

Senate Bill 884

Sponsored by Senator OLSEN; Senators TELFER, THOMSEN, Representatives CONGER, PARRISH

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**.

Repeals Ballot Measure 66 (2010).

Decreases personal income tax rate for individuals with taxable income above \$125,000 for tax years beginning on or after January 1, 2011. Decreases tax liability for certain taxpayers by removing phaseout of subtraction for federal income taxes paid for taxpayer with federal adjusted gross income of \$125,000 or more for individual return and \$250,000 or more for joint return. Restores subtraction for taxpayer with adjusted gross income of \$145,000 or more for individual return and \$290,000 or more for joint return. Applies to tax years beginning on or after January 1, 2011.

Repeals Ballot Measure 67 (2010).

Decreases corporate minimum tax to \$10. Discontinues corporate minimum tax for C corporations based on amount of Oregon sales. Decreases rate of corporate excise tax imposed on C corporations. Repeals \$150 entity tax on partnerships. Applies to tax years beginning on or after January 1, 2011.

Decreases filing fee for specified documents and reports delivered to Secretary of State. Decreases maximum filing fee for financing statements and other records related to Uniform Commercial Code. Decreases maximum application fee for appointment as notary public. Applies to documents and records filed, applications made and fees collected on or after effective date of Act.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

Relating to state finance; creating new provisions; amending ORS 56.041, 56.140, 79.0525, 194.020, 316.037, 316.695, 317.061 and 317.090; repealing section 3, chapter 745, Oregon Laws 2009; and prescribing an effective date.

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

SECTION 1. ORS 316.037, as amended by section 1, chapter 746, Oregon Laws 2009, is amended to read:

316.037. (1)(a) A tax is imposed for each taxable year on the entire taxable income of every resident of this state. The amount of the tax shall be determined in accordance with the following table:

If taxable income is:	The tax is:
Not over \$2,000	5% of taxable income
Over \$2,000 but not over \$5,000	\$100 plus 7% of the excess over \$2,000

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.

1	Over \$5,000 <i>[but not]</i>	
2	<i>[over \$125,000]</i>	\$310 plus 9%
3		of the excess
4		over \$5,000
5	<i>[Over \$125,000 but not]</i>	
6	<i>[over \$250,000]</i>	\$11,110 plus 10.8%
7		<i>[of the excess]</i>
8		<i>[over \$125,000]</i>
9		
10	<i>[Over \$250,000]</i>	\$24,610 plus 11%
11		<i>[of the excess]</i>
12		<i>[over \$250,000]</i>

14
15 (b) For tax years beginning in each calendar year, the Department of Revenue shall adopt a
16 table that shall apply in lieu of the table contained in paragraph (a) of this subsection, as follows:

17 (A) *[Except as provided in subparagraph (D) of this paragraph,]* The minimum and maximum
18 dollar amounts for each bracket for which a tax is imposed shall be increased by the cost-of-living
19 adjustment for the calendar year.

20 (B) The rate applicable to any rate bracket as adjusted under subparagraph (A) of this para-
21 graph shall not be changed.

22 (C) The amounts setting forth the tax, to the extent necessary to reflect the adjustments in the
23 rate brackets, shall be adjusted.

24 *[(D) The rate brackets applicable to taxable income in excess of \$125,000 may not be adjusted.]*

25 (c) For purposes of paragraph (b) of this subsection, the cost-of-living adjustment for any calen-
26 dar year is the percentage (if any) by which the monthly averaged U.S. City Average Consumer
27 Price Index for the 12 consecutive months ending August 31 of the prior calendar year exceeds the
28 monthly averaged index for the second quarter of the calendar year 1992.

29 (d) As used in this subsection, “U.S. City Average Consumer Price Index” means the U.S. City
30 Average Consumer Price Index for All Urban Consumers (All Items) as published by the Bureau of
31 Labor Statistics of the United States Department of Labor.

32 (e) If any increase determined under paragraph (b) of this subsection is not a multiple of \$50,
33 the increase shall be rounded to the next lower multiple of \$50.

