

**Enrolled**  
**House Bill 3344**

Sponsored by Representatives NATHANSON, LIVELY, WILLIAMS

CHAPTER .....

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 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 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 reserve 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 terminates and the agent has forwarded to the commission all moneys owed the commission from retail sales of distilled liquor by the agent.

(c) **An agent described in paragraph (a) of this subsection shall make the deposits and report the receipts described in paragraph (a) of this subsection to the commission on a monthly basis. The commission may adopt rules to carry out this paragraph.**

**Passed by House April 15, 2021**

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

**Passed by Senate May 26, 2021**

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Peter Courtney, President of Senate

**Received by Governor:**

.....M,....., 2021

**Approved:**

.....M,....., 2021

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Kate Brown, Governor

**Filed in Office of Secretary of State:**

.....M,....., 2021

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Shemia Fagan, Secretary of State