 to expand license refusal reasons to include an applicant's violation of laws of any state so long as the conviction is substantially related to their fitness & ability to lawfully carry out activities under the license. We need to amend this rule to reflect the statutory language now in effect.

Action: The Commission initiated action to amend OAR 845-005-0325. A rulemaking hearing is scheduled for August 23, 2012.

- **OAR 845-005-0440 Temporary Sales Licenses (HB 4047)**

The 2012 legislature passed House Bill (HB) 4047, effective March 5, 2012, which amended ORS 471.162 to expand a nonprofit or charitable organization's ability to conduct certain activities without a license. They can now conduct raffles as well as auctions once a year without a license and the alcohol product can now be distilled spirits as well as malt beverages or wine. We need to amend this rule to better reflect the statutory language now in effect.

Action: The Commission initiated action to amend OAR 845-005-0440. A rulemaking hearing is scheduled for August 28, 2012.

- **OAR 845-006-0347 Noisy, Disorderly or Unlawful Activity and Drinking Alcohol Outside the Premises**

Currently, violations for disorderly or unlawful activity under this rule are all Category III violations. The proposed amendments would create a new subset of Category I violations involving death, serious physical injury or dangerous

weapons and a new subset of Category II violations involving forcible sexual contact.

Action: The Commission initiated action to amend OAR 845-006-0347. An advisory committee meeting is scheduled for August 15, 2012. A rulemaking hearing is scheduled for October 23, 2012.

I've attached copies of documents related to this rulemaking. If you have questions about these or other rules matters, please call me at 503-872-5004.

Att.