34 (2) A tax is imposed for each taxable year upon the entire taxable income of every part-year
35 resident of this state. The amount of the tax shall be computed under subsection (1) of this section
36 as if the part-year resident were a full-year resident and shall be multiplied by the ratio provided
37 under ORS 316.117 to determine the tax on income derived from sources within this state.

38 (3) A tax is imposed for each taxable year on the taxable income of every full-year nonresident
39 that is derived from sources within this state. The amount of the tax shall be determined in ac-
40 cordance with the table set forth in subsection (1) of this section.

41 **SECTION 2.** ORS 316.037, as amended by sections 1 and 2, chapter 746, Oregon Laws 2009, is
42 amended to read:

43 316.037. (1)(a) A tax is imposed for each taxable year on the entire taxable income of every
44 resident of this state. The amount of the tax shall be determined in accordance with the following
45 table:

1		
2		
3	If taxable income is:	The tax is:
4		
5	Not over \$2,000	5% of
6		taxable
7		income
8		
9	Over \$2,000 but not	
10	over \$5,000	\$100 plus 7%
11		of the excess
12		over \$2,000
13		
14	Over \$5,000 [<i>but not</i>	
15	[<i>over \$125,000</i>]	\$310 plus 9%
16		of the excess
17		over \$5,000
18		
19	[<i>Over \$125,000</i>	\$11,110 plus 9.9%
20		[<i>of the excess</i>]
21		[<i>over \$125,000</i>]
22		

23

24 (b) For tax years beginning in each calendar year, the Department of Revenue shall adopt a

25 table that shall apply in lieu of the table contained in paragraph (a) of this subsection, as follows:

26 (A) [*Except as provided in subparagraph (D) of this paragraph,*] The minimum and maximum

27 dollar amounts for each bracket for which a tax is imposed shall be increased by the cost-of-living

28 adjustment for the calendar year.

29 (B) The rate applicable to any rate bracket as adjusted under subparagraph (A) of this para-

30 graph shall not be changed.

31 (C) The amounts setting forth the tax, to the extent necessary to reflect the adjustments in the

32 rate brackets, shall be adjusted.

33 [*(D) The rate brackets applicable to taxable income in excess of \$125,000 may not be adjusted.*]

34 (c) For purposes of paragraph (b) of this subsection, the cost-of-living adjustment for any calen-

35 dar year is the percentage (if any) by which the monthly averaged U.S. City Average Consumer

36 Price Index for the 12 consecutive months ending August 31 of the prior calendar year exceeds the

37 monthly averaged index for the second quarter of the calendar year 1992.

38 (d) As used in this subsection, "U.S. City Average Consumer Price Index" means the U.S. City

39 Average Consumer Price Index for All Urban Consumers (All Items) as published by the Bureau of

40 Labor Statistics of the United States Department of Labor.

41 (e) If any increase determined under paragraph (b) of this subsection is not a multiple of \$50,

42 the increase shall be rounded to the next lower multiple of \$50.

43 (2) A tax is imposed for each taxable year upon the entire taxable income of every part-year

44 resident of this state. The amount of the tax shall be computed under subsection (1) of this section

45 as if the part-year resident were a full-year resident and shall be multiplied by the ratio provided

1 under ORS 316.117 to determine the tax on income derived from sources within this state.

2 (3) A tax is imposed for each taxable year on the taxable income of every full-year nonresident
3 that is derived from sources within this state. The amount of the tax shall be determined in ac-
4 cordance with the table set forth in subsection (1) of this section.

5 **SECTION 3.** ORS 316.695, as amended by section 3, chapter 746, Oregon Laws 2009, is amended
6 to read:

7 316.695. (1) In addition to the modifications to federal taxable income contained in this chapter,
8 there shall be added to or subtracted from federal taxable income:

9 (a) If, in computing federal income tax for a taxable year, the taxpayer deducted itemized de-
10 ductions, as defined in section 63(d) of the Internal Revenue Code, the taxpayer shall add the amount
11 of itemized deductions deducted (the itemized deductions less an amount, if any, by which the item-
12 ized deductions are reduced under section 68 of the Internal Revenue Code).

13 (b) If, in computing federal income tax for a taxable year, the taxpayer deducted the standard
14 deduction, as defined in section 63(c) of the Internal Revenue Code, the taxpayer shall add the
15 amount of the standard deduction deducted.

