

(To Resolve Conflicts)

## C-Engrossed Senate Bill 456

Ordered by the House June 25  
Including Senate Amendments dated April 20 and June 22 and House  
Amendments dated June 25 to resolve conflicts

Sponsored by Senator BROWN (at the request of Mark Nelson)

### 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.

Changes salaries of judges.  
Declares emergency, effective on passage.

### A BILL FOR AN ACT

1  
2 Relating to salaries of elected officials; creating new provisions; amending ORS 171.072, 292.405,  
3 292.410, 292.415 and 292.425 and section 10, chapter \_\_\_, Oregon Laws 2007 (Enrolled Senate  
4 Bill 700); repealing section 8, chapter \_\_\_, Oregon Laws 2007 (Enrolled Senate Bill 700); and  
5 declaring an emergency.

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

7 **SECTION 1.** ORS 292.405 is amended to read:

8 292.405. (1) The annual salary of the Chief Judge of the Court of Appeals shall be [~~\$99,200~~]  
9 **\$119,928** for the year beginning July 1, [~~2001~~] **2007**, and ending June 30, [~~2002~~] **2008**, and [~~\$105,200~~]  
10 **\$123,528** for the year beginning July 1, [~~2002~~] **2008**, and ending June 30, [~~2003~~] **2009**, and for each  
11 year thereafter.

12 (2) The annual salary of each other judge of the Court of Appeals shall be [~~\$97,000~~] **\$117,192** for  
13 the year beginning July 1, [~~2001~~] **2007**, and ending June 30, [~~2002~~] **2008**, and [~~\$102,800~~] **\$120,708** for  
14 the year beginning July 1, [~~2002~~] **2008**, and ending June 30, [~~2003~~] **2009**, and for each year thereafter.

15 **SECTION 2.** ORS 292.410 is amended to read:

16 292.410. (1) The annual salary of the Chief Justice of the Supreme Court shall be [~~\$101,500~~]  
17 **\$122,664** for the year beginning July 1, [~~2001~~] **2007**, and ending June 30, [~~2002~~] **2008**, and [~~\$107,600~~]  
18 **\$126,348** for the year beginning July 1, [~~2002~~] **2008**, and ending June 30, [~~2003~~] **2009**, and for each  
19 year thereafter.

20 (2) The annual salary of each other judge of the Supreme Court shall be [~~\$99,200~~] **\$119,928** for  
21 the year beginning July 1, [~~2001~~] **2007**, and ending June 30, [~~2002~~] **2008**, and [~~\$105,200~~] **\$123,528** for  
22 the year beginning July 1, [~~2002~~] **2008**, and ending June 30, [~~2003~~] **2009**, and for each year thereafter.

23 **SECTION 3.** ORS 292.415 is amended to read:

24 292.415. The annual salary of each judge of a circuit court shall be [~~\$90,400~~] **\$109,212** for the  
25 year beginning July 1, [~~2001~~] **2007**, and ending June 30, [~~2002~~] **2008**, and [~~\$95,800~~] **\$112,488** for the  
26 year beginning July 1, [~~2002~~] **2008**, and ending June 30, [~~2003~~] **2009**, and for each year thereafter.

**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       **SECTION 4.** ORS 292.425 is amended to read:

2       292.425. The annual salary of the judge of the Oregon Tax Court shall be [~~\$93,300~~] **\$112,752** for  
3 the year beginning July 1, [~~2001~~] **2007**, and ending June 30, [~~2002~~] **2008**, and [~~\$98,900~~] **\$116,136** for  
4 the year beginning July 1, [~~2002~~] **2008**, and ending June 30, [~~2003~~] **2009**, and for each year thereafter.

5       **SECTION 5.** ORS 171.072 is amended to read:

6       171.072. (1) A member of the Legislative Assembly shall receive for services an annual salary  
7 [*of the greater of:*] **that is equal to that provided for**

8       [(a)] one step below the maximum of Salary Range 1 in the Management Service Compensation  
9 Plan in the executive department as defined in ORS 174.112[; or].

10       [(b) *Seventeen percent of the salary of a Circuit Court Judge.*]

11       (2) The President of the Senate and the Speaker of the House of Representatives each shall re-  
12 ceive for services, as additional salary, an amount equal to the sum allowed each of them as a  
13 member under subsection (1) of this section.

