

## SENATE AMENDMENTS TO SENATE BILL 108

By COMMITTEE ON BUSINESS AND GENERAL GOVERNMENT

April 9

1 In line 2 of the printed bill, delete the period and insert “; creating new provisions; and  
2 amending ORS 471.730, 471.745, 471.805 and 471.990.”.

3 Delete lines 4 through 7 and insert:

4 **“SECTION 1. Section 2 of this 2019 Act is added to and made a part of ORS chapter 471.**

5 **“SECTION 2. (1) The Oregon Liquor Control Commission shall establish separately:**

6 **“(a) A compensation schedule for distillery retail outlet agents appointed under ORS  
7 471.230.**

8 **“(b) A compensation schedule for agents appointed under ORS 471.750.**

9 **“(2) The compensation schedule for distillery retail outlet agents established under sub-  
10 section (1)(a) of this section shall provide for compensation that is a graduated percentage  
11 of the sales of distilled liquors that is inversely related to the amount of gross sales of dis-  
12 tilled liquors on a periodic basis.**

13 **“SECTION 3. (1) In each biennium, the Oregon Liquor Control Commission shall, in its  
14 agency request budget filed under ORS 291.208, designate separate expenditure limitations for  
15 each compensation schedule established under section 2 of this 2019 Act.**

16 **“(2) The commission’s proposed expenditure limitation for the compensation schedule for  
17 distillery retail outlet agents appointed under ORS 471.230 must be based on forecasted  
18 biennial sales. If actual sales exceed forecasted sales, the commission shall report to the  
19 Legislative Fiscal Office the need for an increase in expenditure limitation.**

20 **“SECTION 4. ORS 471.730 is amended to read:**

21 **“471.730. The function, duties and powers of the Oregon Liquor Control Commission include the  
22 following:**

23 **“(1) To control the manufacture, possession, sale, purchase, transportation, importation and de-  
24 livery of alcoholic liquor in accordance with the provisions of this chapter and ORS 474.105 and  
25 474.115.**

26 **“(2) To grant, refuse, suspend or cancel licenses and permits for the sale or manufacture of al-  
27 coholic liquor, or other licenses and permits in regard thereto, and to permit, in its discretion, the  
28 transfer of a license of any person.**

29 **“(3) To set wholesale prices at which alcoholic liquors containing over five percent alco-  
30 hol by volume may be supplied to agents appointed under this chapter.**

31 **“[(3)] (4) To collect the taxes and duties imposed by statutes relating to alcoholic liquors, and  
32 to issue, and provide for cancellation, stamps and other devices as evidence of payment of such taxes  
33 or duties.**

34 **“[(4)] (5) To investigate and aid in the prosecution of every violation of statutes relating to al-  
35 coholic liquors, to seize alcoholic liquor manufactured, sold, kept, imported or transported in**

1 contravention of this chapter and ORS 474.105 and 474.115, and apply for the confiscation thereof,  
2 whenever required by statute, and cooperate in the prosecution of offenders before any court of  
3 competent jurisdiction.

4 “[5] (6) To adopt such regulations as are necessary and feasible for carrying out the provisions  
5 of this chapter and ORS 474.105 and 474.115 and to amend or repeal such regulations. When such  
6 regulations are adopted they shall have the full force and effect of law.

7 “[6] (7) To exercise all powers incidental, convenient or necessary to enable it to administer  
8 or carry out any of the provisions of this chapter and ORS 474.105 and 474.115.

9 “[7] (8) To control, regulate and prohibit any advertising by manufacturers, wholesalers or  
10 retailers of alcoholic liquor by the medium of newspapers, letters, billboards, radio or otherwise.

11 “[8] (9) To sell, license, regulate and control the use of alcohol for scientific, pharmaceutical,  
12 manufacturing, mechanical, industrial and other purposes, and to provide by regulation for the sale  
13 thereof for such uses.