16 (c)(A) From federal taxable income there shall be subtracted the larger of (i) the taxpayer's
17 itemized deductions or (ii) a standard deduction. Except as provided in subsection (8) of this section,
18 for purposes of this subparagraph, "standard deduction" means the sum of the basic standard de-
19 duction and the additional standard deduction.

20 (B) For purposes of subparagraph (A) of this paragraph, the basic standard deduction is:

21 (i) \$3,280, in the case of joint return filers or a surviving spouse;

22 (ii) \$1,640, in the case of an individual who is not a married individual and is not a surviving
23 spouse;

24 (iii) \$1,640, in the case of a married individual who files a separate return; or

25 (iv) \$2,640, in the case of a head of household.

26 (C)(i) For purposes of subparagraph (A) of this paragraph for tax years beginning on or after
27 January 1, 2003, the Department of Revenue shall annually recompute the basic standard deduction
28 for each category of return filer listed under subparagraph (B) of this paragraph. The basic standard
29 deduction shall be computed by dividing the monthly averaged U.S. City Average Consumer Price
30 Index for the 12 consecutive months ending August 31 of the prior calendar year by the average
31 U.S. City Average Consumer Price Index for the second quarter of 2002, then multiplying that quo-
32 tient by the amount listed under subparagraph (B) of this paragraph for each category of return
33 filer.

34 (ii) If any change in the maximum household income determined under this subparagraph is not
35 a multiple of \$5, the increase shall be rounded to the next lower multiple of \$5.

36 (iii) As used in this subparagraph, "U.S. City Average Consumer Price Index" means the U.S.
37 City Average Consumer Price Index for All Urban Consumers (All Items) as published by the Bureau
38 of Labor Statistics of the United States Department of Labor.

39 (D) For purposes of subparagraph (A) of this paragraph, the additional standard deduction is the
40 sum of each additional amount to which the taxpayer is entitled under subsection (7) of this section.

41 (E) As used in subparagraph (B) of this paragraph, "surviving spouse" and "head of household"
42 have the meaning given those terms in section 2 of the Internal Revenue Code.

43 (F) In the case of the following, the standard deduction referred to in subparagraph (A) of this
44 paragraph shall be zero:

45 (i) A husband or wife filing a separate return where the other spouse has claimed itemized de-

1 ductions under subparagraph (A) of this paragraph;

2 (ii) A nonresident alien individual;

3 (iii) An individual making a return for a period of less than 12 months on account of a change
4 in the individual's annual accounting period;

5 (iv) An estate or trust;

6 (v) A common trust fund; or

7 (vi) A partnership.

8 (d) For the purposes of paragraph (c)(A) of this subsection, the taxpayer's itemized deductions
9 are the sum of:

10 (A) The taxpayer's itemized deductions as defined in section 63(d) of the Internal Revenue Code
11 (reduced, if applicable, as described under section 68 of the Internal Revenue Code) minus the de-
12 duction for Oregon income tax (reduced, if applicable, by the proportion that the reduction in federal
13 itemized deductions resulting from section 68 of the Internal Revenue Code bears to the amount of
14 federal itemized deductions as defined for purposes of section 68 of the Internal Revenue Code); and

15 (B) The amount that may be taken into account under section 213(a) of the Internal Revenue
16 Code, not to exceed seven and one-half percent of the federal adjusted gross income of the taxpayer,
17 if the taxpayer has attained the following age before the close of the taxable year, or, in the case
18 of a joint return, if either taxpayer has attained the following age before the close of the taxable
19 year:

20 (i) For taxable years beginning on or after January 1, 1991, and before January 1, 1993, a tax-
21 payer must attain 58 years of age before the close of the taxable year.

22 (ii) For taxable years beginning on or after January 1, 1993, and before January 1, 1995, a tax-
23 payer must attain 59 years of age before the close of the taxable year.

24 (iii) For taxable years beginning on or after January 1, 1995, and before January 1, 1997, a
25 taxpayer must attain 60 years of age before the close of the taxable year.