14       (3) A member of the Legislative Assembly shall receive, as an allowance for expenses not oth-  
15 erwise provided for, a per diem determined as provided in subsection (9) of this section for each day  
16 within the period that the Legislative Assembly is in session, to be paid with the salary provided for  
17 in subsection (1) of this section. Pursuant to procedures determined by the Legislative Adminis-  
18 tration Committee, a member may draw from an accrued allowance.

19       (4) A member of the Legislative Assembly shall receive, as an allowance for expenses incurred  
20 in the performance of official duties during periods when the legislature is not in session, \$400 for  
21 each calendar month or part of a calendar month during those periods, to be paid monthly, and  
22 subject to approval of the President of the Senate or Speaker of the House of Representatives,  
23 mileage expenses and a per diem determined as provided in subsection (9) of this section for each  
24 day a member is engaged in the business of legislative interim and statutory committees, including  
25 advisory committees and subcommittees of advisory committees, and task forces and for each day  
26 a member serves on interstate bodies, advisory committees and other entities on which the member  
27 serves ex officio, whether or not the entity is a legislative one.

28       (5) In addition to the mileage and per diem expense payments provided by this section, a member  
29 of the Legislative Assembly may receive reimbursement for actual and necessary expenses, subject  
30 to approval by the President of the Senate or Speaker of the House of Representatives, for legisla-  
31 tive business outside of the state.

32       (6) The President of the Senate and Speaker of the House of Representatives may delegate to  
33 the chairpersons of interim and statutory committees and task forces the approval authority granted  
34 to them by subsection (4) of this section, with respect to expenses incurred in attending any meeting  
35 of a particular committee or task force.

36       (7) Amounts received under subsections (3) to (5) of this section are excluded from gross income  
37 and expenditures of the amounts are excluded in computing deductions for purposes of ORS chapter  
38 316. If there is attached to the personal income return a schedule of all ordinary and necessary  
39 business expenses paid during the tax year as a member of the Legislative Assembly, a deduction  
40 may be claimed on the return for legislative expenses paid in excess of the amounts received under  
41 subsections (3) to (5) of this section. Expenses of members of the Legislative Assembly that are re-  
42 imursed by the state for actual expenses for meals and lodging associated with state travel for the  
43 same period during which a legislator receives per diem is subject to state income tax.

44       (8) For periods when the Legislative Assembly is not in session, the Legislative Administration  
45 Committee shall provide for a telephone and an expense allowance for members of the Legislative

1 Assembly that is in addition to the amount allowed under subsection (4) of this section. In deter-  
 2 mining the amount of allowance for members, the committee shall consider the geographic area of  
 3 the member's district. The additional allowance shall reflect travel expenses necessary to communi-  
 4 cate in districts of varying sizes.

5 (9) The per diem allowance referred to in subsections (3) and (4) of this section shall be the  
 6 amount fixed for per diem allowance that is authorized by the United States Internal Revenue Ser-  
 7 vice to be excluded from gross income without itemization.

8 **SECTION 5a. If Senate Bill 994 becomes law, sections 1 (amending ORS 292.405), 2**  
 9 **(amending ORS 292.410), 3 (amending ORS 292.415) and 4 (amending ORS 292.425) of this 2007**  
 10 **Act are repealed.**

11 **SECTION 5b. If Senate Bill 700 becomes law, section 8, chapter \_\_, Oregon Laws 2007**  
 12 **(Enrolled Senate Bill 700) (amending ORS 171.072), is repealed and ORS 171.072, as amended**  
 13 **by section 5 of this 2007 Act, is amended to read:**

14 171.072. (1) A member of the Legislative Assembly shall receive for services an annual salary  
 15 [*that is equal to that provided for one step below the maximum of Salary Range 1 in the Management*  
 16 *Service Compensation Plan in the executive department as defined in ORS 174.112*] **established as**  
 17 **provided in ORS 292.907 to 292.930.**

18 (2)(a) The President of the Senate and the Speaker of the House of Representatives each shall  
 19 receive for services, as additional salary, an amount equal to the [*sum*] **salary** allowed each of them  
 20 as a member under subsection (1) of this section.

