

SENATE AMENDMENTS TO SENATE BILL 109

By COMMITTEE ON JUDICIARY

April 5

1 On page 2 of the printed bill, delete lines 35 through 44 and insert:

2 “(7)(a) A charitable organization, when filing a report required under this section, shall pay a
3 fee to the Department of Justice in accordance with a fee schedule established by the department
4 by rule.

5 “(b) The fee schedule shall consist of the following elements:

6 “(A) A fee that the department shall set according to a scale graduated on the basis of the
7 charitable organization’s receipts and income during the time covered by the report, with a lower
8 fee applying to lower receipts and income and a higher fee applying to higher receipts and income.
9 The minimum applicable fee is \$10 and the maximum applicable fee is \$400.

10 “(B) A fee based on a percentage of the fund balance the charitable organization has at the
11 close of the organization’s calendar or fiscal year. The department shall set the fee under this sub-
12 paragraph at not more than 0.02 of one percent of the fund balance or \$2,000, whichever is less.

13 “(c) The charitable organization shall pay a fee that consists of both elements set forth in par-
14 agraph (b) of this subsection at the time the organization files a report required under this section.

15 “(d) In calculating the fee element set forth in paragraph (b)(B) of this subsection, the depart-
16 ment may not include in the fund balance any fixed assets that the charitable organization uses for
17 operations.

18 “(e) The department shall ensure that the aggregate amount of fees paid under this section is
19 sufficient to pay the department’s expenses in administering ORS 128.610 to 128.750 and 128.801 to
20 128.898.”.

21 On page 3, line 41, before the period insert “and for no other purpose”.

22 On page 5, line 23, after the period insert “Except as provided in section 11 of this 2007 Act,”.

23 After line 33, insert:

24 “**SECTION 11. (1) If on January 1, 2008, the Department of Justice has not adopted rules**
25 **establishing the fee schedule and the delinquency fee amount described in ORS 128.670 as**
26 **amended by section 1 of this 2007 Act, a charitable organization shall pay a fee or delin-**
27 **quency fee in accordance with the provisions of ORS 128.670 that are operative on December**
28 **31, 2007, until such time as the Department of Justice adopts final rules to establish a fee**
29 **schedule and delinquency fee amount under ORS 128.670 as amended by section 1 of this 2007**
30 **Act. On and after the effective date of final rules adopted by the Department of Justice un-**
31 **der ORS 128.670 as amended by section 1 of this 2007 Act, the charitable organization shall**
32 **pay a fee or delinquency fee in accordance with the fee schedule established by the final**
33 **rules.**

34 “(2) The Department of Justice shall adopt final rules under ORS 128.670 as amended by
35 section 1 of this 2007 Act not later than December 31, 2008.

1 **“(3) This section is repealed on January 2, 2010.”**
2 In line 34, delete “11” and insert “12”.
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