

A-Engrossed
Senate Bill 1559

Ordered by the Senate February 18
Including Senate Amendments dated February 18

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Business and Transportation)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

[Allows qualifying off-premises sales licensee to obtain endorsement authorizing sale of distilled liquor at licensed premises. Authorizes commission to adopt rules for sales of distilled liquor by off-premises sales licensees. Establishes timeline for implementation of distilled liquor endorsement program.]

[Directs commission to establish distilled liquor endorsement fee for issuance to off-premises sales licensees. Specifies purposes for which moneys collected from endorsement fees may be used.]

[Instructs Oregon Liquor Control Commission to establish uniform wholesale and minimum retail prices for distilled liquor. Provides for retail sales agent operating liquor store to establish retail price for distilled liquor sold at store. Provides for off-premises sales licensee selling distilled liquor to establish retail price for distilled liquor sold at licensed premises. Provides that only liquor store may sell distilled liquor to full on-premises sales licensees.]

[Authorizes inclusion of certain provisions in agreements between commission and retail sales agents. Requires that agreements entered into or renewed on or after effective date of Act make agreement subject to application of provisions as of March 1, 2015. Requires commission to offer retail sales agent modification of existing agreement to become effective March 1, 2015. Instructs commission to terminate agreement if retail sales agent declines agreement modification.]

[Requires commission to report to interim committee of Legislative Assembly by September 1, 2015, regarding effects of issuing distilled liquor endorsements.]

Establishes Oregon Liquor Control Commission Modernization Task Force. Requires task force to undertake evaluation of existing system for distributing and selling distilled liquor and identify and evaluate potential means for modernizing system. Requires task force to report to interim committee of Legislative Assembly no later than October 1, 2014.

Removes Oregon Liquor Control Commission from definition of criminal justice agency for purposes of certain statutes dealing with fingerprinting, criminal background checks, agency information and data sharing and other matters. Adds liquor enforcement inspectors to definition of criminal justice agency.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to alcoholic beverages; creating new provisions; amending ORS 181.010; and declaring an
3 emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. (1) The Oregon Liquor Control Commission Modernization Task Force is**
6 **established, consisting of 13 members appointed as follows:**

7 **(a) The President of the Senate shall appoint three members from among members of the**
8 **Senate.**

9 **(b) The Speaker of the House of Representatives shall appoint three members from**
10 **among members of the House of Representatives.**

11 **(c) The President of the Senate and the Speaker of the House of Representatives shall**
12 **jointly appoint two members who are members of the Oregon Liquor Control Commission.**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (d) The Governor shall appoint:

2 (A) One member to represent local governments; and

3 (B) Four public members.

4 (2) The task force shall undertake an evaluation of the system for distributing and selling
5 distilled liquor in this state to identify and evaluate potential means of modernizing the
6 system. The evaluation shall include, but need not be limited to, issues regarding:

7 (a) Customer convenience and improvement of the shopping experience.

8 (b) The support and promotion of Oregon distilled liquor manufacturers.

9 (c) Public safety.

10 (d) Revenue optimization.

11 (e) Expansion of the retail sales system for distilled liquor.

12 (f) Seller compensation options.

13 (g) Existing and potential infrastructure needs.

14 (3) The task force may take actions necessary and proper for the purposes of the task
15 force's work, including but not limited to the conducting of hearings and taking of testimony.

16 (4) A majority of the members of the task force constitutes a quorum for the transaction
17 of business.

18 (5) Official action by the task force requires the approval of a majority of the members
19 of the task force.

20 (6) The task force shall elect one of its members to serve as chairperson.

21 (7) If there is a vacancy for any cause, the appointing authority shall make an appoint-
22 ment to become immediately effective.

23 (8) The task force shall meet at times and places specified by the call of the chairperson
24 or of a majority of the members of the task force.

25 (9) The task force may adopt rules necessary for the operation of the task force.

26 (10) The task force shall submit a report in the manner provided by ORS 192.245, and
27 may include recommendations for legislation, to an interim committee of the Legislative
28 Assembly related to business no later than October 1, 2014.

29 (11) The commission shall provide staff support to the task force.

30 (12) Members of the task force who are not members of the Legislative Assembly are not
31 entitled to compensation, but may be reimbursed for actual and necessary travel and other
32 expenses incurred by them in the performance of their official duties in the manner and
33 amounts provided for in ORS 292.495. Claims for expenses incurred in performing functions
34 of the task force shall be paid out of funds appropriated to the commission for purposes of
35 the task force.

36 (13) All agencies of state government, as defined in ORS 174.111, are directed to assist
37 the task force in the performance of its duties and, to the extent permitted by laws relating
38 to confidentiality, to furnish such information and advice as the members of the task force
39 consider necessary to perform their duties.

40 **SECTION 2.** ORS 181.010 is amended to read:

41 181.010. As used in ORS 181.010 to 181.560 and 181.715 to 181.730, unless the context requires
42 otherwise:

43 (1) "Criminal justice agency" means:

44 (a) The Governor;

45 (b) Courts of criminal jurisdiction;

1 (c) The Attorney General;

2 (d) District attorneys, city attorneys with criminal prosecutorial functions, attorney employees
3 of the office of public defense services and nonprofit public defender organizations established under
4 contract with the Public Defense Services Commission;

5 (e) Law enforcement agencies;

6 (f) The Department of Corrections;

7 (g) The Oregon Youth Authority;

8 (h) The State Board of Parole and Post-Prison Supervision;

9 (i) The Department of Public Safety Standards and Training;

10 (j) [*The Oregon Liquor Control Commission*] **Liquor enforcement inspectors as defined in ORS**
11 **471.001;**

12 (k) Regional information systems that share programs to track, identify and remove cross-
13 jurisdictional criminal and terrorist conspiracies; and

14 (L) Any other state or local agency with law enforcement authority.