26 (iv) For taxable years beginning on or after January 1, 1997, and before January 1, 1999, a tax-
27 payer must attain 61 years of age before the close of the taxable year.

28 (v) For taxable years beginning on or after January 1, 1999, a taxpayer must attain 62 years of
29 age before the close of the taxable year.

30 (2)(a) There shall be subtracted from federal taxable income any portion of the distribution of
31 a pension, profit-sharing, stock bonus or other retirement plan, representing that portion of contri-
32 butions which were taxed by the State of Oregon but not taxed by the federal government under
33 laws in effect for tax years beginning prior to January 1, 1969, or for any subsequent year in which
34 the amount that was contributed to the plan under the Internal Revenue Code was greater than the
35 amount allowed under this chapter.

36 (b) Interest or other earnings on any excess contributions of a pension, profit-sharing, stock
37 bonus or other retirement plan not permitted to be deducted under paragraph (a) of this subsection
38 shall not be added to federal taxable income in the year earned by the plan and shall not be sub-
39 tracted from federal taxable income in the year received by the taxpayer.

40 (3)(a) Except as provided in **paragraph (b) of this subsection and** subsection (4) of this section,
41 there shall be added to federal taxable income the amount of any federal income taxes in excess of
42 [the amount provided in paragraphs (b) to (d) of this subsection] **\$5,500**, accrued by the taxpayer
43 during the taxable year as described in ORS 316.685, less the amount of any refund of federal taxes
44 previously accrued for which a tax benefit was received.

45 [(b) The limits applicable to this subsection are:]

1 [(A) \$5,500, if the federal adjusted gross income of the taxpayer for the tax year is less than
2 \$125,000, or, if reported on a joint return, less than \$250,000.]

3 [(B) \$4,400, if the federal adjusted gross income of the taxpayer for the tax year is \$125,000 or more
4 and less than \$130,000, or, if reported on a joint return, \$250,000 or more and less than \$260,000.]

5 [(C) \$3,300, if the federal adjusted gross income of the taxpayer for the tax year is \$130,000 or more
6 and less than \$135,000, or, if reported on a joint return, \$260,000 or more and less than \$270,000.]

7 [(D) \$2,200, if the federal adjusted gross income of the taxpayer for the tax year is \$135,000 or more
8 and less than \$140,000, or, if reported on a joint return, \$270,000 or more and less than \$280,000.]

9 [(E) \$1,100, if the federal adjusted gross income of the taxpayer for the tax year is \$140,000 or more
10 and less than \$145,000, or, if reported on a joint return, \$280,000 or more and less than \$290,000.]

11 [(c) If the federal adjusted gross income of the taxpayer is \$145,000 or more for the tax year, or,
12 if reported on a joint return, \$290,000 or more, the limit is zero and the taxpayer is not allowed a
13 subtraction for federal income taxes under ORS 316.680 (1) for the tax year.]

14 [(d)] (b) In the case of a husband and wife filing separate tax returns, the amount added shall
15 be in the amount of any federal income taxes in excess of [*the amount provided for individual tax-*
16 *payers under paragraphs (a) to (c) of this subsection*] **\$2,750**, less the amount of any refund of federal
17 taxes previously accrued for which a tax benefit was received.

18 [(e) For purposes of this subsection, the limits applicable to a joint return shall apply to a head
19 of household or a surviving spouse, as defined in section 2(a) and (b) of the Internal Revenue Code.]

20 [(f)(A)] (c)(A) For a calendar year beginning on or after January 1, 2008, the Department of
21 Revenue shall make a cost-of-living adjustment to the federal income tax threshold amounts de-
22 scribed in paragraphs (a) and (b) [*and (d)*] of this subsection.

23 (B) The cost-of-living adjustment for a calendar year is the percentage by which the monthly
24 averaged U.S. City Average Consumer Price Index for the 12 consecutive months ending August 31
25 of the prior calendar year exceeds the monthly averaged index for the period beginning September
26 1, 2005, and ending August 31, 2006.

27 (C) As used in this paragraph, "U.S. City Average Consumer Price Index" means the U.S. City
28 Average Consumer Price Index for All Urban Consumers (All Items) as published by the Bureau of
29 Labor Statistics of the United States Department of Labor.