14 “**SECTION 5.** ORS 471.745 is amended to read:

15 “471.745. (1)(a) The Oregon Liquor Control Commission shall fix the **wholesale** prices at which  
16 alcoholic liquors containing over five percent alcohol by volume may be *[purchased from it, and]*  
17 **supplied from the commission to an agent appointed under ORS 471.750 or to a distillery re-**  
18 **tail outlet agent appointed under ORS 471.230.**

19 “(b) **The agent may fix the retail prices of the alcoholic liquors supplied from the com-**  
20 **mission at retail prices that are no more than \_\_\_\_ percent of the wholesale prices fixed by**  
21 **the commission.**

22 “(c) **The agent shall retain the difference between the retail prices and the wholesale**  
23 **prices of the daily gross receipts from retail sales of alcoholic liquors by the agent.**

24 “(2) **The commission** has power to bottle, blend, rectify, manufacture or sell alcoholic liquors  
25 for itself, or for or to any person or commission within or without this state.

26 “**SECTION 6.** ORS 471.805 is amended to read:

27 “471.805. (1) Except as otherwise provided in subsection (3) of this section and ORS 471.810 (2),  
28 all money collected by the Oregon Liquor Control Commission under this chapter and ORS chapter  
29 473 and privilege taxes shall be remitted to the State Treasurer who shall credit it to a suspense  
30 account of the commission. Whenever the commission determines that moneys have been received  
31 by it in excess of the amount legally due and payable to the commission or that it has received  
32 money to which it has no legal interest, or that any license fee or deposit is properly refundable,  
33 the commission is authorized and directed to refund such money by check drawn upon the State  
34 Treasurer and charged to the suspense account of the commission. After withholding refundable li-  
35 cense fees and such sum, not to exceed \$250,000, as it considers necessary as a revolving fund for  
36 a working cash balance for the purpose of paying travel expenses, advances, other miscellaneous  
37 bills and extraordinary items which are payable in cash immediately upon presentation, the com-  
38 mission shall direct the State Treasurer to transfer the money remaining in the suspense account  
39 to the Oregon Liquor Control Commission Account in the General Fund. Moneys in the Oregon Li-  
40 quor Control Commission Account are continuously appropriated to the commission to be distributed  
41 and used as required or allowed by law.

42 “(2) All necessary expenditures of the commission incurred in carrying out the purposes re-  
43 quired of the commission by law, including the salaries of its employees, purchases made by the  
44 commission and such sums necessary to reimburse the \$250,000 revolving fund, shall be audited and  
45 paid from the Oregon Liquor Control Commission Account in the General Fund, upon warrants

1 drawn by the Oregon Department of Administrative Services, pursuant to claims duly approved by  
2 the commission.

3 “(3) Moneys from the retail sale of distilled liquor that are being held by an agent appointed  
4 under ORS 471.750 or by a distillery retail outlet agent appointed under ORS 471.230 are not subject  
5 to ORS 295.001 to 295.108 if the agent has on deposit with the commission an amount equaling or  
6 exceeding an amount the commission, in its discretion, deems to be reasonable and sufficient and to  
7 be not less than **the wholesale share of** the average daily gross receipts from retail sales of dis-  
8 tilled liquor by the agent. The commission shall remit moneys deposited with the commission under  
9 this subsection to the State Treasurer for deposit to a separate reserve account of the commission.  
10 Moneys in the reserve account are not revenue of the commission for purposes of ORS 221.770. The  
11 commission shall return the deposit, and any interest earned on the deposit, if the appointment of  
12 the agent terminates and the agent has forwarded to the commission all moneys owed the commis-  
13 sion from retail sales of distilled liquor by the agent.

14 “**SECTION 7.** ORS 471.990 is amended to read:

15 “471.990. (1) Except where other punishment is specifically provided for, violation of any pro-  
16 vision of this chapter and ORS 474.105 and 474.115 is a Class A misdemeanor.

17 “(2) A second or subsequent violation of ORS 471.440 is a Class C felony.

18 “(3) Subject to ORS 153.022, violation of any regulation promulgated under ORS 471.730 [(5)] (6)  
19 is a Class C violation.

20 “**SECTION 8.** The amendments to ORS 471.730, 471.745, 471.805 and 471.990 by sections 4  
21 to 7 of this 2019 Act become operative on July 1, 2021.

22 “**SECTION 9.** The Oregon Liquor Control Commission may take any action before the  
23 operative date specified in section 8 of this 2019 Act that is necessary for the commission to  
24 exercise, on or after the operative date specified in section 8 of this 2019 Act, all of the du-  
25 ties, functions and powers conferred on the commission by the amendments to ORS 471.730,  
26 471.745, 471.805 and 471.990 by sections 4 to 7 of this 2019 Act.”.