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

Relating to retail sales agents; amending ORS 471.805.

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

SECTION 1. ORS 471.805 is amended to read:

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

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

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

(3)(a) Moneys from the retail sale of distilled liquor that are being held by an agent appointed under ORS 471.750 or by a distillery retail outlet agent appointed under ORS 471.230 are not subject 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.

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

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