30 (D) If any adjustment determined under subparagraph (B) of this paragraph is not a multiple of
31 \$50, the adjustment shall be rounded to the next lower multiple of \$50.

32 (E) The adjustment shall apply to all tax years beginning in the calendar year for which the
33 adjustment is made.

34 (4)(a) In addition to the adjustments required by ORS 316.130, a full-year nonresident individual
35 shall add to taxable income a proportion of any accrued federal income taxes as computed under
36 ORS 316.685 in excess of [*the amount provided in subsection (3) of this section*] **\$5,500** in the propor-
37 tion provided in ORS 316.117.

38 (b) In the case of a husband and wife filing separate tax returns, the amount added under this
39 subsection shall be computed in a manner consistent with the computation of the amount to be
40 added in the case of a husband and wife filing separate returns under subsection (3) of this section.
41 The method of computation shall be determined by the Department of Revenue by rule.

42 (5) Subsections [(3)(d)] (3)(b) and (4)(b) of this section shall not apply to married individuals
43 living apart as defined in section 7703(b) of the Internal Revenue Code.

44 (6)(a) For tax years beginning on or after January 1, 1981, and prior to January 1, 1983, income
45 or loss taken into account in determining federal taxable income by a shareholder of an S corpo-

1 ration pursuant to sections 1373 to 1375 of the Internal Revenue Code shall be adjusted for purposes
 2 of determining Oregon taxable income, to the extent that as income or loss of the S corporation,
 3 they were required to be adjusted under the provisions of ORS chapter 317.

4 (b) For tax years beginning on or after January 1, 1983, items of income, loss or deduction taken
 5 into account in determining federal taxable income by a shareholder of an S corporation pursuant
 6 to sections 1366 to 1368 of the Internal Revenue Code shall be adjusted for purposes of determining
 7 Oregon taxable income, to the extent that as items of income, loss or deduction of the shareholder
 8 the items are required to be adjusted under the provisions of this chapter.

9 (c) The tax years referred to in paragraphs (a) and (b) of this subsection are those of the S
 10 corporation.

11 (d) As used in paragraph (a) of this subsection, an S corporation refers to an electing small
 12 business corporation.

13 (7)(a) The taxpayer shall be entitled to an additional amount, as referred to in subsection
 14 (1)(c)(A) and (D) of this section, of \$1,000:

15 (A) For the taxpayer if the taxpayer has attained age 65 before the close of the taxpayer's tax-
 16 able year; and

17 (B) For the spouse of the taxpayer if the spouse has attained age 65 before the close of the
 18 taxable year and an additional exemption is allowable to the taxpayer for such spouse for federal
 19 income tax purposes under section 151(b) of the Internal Revenue Code.

20 (b) The taxpayer shall be entitled to an additional amount, as referred to in subsection (1)(c)(A)
 21 and (D) of this section, of \$1,000:

22 (A) For the taxpayer if the taxpayer is blind at the close of the taxable year; and

23 (B) For the spouse of the taxpayer if the spouse is blind as of the close of the taxable year and
 24 an additional exemption is allowable to the taxpayer for such spouse for federal income tax purposes
 25 under section 151(b) of the Internal Revenue Code. For purposes of this subparagraph, if the spouse
 26 dies during the taxable year, the determination of whether such spouse is blind shall be made im-
 27 mediately prior to death.

28 (c) In the case of an individual who is not married and is not a surviving spouse, paragraphs (a)
 29 and (b) of this subsection shall be applied by substituting "\$1,200" for "\$1,000."

30 (d) For purposes of this subsection, an individual is blind only if the individual's central visual
 31 acuity does not exceed 20/200 in the better eye with correcting lenses, or if the individual's visual
 32 acuity is greater than 20/200 but is accompanied by a limitation in the fields of vision such that the
 33 widest diameter of the visual field subtends an angle no greater than 20 degrees.

