

SENATE AMENDMENTS TO SENATE BILL 141

By COMMITTEE ON BUSINESS AND TRANSPORTATION

April 1

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

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

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

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

8 **“(b) The system change results from a law that prohibits the commission from purchas-**
9 **ing or selling distilled liquor.**

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

19 **“(3)(a) The commission shall any pay business loss compensation due under this section**
20 **from the suspense account described in ORS 471.805. Except as otherwise required by federal**
21 **or state law or by contract, the commission shall give the payment of business loss com-**
22 **penetration priority over the payment of other debts from the suspense account.**

23 **“(b) Notwithstanding ORS 279A.250 to 279A.290 or the revolving fund balance limit es-**
24 **tablished in ORS 471.805, if a change in the system for selling containers of distilled liquor**
25 **at retail in this state results in business loss compensation being payable under this section,**
26 **and the commission declares within five years after the system change that a warehouse**
27 **established by the commission under ORS 471.750 or the inventory of the commission is**
28 **surplus property, the net proceeds from sale of the warehouse or inventory remaining after**
29 **deduction of sales costs shall be deposited to the suspense account described in ORS 471.805.**
30 **All moneys deposited under this paragraph shall be kept in a subaccount within the suspense**
31 **account that indicates the source of the moneys. Notwithstanding ORS 471.805, moneys de-**
32 **posited to the suspense account under this paragraph may not be transferred to the Oregon**
33 **Liquor Control Commission Account if any business loss compensation is owed and remains**
34 **unpaid. This paragraph does not restrict the source for paying business loss compensation**
35 **from the suspense account or alter the priority of business loss compensation payment es-**

1 **tablished in paragraph (a) of this subsection.**

2 **“(4) If a person that receives business loss compensation under this section brings any**
3 **action against the commission for damages resulting from a change in the system for selling**
4 **containers of distilled liquor at retail in this state, the business loss compensation received**
5 **by the person as a result of that system change shall be an offset against any damages**
6 **awarded the person in the action. This subsection does not create any new cause of action.**

7 **“(5) Business loss compensation received by a person under this section does not affect**
8 **the claiming of any tax deduction by the person for depreciation of equipment, fixtures or**
9 **other property improvements, but is ordinary business income of the person, taxable as**
10 **provided by law.**

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

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