

House Bill 3344

Sponsored by Representatives NATHANSON, LIVELY

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**.

Specifies that required deposit to Oregon Liquor Control Commission of moneys from retail sale of distilled liquor by appointed agent is determined by retail sales in cash.

A BILL FOR AN ACT

1
2 Relating to retail sales agents; amending ORS 471.805.

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

4 **SECTION 1.** ORS 471.805 is amended to read:

5 471.805. (1)(a) Except as otherwise provided in subsection (3) of this section and ORS 471.810 (2),
6 all [*money*] **moneys** collected by the Oregon Liquor Control Commission under this chapter and ORS
7 chapter 473 and **as** privilege taxes shall be remitted to the State Treasurer who shall credit [*it*] **the**
8 **moneys** to a suspense account of the commission. Whenever the commission determines that **the**
9 **commission has received** moneys [*have been received by it*] in excess of the amount legally due and
10 payable to the commission [*or that it has received money to which it has no legal interest*], **that the**
11 **commission has received moneys to which the commission has no legal interest** or that any
12 license fee or deposit is properly refundable, the commission is authorized and directed to refund
13 such [*money*] **moneys** by check drawn upon the State Treasurer and charged to the suspense ac-
14 count of the commission.

15 (b) After withholding refundable license fees and [*such*] **a** sum, not to exceed \$250,000, as [*it*]
16 **the commission** considers necessary as a revolving fund for a working cash balance for the purpose
17 of paying travel expenses, advances, other miscellaneous bills and extraordinary items which are
18 payable in cash immediately upon presentation, the commission shall direct the State Treasurer to
19 transfer the [*money*] **moneys** remaining in the suspense account to the Oregon Liquor Control
20 Commission Account in the General Fund. Moneys in the Oregon Liquor Control Commission Ac-
21 count are continuously appropriated to the commission to be distributed and used as required or
22 allowed by law.

23 (2) All necessary expenditures of the commission incurred in carrying out the purposes required
24 of the commission by law, including the salaries of [*its*] **the commission's** employees, purchases
25 made by the commission and such sums necessary to reimburse the \$250,000 revolving fund, shall
26 be audited and paid from the Oregon Liquor Control Commission Account in the General Fund, upon
27 warrants drawn by the Oregon Department of Administrative Services, pursuant to claims duly ap-
28 proved by the commission.

29 (3)(a) Moneys from the retail sale of distilled liquor that are being held by an agent appointed
30 under ORS 471.750 or by a distillery retail outlet agent appointed under ORS 471.230 are not subject
31 to ORS 295.001 to 295.108 if the agent has on deposit with the commission an amount equaling or

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 exceeding an amount the commission, in *[its]* **the commission's** discretion, deems to be reasonable
2 and sufficient and *[to be]* **that is** not less than the average daily gross **cash** receipts from retail sales
3 of distilled liquor by the agent.

4 **(b)** The commission shall remit moneys deposited with the commission under this subsection to
5 the State Treasurer for deposit to a separate reserve account of the commission. Moneys in the re-
6 serve account are not revenue of the commission for purposes of ORS 221.770. The commission shall
7 return the deposit, and any interest earned on the deposit, if the appointment of the agent termi-
8 nates and the agent has forwarded to the commission all moneys owed the commission from retail
9 sales of distilled liquor by the agent.

10