34 (8) In the case of an individual with respect to whom a deduction under section 151 of the
 35 Internal Revenue Code is allowable for federal income tax purposes to another taxpayer for a tax-
 36 able year beginning in the calendar year in which the individual's taxable year begins, the basic
 37 standard deduction (referred to in subsection (1)(c)(B) of this section) applicable to such individual
 38 for such individual's taxable year shall equal the lesser of:

39 (a) The amount allowed to the individual under section 63(c)(5) of the Internal Revenue Code for
 40 federal income tax purposes for the tax year for which the deduction is being claimed; or

41 (b) The amount determined under subsection (1)(c)(B) of this section.

42 **SECTION 4.** ORS 317.090, as amended by section 1, chapter 745, Oregon Laws 2009, is amended
 43 to read:

44 317.090. [(1) As used in this section, "Oregon sales" means:]

45 [(a) If the corporation apportions business income under ORS 314.650 to 314.665 for Oregon tax

1 purposes, the total sales of the taxpayer in this state during the tax year, as determined for purposes
2 of ORS 314.665;]

3 [(b) If the corporation does not apportion business income for Oregon tax purposes, the total sales
4 in this state that the taxpayer would have had, as determined for purposes of ORS 314.665, if the tax-
5 payer were required to apportion business income for Oregon tax purposes; or]

6 [(c) If the corporation apportions business income using a method different from the method pre-
7 scribed by ORS 314.650 to 314.665, Oregon sales as defined by the Department of Revenue by rule.]

8 [(2) Each corporation or affiliated group of corporations filing a return under ORS 317.710] **Each**
9 **taxpayer named in ORS 317.070** shall pay annually to the state, for the privilege of carrying on
10 or doing business by it within this state, a minimum tax of **\$10**. [as follows:]

11 [(a) If Oregon sales properly reported on a return are:]

12 [(A) Less than \$500,000, the minimum tax is \$150.]

13 [(B) \$500,000 or more, but less than \$1 million, the minimum tax is \$500.]

14 [(C) \$1 million or more, but less than \$2 million, the minimum tax is \$1,000.]

15 [(D) \$2 million or more, but less than \$3 million, the minimum tax is \$1,500.]

16 [(E) \$3 million or more, but less than \$5 million, the minimum tax is \$2,000.]

17 [(F) \$5 million or more, but less than \$7 million, the minimum tax is \$4,000.]

18 [(G) \$7 million or more, but less than \$10 million, the minimum tax is \$7,500.]

19 [(H) \$10 million or more, but less than \$25 million, the minimum tax is \$15,000.]

20 [(I) \$25 million or more, but less than \$50 million, the minimum tax is \$30,000.]

21 [(J) \$50 million or more, but less than \$75 million, the minimum tax is \$50,000.]

22 [(K) \$75 million or more, but less than \$100 million, the minimum tax is \$75,000.]

23 [(L) \$100 million or more, the minimum tax is \$100,000.]

24 [(b) If a corporation is an S corporation, the minimum tax is \$150.]

25 [(3)] The minimum tax is not apportionable (except in the case of a change of accounting peri-
26 ods), and is payable in full for any part of the year during which a corporation is subject to tax.

27 **SECTION 5.** ORS 317.061, as amended by sections 5 and 7, chapter 745, Oregon Laws 2009, is
28 amended to read:

29 317.061. The rate of the tax imposed by and computed under this chapter is[:]

30 [(1)] six and six-tenths percent [of the first \$250,000 of taxable income, or fraction thereof; and]

31 [(2) Seven and six-tenths percent of any amount of taxable income in excess of \$250,000].

32 **SECTION 6.** ORS 317.061, as amended by sections 5, 7 and 9, chapter 745, Oregon Laws 2009,
33 is amended to read:

34 317.061. The rate of the tax imposed by and computed under this chapter is[:]

35 [(1)] six and six-tenths percent [of the first \$10 million of taxable income, or fraction thereof;
36 and]

37 [(2) Seven and six-tenths percent of any amount of taxable income in excess of \$10 million].

38 **SECTION 7. The amendments to ORS 316.037, 316.695, 317.061 and 317.090 by sections 1**
39 **to 6 of this 2011 Act and the repeal of section 3, chapter 745, Oregon Laws 2009, by section**
40 **16 of this 2011 Act apply to tax years beginning on or after January 1, 2011.**

41 **SECTION 8.** ORS 56.140, as amended by section 11, chapter 745, Oregon Laws 2009, is amended
42 to read:

43 56.140. [(1) The Secretary of State shall collect a nonrefundable fee of \$100 for each of the following
44 documents delivered to the Secretary of State for filing:]

45 [(a) Articles of incorporation delivered for filing under ORS 58.085.]

