

House Bill 2671

Sponsored by Representative BUCKLEY (Pre-session filed.)

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**.

Increases fees for certain off-premises sales licensees. Makes increase applicable for annual license periods beginning on or after January 1, 2016.

Establishes Sobering Center Support Fund to receive amounts from fee increases as directed by Oregon Liquor Control Commission. Continuously appropriates moneys to commission for use in payments to counties to provide financial support for sobering centers.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to the funding of sobering centers; creating new provisions; amending ORS 471.311; and
3 declaring an emergency.

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

5 **SECTION 1.** ORS 471.311 is amended to read:

6 471.311. (1) Any person desiring a license or renewal of a license under this chapter shall make
7 application to the Oregon Liquor Control Commission upon forms to be furnished by the commission
8 showing the name and address of the applicant, location of the place of business that is to be op-
9 erated under the license, and such other pertinent information as the commission may require. No
10 license shall be granted or renewed until the applicant has complied with the provisions of this
11 chapter and the rules of the commission.

12 (2) The commission may reject any application that is not submitted in the form required by
13 rule. The commission shall give applicants an opportunity to be heard if an application is rejected.
14 A hearing under this subsection is not subject to the requirements for contested case proceedings
15 under ORS chapter 183.

16 (3) Subject to subsection (4) of this section, the commission shall assess a nonrefundable fee for
17 processing a renewal application for any license authorized by this chapter only if the renewal ap-
18 plication is received by the commission less than 20 days before expiration of the license. If the
19 renewal application is received prior to expiration of the license but less than 20 days prior to ex-
20 piration, this fee shall be 25 percent of the annual license fee. If a renewal application is received
21 by the commission after expiration of the license but no more than 30 days after expiration, this fee
22 shall be 40 percent of the annual license fee. This subsection does not apply to a certificate of ap-
23 proval, a brewery-public house license or any license that is issued for a period of less than 30 days.

24 (4) The commission may waive the fee imposed under subsection (3) of this section if it finds that
25 failure to submit a timely application was due to unforeseen circumstances or to a delay in pro-
26 cessing the application by the local governing authority that is no fault of the licensee.

27 (5) The license fee is nonrefundable and shall be paid by each applicant upon the granting or
28 committing of a license. Subject to ORS 471.155 and 473.065, the annual or daily license fee and the
29 minimum bond required of each class of license under this chapter are as follows:

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.

License	Fee	Minimum Bond
Brewery, including Certificate of Approval	\$ 500	\$ 1,000
Winery	\$ 250	\$ 1,000
Distillery	\$ 100	None
Wholesale Malt Beverage and Wine	\$ 275	\$ 1,000
Warehouse	\$ 100	\$ 1,000
Special events winery license	\$ 10 per day	
Brewery-Public House, including Certificate of Approval	\$ 250	\$ 1,000
Limited On-Premises Sales [Off-Premises Sales]	\$ 200	None
Temporary Sales	\$ 50 per day	
Grower sales privilege license	\$ 250	\$ 1,000
Special events grower sales privilege license	\$ 10 per day	
Special events brewery-public house license	\$ 10 per day	
Special events distillery license	\$ 10 per day	

(6) The fee for a certificate of approval or special certificate of approval granted under ORS 471.244 is nonrefundable and must be paid by each applicant upon the granting or committing of a certificate of approval or special certificate of approval. No bond is required for the granting of a certificate of approval or special certificate of approval. Certificates of approval are valid for a period commencing on the date of issuance and ending on December 31 of the fifth calendar year following the calendar year of issuance. The fee for a certificate of approval is \$175. Special certificates of approval are valid for a period of 30 days. The fee for a special certificate of approval is \$10.

(7) Except as provided in subsection (8) of this section, the annual license fee for a full on-premises sales license is \$400. No bond is required for any full on-premises sales license.

(8) The annual license fee for a full on-premises sales license held by a nonprofit private club as described in ORS 471.175 (8), or held by a nonprofit or charitable organization that is registered with the state, is \$200.

(9) The annual fee for a wine self-distribution permit is \$100, and the minimum bond is \$1,000.

(10)(a) **No bond is required for an off-premises sales license. Except as provided in paragraph (b) of this subsection, the annual fee for an off-premises sales license is:**

(A) \$100 for a premises having no more than \$_____ in gross annual sales of wine, cider and malt beverages by the premises during the preceding fiscal year of the licensee.

(B) \$100 plus an additional amount of \$_____ for a premises having more than \$_____ but not more than \$_____ in gross annual sales of wine, cider and malt beverages by the premises during the preceding fiscal year of the licensee.

(C) \$100 plus an additional amount of \$_____ for a premises having more than \$_____ in gross annual sales of wine, cider and malt beverages by the premises during the preceding fiscal year of the licensee.

(b) If an off-premises sales license is being issued for a premises that did not sell wine, cider and malt beverages during the preceding fiscal year of the licensee, the commission may establish the fee applicable under paragraph (a) of this subsection for the initial license period based on reported sales by similarly sized premises in the same city, or if outside a city, in the same county.

SECTION 2. The Sobering Center Support Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the Sobering Center Support Fund shall be credited to the fund. Moneys in the fund are continuously appropriated to the Oregon Liquor Control Commission for the purpose of directing the deposit of moneys for payment under section 3 of this 2015 Act.

SECTION 3. (1) The Oregon Liquor Control Commission shall monthly determine for each county the amount of moneys collected from additional amounts established in ORS 471.311 (10)(a)(B) and (C) for off-premises sales license fees. Notwithstanding ORS 471.810, the commission shall direct the State Treasurer to deposit the moneys collected from the additional amounts to the Sobering Center Support Fund established under section 2 of this 2015 Act. Moneys deposited to the fund shall be credited to separate subaccounts for each county. The State Treasurer shall annually pay to each county from its subaccount the amount due upon a warrant drawn by the Oregon Department of Administrative Services.

(2) Moneys that the State Treasurer pays to a county under this section may be expended by the county only for the purpose of operating, or providing funding to, sobering centers that benefit persons within the county. As used in this subsection, “sobering centers” means facilities that provide temporary care, shelter, detoxification and stabilization services to individuals who are incapacitated by alcohol intoxication or an acute reaction to drugs and are at risk of harm to themselves or to others.

(3) If a county declines to receive payment under this section, the State Treasurer shall transfer the declined sum to the Oregon Liquor Control Commission Account for use as provided under ORS 471.810.

SECTION 4. The amendments to ORS 471.311 by section 1 of this 2015 Act apply to off-premises sales licenses issued or renewed for annual license periods that begin on or after January 1, 2016.

SECTION 5. This 2015 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect on its passage.