

CHAPTER 11

AN ACT

HB 4013

[2002 First Special Session]

Relating to stores operated by Oregon Liquor Control Commission; creating new provisions; and amending ORS 471.750.

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

SECTION 1. ORS 471.750 is amended to read:

471.750. (1) The Oregon Liquor Control Commission shall establish such stores and warehouses in such places in the state as in its judgment are required by public convenience or necessity, for the sale of spirituous liquors, wines and other alcoholic liquors containing over five percent alcohol by volume, in sealed containers for consumption off the premises. It shall keep on hand in such stores or warehouses such quantities and kinds of alcoholic liquors as are reasonably required to supply the public demand. Any person qualified to purchase such liquors from the commission has the right to present to the commission, or at any of its stores, an application for any kind or brand of alcoholic liquor which the person may desire and which may be manufactured or obtainable in any place in the United States, and the commission shall obtain such liquor and sell it to the applicant. No such store shall be established in any county or incorporated city of this state where a local prohibitory law is in effect. [*The stores shall be closed on Sundays and any other day designated by the commission.*] The commission shall adopt rules governing advertising by stores operated by the commission. The commission may appoint agents in the sale of said liquor

under such agreement as the commission may negotiate with said agents or their representative.

(2) Rules relating to advertising adopted by the commission under subsection (1) of this section shall allow signs and displays within its stores for the purpose of supplying consumer information to customers, including but not limited to discounts, sales and other specials. Commission discretion with respect to those signs and displays shall be limited to regulation of the content, size, number per brand, type and duration of the sign or display. Signs and displays may be supplied by manufacturers, wholesalers or distributors, and may bear the name of a particular distillery, supplier or brand of liquor. The use of signs and displays shall be optional with the agent appointed by the commission. In no event shall signs or displays authorized by the commission be placed in positions within the store where the sign or display would be readily visible from outside of the store.

SECTION 2. Notwithstanding ORS 471.810, if the Oregon Liquor Control Commission certifies that the total amount of moneys from sources other than taxes that is paid under ORS 471.810 during the biennium beginning July 1, 2001, will exceed \$185,213,000, all moneys in excess of \$185,213,000 collected by the commission from sources other than taxes, after withholding of moneys necessary to pay the outstanding liabilities of the commission, shall be deposited in the General Fund until \$3 million has been deposited. Thereafter, all moneys collected by the commission from sources other than taxes shall be distributed pursuant to the percentages provided in ORS 471.810 (1).

Filed in the office of Secretary of State February 26, 2002
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