1 [(b) Articles of incorporation delivered for filing under ORS 60.051.]

2 [(c) Articles of incorporation delivered for filing under ORS 62.511.]

3 [(d) Articles of organization delivered for filing under ORS 63.051.]

4 [(e) Applications for registration delivered for filing under ORS 67.590.]

5 [(f) Certificates of limited partnership delivered for filing under ORS 70.075.]

6 [(g) Trust documents delivered for filing under ORS 128.575.]

7 [(h) Articles of incorporation delivered for filing under ORS 554.020.]

8 [(2) The Secretary of State shall collect a nonrefundable fee of \$100 for annual reports delivered
9 for filing by an entity subject to a fee under subsection (1) of this section, and for any other related
10 document that the entity is allowed or required to file with the Secretary of State.]

11 [(3) The Secretary of State shall collect a nonrefundable fee of \$275 for each of the following doc-
12 uments delivered to the Secretary of State for filing:]

13 [(a) Applications for authority to transact business in this state delivered under ORS 58.134,
14 60.707, 63.707 or 67.710.]

15 [(b) Applications for registration under ORS 70.355.]

16 [(c) Annual reports delivered for filing by an entity subject to a fee under paragraph (a) or (b) of
17 this subsection, and for any other related document that the entity is allowed or required to file with
18 the Secretary of State.]

19 [(4) (1) [For documents other than those specified in subsections (1), (2) and (3) of this section,]
20 Except as provided in ORS 65.787 (6), the Secretary of State shall collect a nonrefundable fee of \$50
21 for each document delivered for filing to the Secretary of State as part of the secretary's business
22 registry functions described in ORS 56.022.

23 [(5) (2) The Secretary of State by rule may establish fees, in addition to those provided for in
24 [subsections (1) to (4)] **subsection (1)** of this section, for:

25 (a) Copying any public record maintained by the secretary and relating to the secretary's busi-
26 ness registry functions, and for certifying the copy; and

27 (b) Certifying to other facts of record, including certificates of existence, relating to the
28 secretary's business registry functions.

29 [(6) (3) The Secretary of State shall collect a nonrefundable fee of \$20 each time process that
30 is related to the Secretary of State's business registry functions is served on the Secretary of State.

31 [(7) (4) The Secretary of State may waive collection of any fee, charge or interest or portion
32 of a fee, charge or interest that is collectible by the Secretary of State as part of the secretary's
33 business registry functions.

34 [(8) (5) The Secretary of State by rule shall establish and collect reasonable fees for the fol-
35 lowing services relating to the secretary's business registry functions:

36 (a) Computer generated lists on electronic data processing media.

37 (b) Terminal access to the files of the office.

38 (c) Microfilm records of the files of the office.

39 (d) Microfilm processing and development services.

40 (e) Copies of the programs and files on paper or electronic data processing media.

41 **SECTION 9. The amendments to ORS 56.140 by section 8 of this 2011 Act apply only to**
42 **documents filed with the Secretary of State on or after the effective date of this 2011 Act.**

43 **SECTION 10.** ORS 56.041, as amended by section 13, chapter 745, Oregon Laws 2009, is
44 amended to read:

45 56.041. (1) The Operating Account is established in the General Fund of the State Treasury.

1 (2) The net amount accruing to the Secretary of State from all fees, charges, interest, fines,
 2 penalties and miscellaneous revenues from all sources relating to business registry functions, and
 3 moneys received by the Secretary of State under ORS chapters 79 and 194 and ORS 80.100 to 80.130,
 4 87.246, 87.767 and 87.806 to 87.831 shall, after deduction of refunds, be paid over to the State
 5 Treasurer and deposited at least monthly in the Operating Account.

