

**A-Engrossed**  
**House Bill 2603**

Ordered by the House April 26  
Including House Amendments dated April 26

Sponsored by Representative NELSON (at the request of Dennis Goetz)

**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.

*[Reduces fee collected by Secretary of State for document filing as part of secretary's business registry functions from \$50 to \$20.]*

*[Repeals provision under which amount equal to \$30 for each business registry filing is transferred from Operating Account to General Fund at end of each month.]*

*[Repeals provision specifying that on July 1 of each year amount in Operating Account that exceeds amount necessary to administer certain business registry functions of Secretary of State for two months is transferred to General Fund.]*

**Establishes specified fee amounts Secretary of State may collect as part of secretary's business registry functions. Exempts historic cemetery nonprofit corporations from certain filing fees.**

**A BILL FOR AN ACT**

1  
2 Relating to business registry fees; creating new provisions; and amending ORS 56.041 and 56.140.

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

4 **SECTION 1.** ORS 56.140 is amended to read:

5 56.140. (1) **Except as provided in subsections (2) and (3) of this section,** the Secretary of  
6 State shall collect a nonrefundable fee of \$50 for each document delivered for filing to the Secretary  
7 of State as part of the secretary's business registry functions described in ORS 56.022.

8 **(2) Except as provided in subsection (3) of this section, as part of the secretary's business**  
9 **registry functions described in ORS 56.022, the secretary shall collect a nonrefundable fee**  
10 **of \$20 for:**

11 (a) **Each annual report filed with the secretary;**

12 (b) **Each renewal of a registration of a trademark filed under ORS 647.055;**

13 (c) **Each renewal of a registration of an assumed business name filed under ORS 648.017;**

14 **and**

15 (d) **Each document delivered for filing to the secretary under ORS chapter 65.**

16 **(3) For each nonprofit corporation that is a historic cemetery listed with the Oregon**  
17 **Commission on Historic Cemeteries under ORS 97.782, the secretary may not collect any fee**  
18 **for documents delivered for filing to the secretary as part of the secretary's business regis-**  
19 **try functions described in ORS 56.022.**

20 [(2)] (4) The Secretary of State by rule may establish fees, in addition to those provided for in  
21 [subsection (1)] **subsections (1), (2) and (3)** of this section, for:

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

**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 (b) Certifying to other facts of record, including certificates of existence, relating to the secre-  
2 tary's business registry functions.

3 [(3)] (5) The Secretary of State shall collect a nonrefundable fee of \$20 each time process is  
4 served on the Secretary of State and the process relates to the secretary's business registry func-  
5 tions.

6 [(4)] (6) The Secretary of State may waive collection of any fee, charge or interest, or portion  
7 of a fee, charge or interest, that is collectible by the Secretary of State as part of the secretary's  
8 business registry functions.

9 [(5)] (7) The Secretary of State by rule shall establish and collect reasonable fees for the fol-  
10 lowing services relating to the secretary's business registry functions:

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

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

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

14 (d) Microfilm processing and development services.

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

16 **SECTION 2.** ORS 56.041 is amended to read:

17 56.041. (1) The Operating Account is established in the General Fund of the State Treasury.

18 (2) The net amount accruing to the Secretary of State from all fees, charges, interest, fines,  
19 penalties and miscellaneous revenues from all sources relating to business registry functions, and  
20 moneys received by the Secretary of State under ORS chapters 79 and 194 and ORS 80.100 to 80.130,  
21 87.246, 87.767 and 87.806 to 87.831 shall, after deduction of refunds, be paid over to the State  
22 Treasurer and deposited at least monthly in the Operating Account.

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

27 (4) At the end of each month:

28 (a) The Secretary of State shall determine for that month the number of business registry filings  
29 for which the Secretary of State collected the fee described in ORS 56.140 (1); and

30 (b) An amount equal to \$30 for each business registry filing described in paragraph (a) of this  
31 subsection shall be transferred to the General Fund and shall become available for general govern-  
32 mental expenses.

33 (5) As of July 1 of each year, any unexpended and unobligated balance in the Operating Account  
34 that is in excess of the amount that is necessary to administer the functions and duties of the Sec-  
35 retary of State as described in subsection (3) of this section for two months, as certified by the  
36 Secretary of State, shall be transferred to the General Fund and shall become available for general  
37 governmental expenses.

38 **SECTION 3.** (1) **The amendments to ORS 56.140 by section 1 of this 2005 Act apply to:**

39 (a) **Documents, other than renewal documents, first delivered for filing to the Secretary**  
40 **of State on or after the effective date of this 2005 Act; and**

41 (b) **Documents delivered for filing to the Secretary of State for renewal purposes on or**  
42 **after the effective date of this 2005 Act, when the anniversary date for renewal occurs on**  
43 **or after the effective date of this 2005 Act.**

44 (2) **The amendments to ORS 56.041 by section 2 of this 2005 Act apply to amounts in the**  
45 **Operating Account on January 1, 2006, and to amounts deposited in the Operating Account**

1 **on or after the effective date of this 2005 Act.**

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