

MEMORANDUM

August 18, 2008

TO: Lawbook Holders

FROM: Jennifer Huntsman, Rules Coordinator

RE: Commission action on rules – August 2008 meeting

At the August 14, 2008 meeting, the Commissioners took the following actions on rules:

INITIAL ACTION

- **Bottle Bill Package: OAR 845-020-0025 Application for Approval of redemption Center & OAR 845-020-0035 When Dealer Not Required to Accept Containers**

The 2007 legislature passed Senate Bill (SB) 707 which amends ORS 459A.715 and ORS 459A.735 effective January 1, 2009. These statutory changes remove references to the brand and size of containers that large dealers and redemption centers must accept, leaving only a reference to the kind of beverage that is sold and thus which empty containers must be accepted. The references to kind, size, and brand only remain for small dealers under 5,000 square feet. We needed to amend the two rules in this package to match the new statutory language.

Action: The Commission initiated action to amend OAR 845-020-0025 & OAR 845-020-0035. An advisory committee meeting is scheduled for September 8, 2008. A rulemaking hearing is scheduled for October 23, 2008.

- **Division 13 Financial Assistance Package: OAR 845-013-0050 Point of Sale Materials & OAR 845-013-0060 Items of Nominal Value**

These two rules describe the point of sale materials and items of nominal value that suppliers are allowed to provide to a retailer under our “tied-house” prohibitions. Based on industry advertising concerns and subsequent Business Partner work group discussions, staff proposed amendment of these two rules to reflect more closely the Federal standards for point of sale advertising materials and consumer advertising specialties.

Action: The Commission initiated action to amend OAR 845-013-0050 & OAR 845-013-0060. An advisory committee meeting is scheduled for September 16, 2008. A rulemaking hearing is scheduled for December 3, 2008.

FINAL ACTION

- **Retail Store Displays Package: OAR 845-015-0177 Specific Requirements for Signs and Displays in a Retail Liquor Store & OAR 845-015-0175 General Requirements for Advertising in a Retail Liquor Store**

Southern Wine/Spirits West and Diageo petitioned the agency to amend OAR 845-015-0177 by adding and deleting language which would allow for modern signing and display practices, including the use of electronics and digital displays, in a retail liquor store. Because OAR 845-015-0175 and the rule being petitioned cross-reference each other and both rules contain language regarding signs and displays in retail liquor stores, the Commission initiated action on this rule at the same time it accepted the petition. Staff supported the rule amendments.

Action: The Commission amended OAR 845-015-0177 and OAR 845-015-0175, effective September 1, 2008.

- **Criminal Records Checks & Fitness Determinations – Employment Package**

This package contains the rules governing criminal records checks and fitness determinations for employment purposes. The 2005 legislature passed House Bill 2157, which consolidates and standardizes how state agencies conduct fingerprint-based background checks of those individuals authorized by specific agency statutes. We needed to adopt the 14 new rules in this package to bring us into statutory compliance.

Action: The Commission adopted the 14 Division 2 rules contained in this package, effective September 1, 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 Laura Paul at 503-872-5105.

Att.