

**PROPOSED AMENDMENTS TO
SENATE BILL 141**

1 On page 1 of the printed bill, delete lines 5 through 30 and delete page
2 2 and insert:

3 **“SECTION 1. Section 2 of this 2015 Act is added to and made a part**
4 **of ORS chapter 471.**

5 **“SECTION 2. (1) A person appointed to operate a store established**
6 **by the Oregon Liquor Control Commission under ORS 471.750 qualifies**
7 **for the payment of business loss compensation under this section if:**

8 **“(a) The system for selling containers of distilled liquor at retail in**
9 **this state changes after the person assumes operation of the store; and**

10 **“(b) The system change results from a law that prohibits the com-**
11 **mission from purchasing or selling distilled liquor.**

12 **“(2) The purpose of business loss compensation is to offset the ac-**
13 **tual or presumed sales reduction and actual or perceived devaluation**
14 **of a liquor store business following a system change described in sub-**
15 **section (1) of this section. The commission shall pay a person qualify-**
16 **ing under this section business loss compensation equal to four**
17 **percent of the average annual gross distilled liquor sales made by the**
18 **store during the five years that preceded the system change, whether**
19 **or not the person was the store operator during the entire five-year**
20 **period. If the store has operated less than five years prior to the sys-**
21 **tem change, the commission shall pay compensation equal to four**
22 **percent of the average annual gross distilled liquor sales made by the**

1 store prior to the system change.

2 “(3)(a) The commission shall any pay business loss compensation
3 due under this section from the suspense account described in ORS
4 471.805. Except as otherwise required by federal or state law or by
5 contract, the commission shall give the payment of business loss
6 compensation priority over the payment of other debts from the sus-
7 pense account.

8 “(b) Notwithstanding ORS 279A.250 to 279A.290 or the revolving fund
9 balance limit established in ORS 471.805, if a change in the system for
10 selling containers of distilled liquor at retail in this state results in
11 business loss compensation being payable under this section, and the
12 commission declares within five years after the system change that a
13 warehouse established by the commission under ORS 471.750 or the
14 inventory of the commission is surplus property, the net proceeds from
15 sale of the warehouse or inventory remaining after deduction of sales
16 costs shall be deposited to the suspense account described in ORS
17 471.805. All moneys deposited under this paragraph shall be kept in a
18 subaccount within the suspense account that indicates the source of
19 the moneys. Notwithstanding ORS 471.805, moneys deposited to the
20 suspense account under this paragraph may not be transferred to the
21 Oregon Liquor Control Commission Account if any business loss
22 compensation is owed and remains unpaid. This paragraph does not
23 restrict the source for paying business loss compensation from the
24 suspense account or alter the priority of business loss compensation
25 payment established in paragraph (a) of this subsection.

26 “(4) If a person that receives business loss compensation under this
27 section brings any action against the commission for damages result-
28 ing from a change in the system for selling containers of distilled li-
29 quor at retail in this state, the business loss compensation received
30 by the person as a result of that system change shall be an offset

1 against any damages awarded the person in the action. This subsection
2 does not create any new cause of action.

3 “(5) Business loss compensation received by a person under this
4 section does not affect the claiming of any tax deduction by the person
5 for depreciation of equipment, fixtures or other property improve-
6 ments, but is ordinary business income of the person, taxable as pro-
7 vided by law.

8 “SECTION 3. This 2015 Act being necessary for the immediate
9 preservation of the public peace, health and safety, an emergency is
10 declared to exist, and this 2015 Act takes effect on its passage.”.

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