

MEMORANDUM

June 17, 2008

TO: Lawbook Holders

FROM: Jennifer Huntsman, Rules Coordinator

RE: Commission action on rules – June 2008 meeting

At the June 12, 2008 meeting, the Commissioners took the following actions on rules:

INITIAL ACTION

- **OAR 845-015-0143 Sale of Related Items**

This rule describes the items other than distilled spirits that may be sold in exclusive retail liquor stores. Based on a recommendation from the Agent Compensation Task Force, subsequent agent survey, and work group discussions, staff proposed amendment of this rule to add one additional item (Oregon university/college logo giftware and apparel) to the approved list.

Action: The Commission initiated action to amend OAR 845-015-0143. An advisory committee meeting is scheduled for July 9, 2008. A rulemaking hearing is scheduled for August 22, 2008.

PETITION FOR RULEMAKING/POSSIBLE INITIAL ACTION

- **OAR 845 – Two-Year Licensing Renewal Package**

We had received a petition from the Oregon Restaurant Association requesting amendment of 3 rules. The petitioner requested to amend these rules by adding language which would institute a two-year licensing renewal period for liquor licensees.

Action: The Commission took no action since the petitioners had withdrawn their rulemaking petition prior to the June 12, 2008 Commission meeting.

FINAL ACTION

- **OAR 845 – Domestic Partner Package**

This package of rules, spanning a range of rule Divisions, includes 7 Commission rules which currently describe certain privileges and/or requirements related to spouses. The 2007 legislature passed House Bill (HB) 2007, effective January 1, 2008. House Bill 2007 created the Oregon Family Fairness Act, which grants to Domestic Partners all rights and responsibilities that are currently granted to spouses in law (including administrative rule). We needed to amend these rules to bring them into compliance with the new statutory language regarding Domestic Partners.

Action: The Commission amended the 7 rules in this package, effective July 1, 2008.

- **OAR 845 – Wine Shipper & Self-Distribution Package**

This package contains the rules describing both the qualifications and requirements for the new Direct Shipper Permit and Wine Self-Distribution Permit. These new permits were created by the 2007 legislature, effective January 1, 2008, in response to the 2005 Supreme Court decision in *Granholm v. Heald*, which made it unconstitutional to treat in-state and out-of-state wineries differently with regard to direct-to-consumer shipments to a state's residents. This package also contains the rules regarding the delivery of all types of alcoholic beverages, including malt beverages, to Oregon residents. The Commission already adopted this package of rules on a temporary basis in response to the passage of HB 2171 & HB 2677 by the 2007 legislature. Because the temporary rules will expire effective June 28, 2008, staff recommended the permanent adoption of this rules package, which now also reflects the further statutory changes made by the passage of HB 3636 during the February 2008 special legislative session.

Action: The Commission adopted the 9 rules, amended the 3 rules, and repealed the 4 rules in this package, effective June 29, 2008.

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 or Susan Rudberg at 503-872-5105.

Att.