6 (3) Moneys deposited to the credit of the Operating Account are continuously appropriated to
 7 the Secretary of State for the expenses of carrying out the functions and duties of the Secretary of
 8 State relating to business registry, and the functions and duties of the Secretary of State under ORS
 9 chapters 79 and 194 and ORS 80.100 to 80.130, 87.246, 87.767 and 87.806 to 87.831.

10 (4) At the end of each month, the Secretary of State shall determine the number of business
 11 registry filings during the month for which the Secretary of State collected the *[fees]* **fee** described
 12 in ORS 56.140 (1) *[to (4)]*. An amount equal to *[\$20]* **\$30** for each of those filings shall be *[deposited*
 13 *by the Secretary of State in the Operating Account. The Secretary of State shall then deposit all other*
 14 *moneys from the fees collected during the month under ORS 56.140 (1) to (4) in the General Fund.*
 15 *Amounts deposited to the General Fund under this subsection are]* **transferred to the General Fund**
 16 **and shall become** available for general governmental expenses.

17 (5) **As of July 1 of each year, any unexpended and unobligated balance in the Operating**
 18 **Account that is in excess of the amount that is necessary to administer the functions and**
 19 **duties of the Secretary of State as described in subsection (3) of this section for two months,**
 20 **as certified by the Secretary of State, shall be transferred to the General Fund and shall**
 21 **become available for general governmental expenses.**

22 **SECTION 11. The amendments to ORS 56.041 by section 10 of this 2011 Act first apply to**
 23 **fees for business registry filings collected on or after the effective date of this 2011 Act.**

24 **SECTION 12.** ORS 79.0525, as amended by section 15, chapter 745, Oregon Laws 2009, is
 25 amended to read:

26 79.0525. (1) Except as otherwise provided in subsection (4) of this section, the nonrefundable fee
 27 for filing and indexing a record under ORS 79.0501 to 79.0528 may not exceed *[\$15]* **\$10**.

28 (2) The number of names required to be indexed does not affect the amount of the fee in sub-
 29 section (1) of this section.

30 (3) The nonrefundable fee for responding to a request for information from the filing office, in-
 31 cluding for communicating whether there is on file any financing statement naming a particular
 32 debtor, may not exceed:

33 (a) \$10 for each distinct debtor name to be searched;

34 (b) \$5 for copies of Uniform Commercial Code documents relating to each distinct debtor name
 35 to be searched, in addition to the fee in paragraph (a) of this subsection; and

36 (c) \$5 for each request by document number for copies of Uniform Commercial Code documents.

37 (4) This section does not require a fee with respect to a record filed or recorded in the filing
 38 office described in ORS 79.0501 (1)(a). However, the recording and satisfaction fees that otherwise
 39 would be applicable to the record apply.

40 (5) The Secretary of State shall adopt rules prescribing fees for providing summaries and com-
 41 pilations that are not debtor specific and for providing copies of records, as described in ORS
 42 79.0523 (6), that are not debtor specific.

43 **SECTION 13. The amendments to ORS 79.0525 by section 12 of this 2011 Act apply only**
 44 **to records filed under ORS 79.0501 to 79.0528 on or after the effective date of this 2011 Act.**

45 **SECTION 14.** ORS 194.020, as amended by section 17, chapter 745, Oregon Laws 2009, is

1 amended to read:

2 194.020. (1) To defray costs incurred by the Secretary of State to process the application made
3 under ORS 194.014, each applicant for appointment as a notary public shall pay in advance to the
4 Secretary of State a nonrefundable application fee not to exceed [~~\$40~~] **\$20**.

5 (2) Any fee received by the Secretary of State under subsection (1) of this section shall be de-
6 posited in the State Treasury and credited to the Operating Account under ORS 56.041, and is in
7 lieu of any fee charged under ORS 177.130.

8 **SECTION 15. The amendments to ORS 194.020 by section 14 of this 2011 Act apply only**
9 **to applications made under ORS 194.014 on or after the effective date of this 2011 Act.**

10 **SECTION 16. Section 3, chapter 745, Oregon Laws 2009, is repealed.**

11 **SECTION 17. This 2011 Act takes effect on the 91st day after the date on which the 2011**
12 **session of the Seventy-sixth Legislative Assembly adjourns sine die.**

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