15 (2) "Criminal offender information" includes records and related data as to physical description
16 and vital statistics, fingerprints received and compiled for purposes of identifying criminal offenders
17 and alleged offenders, records of arrests and the nature and disposition of criminal charges, includ-
18 ing sentencing, confinement, parole and release.

19 (3) "Department" means the Department of State Police established under ORS 181.020.

20 (4) "Deputy superintendent" means the Deputy Superintendent of State Police appointed under
21 ORS 181.220.

22 (5) "Designated agency" means any state, county or municipal government agency where Oregon
23 criminal offender information is required to implement a federal or state statute, executive order
24 or administrative rule that expressly refers to criminal conduct and contains requirements or ex-
25 clusions expressly based on such conduct or for agency employment purposes, licensing purposes or
26 other demonstrated and legitimate needs when designated by order of the Governor.

27 (6) "Disposition report" means a form or process prescribed or furnished by the department,
28 containing a description of the ultimate action taken subsequent to an arrest.

29 (7) "Law enforcement agency" means:

30 (a) County sheriffs, municipal police departments, police departments established by a university
31 under ORS 352.383 or 353.125 and State Police;

32 (b) Other police officers of this state or another state, including humane special agents as de-
33 fined in ORS 181.435;

34 (c) A tribal government as defined in section 1, chapter 644, Oregon Laws 2011, that employs
35 authorized tribal police officers as defined in section 1, chapter 644, Oregon Laws 2011; and

36 (d) Law enforcement agencies of the federal government.

37 (8) "State police" means the sworn members of the state police force appointed under ORS
38 181.250.

39 (9) "Superintendent" means the Superintendent of State Police appointed under ORS 181.200.

40 **SECTION 3.** ORS 181.010, as amended by section 49, chapter 644, Oregon Laws 2011, section
41 19, chapter 54, Oregon Laws 2012, section 12, chapter 67, Oregon Laws 2012, and section 30, chapter
42 180, Oregon Laws 2013, is amended to read:

43 181.010. As used in ORS 181.010 to 181.560 and 181.715 to 181.730, unless the context requires
44 otherwise:

45 (1) "Criminal justice agency" means:

- 1 (a) The Governor;
- 2 (b) Courts of criminal jurisdiction;
- 3 (c) The Attorney General;
- 4 (d) District attorneys, city attorneys with criminal prosecutorial functions, attorney employees
- 5 of the office of public defense services and nonprofit public defender organizations established under
- 6 contract with the Public Defense Services Commission;
- 7 (e) Law enforcement agencies;
- 8 (f) The Department of Corrections;
- 9 (g) The Oregon Youth Authority;
- 10 (h) The State Board of Parole and Post-Prison Supervision;
- 11 (i) The Department of Public Safety Standards and Training;
- 12 (j) [*The Oregon Liquor Control Commission*] **Liquor enforcement inspectors as defined in ORS**
- 13 **471.001**;
- 14 (k) Regional information systems that share programs to track, identify and remove cross-
- 15 jurisdictional criminal and terrorist conspiracies; and
- 16 (L) Any other state or local agency with law enforcement authority.
- 17 (2) "Criminal offender information" includes records and related data as to physical description
- 18 and vital statistics, fingerprints received and compiled for purposes of identifying criminal offenders
- 19 and alleged offenders, records of arrests and the nature and disposition of criminal charges, includ-
- 20 ing sentencing, confinement, parole and release.
- 21 (3) "Department" means the Department of State Police established under ORS 181.020.
- 22 (4) "Deputy superintendent" means the Deputy Superintendent of State Police appointed under
- 23 ORS 181.220.
- 24 (5) "Designated agency" means any state, county or municipal government agency where Oregon
- 25 criminal offender information is required to implement a federal or state statute, executive order
- 26 or administrative rule that expressly refers to criminal conduct and contains requirements or ex-
- 27 clusions expressly based on such conduct or for agency employment purposes, licensing purposes or
- 28 other demonstrated and legitimate needs when designated by order of the Governor.
- 29 (6) "Disposition report" means a form or process prescribed or furnished by the department,
- 30 containing a description of the ultimate action taken subsequent to an arrest.
- 31 (7) "Law enforcement agency" means:
- 32 (a) County sheriffs, municipal police departments, police departments established by a university
- 33 under ORS 352.383 or 353.125 and State Police;
- 34 (b) Other police officers of this state or another state, including humane special agents as de-
- 35 fined in ORS 181.435; and
- 36 (c) Law enforcement agencies of the federal government.
- 37 (8) "State police" means the sworn members of the state police force appointed under ORS
- 38 181.250.
- 39 (9) "Superintendent" means the Superintendent of State Police appointed under ORS 181.200.
- 40 **SECTION 4. Section 1 of this 2014 Act is repealed on the date of the convening of the 2015**
- 41 **regular session of the Legislative Assembly as specified in ORS 171.010.**
- 42 **SECTION 5. This 2014 Act being necessary for the immediate preservation of the public**
- 43 **peace, health and safety, an emergency is declared to exist, and this 2014 Act takes effect**
- 44 **on its passage.**