

Enrolled
Senate Bill 391

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Judiciary for Oregon Tax Court, Judicial Department)

CHAPTER

AN ACT

Relating to qualifications of tax court magistrates; amending ORS 305.498; and prescribing an effective date.

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

SECTION 1. ORS 305.498 is amended to read:

305.498. (1) The magistrate division is established in the Oregon Tax Court. The judge of the tax court shall appoint one or more individuals to sit as magistrates of the magistrate division at locations within the state as the judge shall determine.

(2) An individual who is appointed as a tax court magistrate shall be a citizen of the United States and a resident of this state and competent to perform the duties of the office.

(3) A full-time, part-time or temporary magistrate shall perform such duties as the judge of the tax court or presiding magistrate may direct.

(4)(a) Before entering on the duties of office, each individual employed as a tax court magistrate shall take and subscribe to an oath or affirmation that the individual:

(A) Will support the Constitutions of the United States and of this state and faithfully and honestly discharge the duties of the office.

(B) Does not hold, and while the individual is a magistrate will not hold, a position under any political party.

(b) The oath or affirmation shall be filed in the office of the Secretary of State.

(5) An individual while a magistrate *[shall hold no other]* **may hold another** office or position of profit, *and shall pursue no other]* **or pursue another** calling or vocation *[that is]* **unless holding the office or position or pursuing the calling or vocation:**

(a) **Is** inconsistent with the expeditious, proper and impartial performance of the duties of a magistrate; **or**

(b) **Would interfere with the ability of the magistrate to perform fully the duties of the magistrate's position.**

(6) The judge of the tax court may appoint one of the magistrates as presiding magistrate.

(7) A tax court magistrate and other officers and employees of the magistrate division of the tax court appointed under a personnel plan established by the Chief Justice of the Supreme Court of Oregon are state officers or employees in the exempt service and not subject to ORS chapter 240. However, an officer or employee shall have the right to be dismissed only for just cause after hearing and appeal.

SECTION 2. This 2011 Act takes effect on the 91st day after the date on which the 2011 session of the Seventy-sixth Legislative Assembly adjourns sine die.

Passed by Senate March 17, 2011

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Robert Taylor, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House May 24, 2011

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Bruce Hanna, Speaker of House

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Arnie Roblan, Speaker of House

Received by Governor:

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Approved:

.....M,....., 2011

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John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M,....., 2011

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Kate Brown, Secretary of State