

Senate Bill 357

Sponsored by COMMITTEE ON RULES

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 **as introduced**.

Directs local governments to allow neighborhood associations specified period of time to comment on issuance or renewal of liquor license. Extends time periods for consideration of application for license.

A BILL FOR AN ACT

1
2 Relating to liquor licenses; creating new provisions; and amending ORS 471.166.

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

4 **SECTION 1.** ORS 471.166 is amended to read:

5 471.166. (1) The Oregon Liquor Control Commission may require that every applicant for issuance or renewal of a license under this chapter acquire a written recommendation from the governing body of the county if the place of business of the applicant is outside an incorporated city, and from the city council if the place of business of the applicant is within an incorporated city. The commission may take such written recommendation into consideration before granting or refusing the license.

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11 (2) If the commission requires that an applicant for issuance of a new license acquire the written recommendation of a local government, the applicant must give notice to the local government when an application is made for issuance of the license. If the local government files a favorable recommendation with the commission within [45] **60** days after the notice is given, the commission shall proceed with consideration of the application. The commission shall proceed with consideration of the application as though the local government had made a favorable recommendation unless, within [45] **60** days after notice is given to the local government:

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18 (a) The local government files an unfavorable recommendation with the commission with a statement of the grounds for the unfavorable recommendation; or

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20 (b) The local government files a request for additional time with the commission that sets forth the reason additional time is needed by the local government, a statement that the local government is considering making an unfavorable recommendation on the application, and the specific grounds on which the local government is considering making an unfavorable recommendation.

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24 (3) If the commission requires that an applicant for renewal of a license acquire the written recommendation of a local government under this section, the commission shall give notice to the local government when an application is due for renewal of the license. If the local government files a favorable recommendation with the commission within [60] **75** days after the notice is given, the commission shall proceed with consideration of the application. The commission shall proceed with consideration of the application as though the local government had made a favorable recommendation unless within [60] **75** days after notice is given to the local government:

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31 (a) The local government files an unfavorable recommendation with the commission with a

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 statement of the grounds for the unfavorable recommendation; or

2 (b) The local government files a request for additional time with the commission that sets forth
3 the reason additional time is needed by the local government, a statement that the local government
4 is considering making an unfavorable recommendation on the application, and the specific grounds
5 on which the local government is considering making an unfavorable recommendation.

6 (4) The commission shall suspend consideration of an application subject to this section for a
7 reasonable period of time if a local government requests additional time under subsection (2)(b) or
8 (3)(b) of this section and the grounds given by the local government are valid grounds for an unfa-
9 vorable determination under this chapter or rules adopted by the commission. The commission shall
10 by rule establish the period of time that shall be granted to a local government pursuant to a re-
11 quest under subsections (2)(b) and (3)(b) of this section.

12 (5) The commission shall by rule establish valid grounds for unfavorable recommendations by
13 local governments under this section. Valid grounds established by the commission under this sec-
14 tion for an unfavorable recommendation by a local government must be limited to those grounds
15 considered by the commission in making an unfavorable determination on a license application.

16 (6) A person filing an application for issuance or renewal of a license that is subject to this
17 section must remit to the local government the fees established under subsections (7) and (8) of this
18 section. The commission shall give notice to the applicant for license renewal of the amount of the
19 fees and the name of the local government collecting the fees. The commission is not responsible for
20 collecting the fees charged by the local government or for ensuring that the fees have been paid.
21 An applicant for a license renewal shall certify in the application form filed with the commission
22 that the applicant has paid any fees required under this section.

23 (7) An applicant required to seek a written recommendation from a local government must pay
24 an application fee to the local government, in an amount determined by the governing body of the
25 city or county, for each application for a license. The application fee established by a local gov-
26 ernment under this subsection may not exceed \$25.

27 (8) After public notice and hearing, the governing body of a city or county may adopt an ordi-
28 nance, rule or resolution prescribing licensing guidelines to be followed in making recommendations
29 on license applications under this chapter and in allowing opportunity for public comment on ap-
30 plications. If the guidelines are approved by the commission as consistent with commission rules,
31 after public notice and hearing the governing body may adopt an ordinance, rule or regulation es-
32 tablishing a system of fees that is reasonable and necessary to pay expenses of processing the
33 written recommendation. Processing fees under this subsection are in lieu of fees under subsection
34 (7) of this section. In no case shall the processing fee under this subsection be greater than \$100 for
35 an original application, \$75 for a change in ownership, change in location or change in privilege
36 application, and \$35 for a renewal or temporary application.

37 **(9) A local government shall allow neighborhood associations at least 45 days from the**
38 **time the applicant gives notice to the local government to provide public comment on the**
39 **application to the local government.**

40 **SECTION 2. The amendments to ORS 471.166 by section 1 of this 2005 Act apply to ap-**
41 **lications for the issuance or renewal of a license under ORS chapter 471 for which notice**
42 **is received from an applicant by a local government on or after the effective date of this 2005**
43 **Act.**

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