

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)

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 **as introduced**.

Specifies conditions under which tax court magistrate may hold outside office or position of profit or pursue outside calling or vocation.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to qualifications of tax court magistrates; amending ORS 305.498; and prescribing an ef-
3 fective date.

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

5 **SECTION 1.** ORS 305.498 is amended to read:

6 305.498. (1) The magistrate division is established in the Oregon Tax Court. The judge of the tax
7 court shall appoint one or more individuals to sit as magistrates of the magistrate division at lo-
8 cations within the state as the judge shall determine.

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

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

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

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

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

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

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

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

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

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

28 (7) A tax court magistrate and other officers and employees of the magistrate division of the tax
29 court appointed under a personnel plan established by the Chief Justice of the Supreme Court of
30 Oregon are state officers or employees in the exempt service and not subject to ORS chapter 240.

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 However, an officer or employee shall have the right to be dismissed only for just cause after
2 hearing and appeal.

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

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