21 **(b) The Majority Leader and Minority Leader of the Senate and the Majority Leader and**  
 22 **Minority Leader of the House of Representatives each shall receive for services, as additional**  
 23 **salary, an amount determined as provided in ORS 292.907 to 292.930.**

24 (3) A member of the Legislative Assembly shall receive, as an allowance for expenses not oth-  
 25 erwise provided for, a per diem determined as provided in subsection (9) of this section for each day  
 26 within the period that the Legislative Assembly is in session, to be paid with the salary provided for  
 27 in subsection (1) of this section. Pursuant to procedures determined by the Legislative Adminis-  
 28 tration Committee, a member may draw from an accrued allowance.

29 (4) A member of the Legislative Assembly shall receive, as an allowance for expenses incurred  
 30 in the performance of official duties during periods when the legislature is not in session, \$400 for  
 31 each calendar month or part of a calendar month during those periods, to be paid monthly, and  
 32 subject to approval of the President of the Senate or Speaker of the House of Representatives,  
 33 mileage expenses and a per diem determined as provided in subsection (9) of this section for each  
 34 day a member is engaged in the business of legislative interim and statutory committees, including  
 35 advisory committees and subcommittees of advisory committees, and task forces and for each day  
 36 a member serves on interstate bodies, advisory committees and other entities on which the member  
 37 serves ex officio, whether or not the entity is a legislative one.

38 (5) In addition to the mileage and per diem expense payments provided by this section, a member  
 39 of the Legislative Assembly may receive reimbursement for actual and necessary expenses, subject  
 40 to approval by the President of the Senate or Speaker of the House of Representatives, for legisla-  
 41 tive business outside of the state.

42 (6) The President of the Senate and **the** Speaker of the House of Representatives may delegate  
 43 to the chairpersons of interim and statutory committees and task forces the approval authority  
 44 granted to [*them*] **the President and the Speaker** by subsection (4) of this section, with respect to  
 45 expenses incurred in attending any meeting of a particular committee or task force.

1 (7) Amounts received under subsections (3) to (5) of this section are excluded from gross income  
2 and expenditures of the amounts are excluded in computing deductions for purposes of ORS chapter  
3 316. If there is attached to the personal income return a schedule of all ordinary and necessary  
4 business expenses paid during the tax year as a member of the Legislative Assembly, a deduction  
5 may be claimed on the return for legislative expenses paid in excess of the amounts received under  
6 subsections (3) to (5) of this section. Expenses of members of the Legislative Assembly *[that]* **who**  
7 are reimbursed by the state for actual expenses for meals and lodging associated with state travel  
8 for the same period during which a legislator receives per diem *[is]* **are** subject to state income tax.

9 (8) For periods when the Legislative Assembly is not in session, the Legislative Administration  
10 Committee shall provide for a telephone and an expense allowance for members of the Legislative  
11 Assembly that is in addition to the amount allowed under subsection (4) of this section. In deter-  
12 mining the amount of allowance for members, the committee shall consider the geographic area of  
13 the member's district. The additional allowance shall reflect travel expenses necessary to communi-  
14 cate in districts of varying sizes.

15 (9) The per diem allowance referred to in subsections (3) and (4) of this section shall be the  
16 amount fixed for per diem allowance that is authorized by the United States Internal Revenue Ser-  
17 vice to be excluded from gross income without itemization.

18 **SECTION 5c.** If Senate Bill 700 becomes law, section 10, chapter \_\_\_\_, Oregon Laws 2007 (En-  
19 rolled Senate Bill 700), is amended to read:

20 **Sec. 10.** The *[amendments to ORS 171.072 by section 8 of this 2007 Act and the]* repeal of statutes  
21 by section 11 *[of this 2007 Act]*, **chapter \_\_\_\_, Oregon Laws 2007 (Enrolled Senate Bill 700)**, be-  
22 come operative on July 1, 2009.

23 **SECTION 5d.** **The amendments to ORS 171.072 by section 5b of this 2007 Act become op-**  
24 **erative on July 1, 2009.**

25 **SECTION 6.** **This 2007 Act being necessary for the immediate preservation of the public**  
26 **peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect**  
27 **on its passage.**

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