

# Enrolled Senate Bill 778

Sponsored by COMMITTEE ON RULES

CHAPTER .....

AN ACT

Relating to compensation of public officials; creating new provisions; amending ORS 171.072, 292.912 and 292.930; and declaring an emergency.

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

**SECTION 1.** (1) The annual salary of the Chief Judge of the Court of Appeals shall be \$125,688 for the year beginning July 1, 2009, and for each year thereafter.

(2) The annual salary of each other judge of the Court of Appeals shall be \$122,820 for the year beginning July 1, 2009, and for each year thereafter.

**SECTION 2.** (1) The annual salary of the Chief Justice of the Supreme Court shall be \$128,556 for the year beginning July 1, 2009, and for each year thereafter.

(2) The annual salary of each other judge of the Supreme Court shall be \$125,688 for the year beginning July 1, 2009, and for each year thereafter.

**SECTION 3.** The annual salary of each judge of a circuit court shall be \$114,468 for the year beginning July 1, 2009, and for each year thereafter.

**SECTION 4.** The annual salary of the judge of the Oregon Tax Court shall be \$118,164 for the year beginning July 1, 2009, and for each year thereafter.

**SECTION 5.** The incumbents of each of the following offices shall be paid an annual salary on a monthly basis, as follows:

(1) Governor, \$93,600 for the year beginning July 1, 2009, and for each year thereafter. The Governor shall also be paid \$1,000 per month regularly for expenses necessarily incurred but not otherwise provided for.

(2) Secretary of State, \$72,000 for the year beginning July 1, 2009, and for each year thereafter. The Secretary of State shall also be paid \$250 per month regularly for expenses necessarily incurred but not otherwise provided for.

(3) State Treasurer, \$72,000 for the year beginning July 1, 2009, and for each year thereafter. The State Treasurer shall also be paid \$250 per month regularly for expenses necessarily incurred but not otherwise provided for.

(4) Attorney General, \$77,200 for the year beginning July 1, 2009, and for each year thereafter. The Attorney General shall also be paid \$250 per month regularly for expenses necessarily incurred but not otherwise provided for.

(5) Superintendent of Public Instruction, \$72,000 for the year beginning July 1, 2009, and for each year thereafter. The superintendent shall also be paid \$250 per month regularly for expenses necessarily incurred but not otherwise provided for.

**(6) Commissioner of the Bureau of Labor and Industries, \$72,000 for the year beginning July 1, 2009, and for each year thereafter. The commissioner shall also be paid \$250 per month regularly for expenses necessarily incurred but not otherwise provided for.**

**SECTION 6.** ORS 171.072, as amended by section 5b, chapter 912, Oregon Laws 2007, is amended to read:

171.072. (1) A member of the Legislative Assembly shall receive for services an annual salary [established as provided in ORS 292.907 to 292.930.] **of the greater of:**

**(a) One step below the maximum of Salary Range 1 in the Management Service Compensation Plan in the executive department as defined in ORS 174.112; or**

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

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

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

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

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

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

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

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

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

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

**SECTION 7.** ORS 292.912 is amended to read:

292.912. (1) The Public Officials Compensation Commission shall review and make recommendations **to the Legislative Assembly regarding** *[as to]* the amount of the annual salary to be paid to each elective officer subject to ORS 292.907 to 292.930 and *[to each member]* **all compensation of members** of the Legislative Assembly for the succeeding biennium.

(2) The commission shall establish the salary recommendations based upon the following criteria:

- (a) Comparable positions in neighboring states.
- (b) The qualifications and skills necessary for each office.
- (c) The level of responsibility implicit in each office.
- (d) The cost of living.
- (e) The total compensation of the positions, including benefits other than salary.
- (f) Budget limitations.

(g) Any other factors the commission may consider to be reasonable, appropriate and in the public interest.

*[(3) The commission shall meet on or before September 1 of each even-numbered year to review and establish the salary recommendations. The commission may meet at other times as the commission determines necessary to carry out its duties. On or before November 10 of each even-numbered year, the commission shall complete a report that lists the salaries recommended by the commission and send the report to the Governor, the President of the Senate, the Speaker of the House of Representatives and the Chief Justice of the Supreme Court.]*

**(3) The commission shall cause to have prepared legislative measures that would implement the commission's recommendations on salaries of officers subject to ORS 292.907 to 292.930 and all compensation of members of the Legislative Assembly for the succeeding biennium.**

*[(4) The Governor shall include the recommended salaries in the budget report prepared as required by ORS 291.216, and the Legislative Assembly shall consider the salary recommendations in preparing a budget for the state.]*

**SECTION 8.** ORS 292.930 is amended to read:

292.930. Each of the following elective officers shall be paid an annual salary on a monthly basis **as determined by the Legislative Assembly each biennium:**

- (1) Governor.
- (2) Secretary of State.
- (3) State Treasurer.
- (4) Attorney General.
- (5) Superintendent of Public Instruction.
- (6) Commissioner of the Bureau of Labor and Industries.
- (7) Chief Judge of the Court of Appeals.
- (8) Court of Appeals Judge.
- (9) Chief Justice of the Supreme Court.
- (10) Supreme Court Judge.
- (11) Circuit Court Judge.
- (12) Tax Court Judge.

**SECTION 9. This 2009 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect on July 1, 2009.**

**Passed by Senate June 17, 2009**

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Secretary of Senate

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President of Senate

**Passed by House June 24, 2009**

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Speaker of House

**Received by Governor:**

.....M,....., 2009

**Approved:**

.....M,....., 2009

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Governor

**Filed in Office of Secretary of State:**

.....M,....., 2009

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Secretary of State