

House Bill 3388

Sponsored by Representatives GORSEK, MCLANE, Senator PROZANSKI, Representatives HELT, NOBLE, POWER, WILLIAMSON, Senators GIROD, KNOPP, ROBLAN; Representative HOLVEY (at the request of Chief Justice Martha Walters, Oregon Circuit Court Judges Association)

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**.

Modifies annual salaries of judges of Supreme Court, Court of Appeals, circuit courts and Oregon Tax Court. Provides that, beginning on July 1, 2021, annual salaries of judges may not be less than specified percentage of annual salary of judge of United States District Court.

Eliminates provision connecting salaries of members of Legislative Assembly and circuit court judges.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to compensation of elected officials; creating new provisions; amending ORS 171.072,
3 292.406, 292.411, 292.416, 292.426 and 292.428; and declaring an emergency.

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

5 **SECTION 1.** ORS 292.411, as amended by section 20, chapter 98, Oregon Laws 2018, is amended
6 to read:

7 292.411. *[(1)(a) The annual salary of the Chief Justice of the Supreme Court shall be \$150,572 for*
8 *the period beginning on January 1, 2017, and ending on June 30, 2018.]*

9 *[(b) On July 1, 2018, the annual salary of the Chief Justice of the Supreme Court, as adjusted*
10 *under ORS 292.428, shall be increased by \$5,000.]*

11 *[(2)(a) The annual salary of each other judge of the Supreme Court shall be \$147,560 for the period*
12 *beginning on January 1, 2017, and ending on June 30, 2018.]*

13 *[(b) On July 1, 2018, the annual salary of each other judge of the Supreme Court, as adjusted un-*
14 *der ORS 292.428, shall be increased by \$5,000.]*

15 **(1) The annual salary of the Chief Justice of the Supreme Court shall be \$176,800.**

16 **(2) The annual salary of each other judge of the Supreme Court shall be \$170,000.**

17 **SECTION 2.** ORS 292.406, as amended by section 19, chapter 98, Oregon Laws 2018, is amended
18 to read:

19 292.406. *[(1)(a) The annual salary of the Chief Judge of the Court of Appeals shall be \$147,560 for*
20 *the period beginning on January 1, 2017, and ending on June 30, 2018.]*

21 *[(b) On July 1, 2018, the annual salary of the Chief Judge of the Court of Appeals, as adjusted*
22 *under ORS 292.428, shall be increased by \$5,000.]*

23 *[(2)(a) The annual salary of each other judge of the Court of Appeals shall be \$144,536 for the*
24 *period beginning on January 1, 2017, and ending on June 30, 2018.]*

25 *[(b) On July 1, 2018, the annual salary of each other judge of the Court of Appeals, as adjusted*
26 *under ORS 292.428, shall be increased by \$5,000.]*

27 **(1) The annual salary of the Chief Judge of the Court of Appeals shall be \$170,000.**

28 **(2) The annual salary of each other judge of the Court of Appeals shall be \$166,400.**

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 3.** ORS 292.426, as amended by section 22, chapter 98, Oregon Laws 2018, is amended
2 to read:

3 292.426. [(1) *The annual salary of the judge of the Oregon Tax Court shall be \$139,652 for the*
4 *period beginning on January 1, 2017, and ending on June 30, 2018.*]

5 [(2) *On July 1, 2018, the annual salary of the judge of the Oregon Tax Court, as adjusted under*
6 *ORS 292.428, shall be increased by \$5,000.*] **The annual salary of the judge of the Oregon Tax**
7 **Court shall be \$160,160.**

8 **SECTION 4.** ORS 292.416, as amended by section 21, chapter 98, Oregon Laws 2018, is amended
9 to read:

10 292.416. [(1) *The annual salary of each judge of a circuit court shall be \$135,776 for the period*
11 *beginning on January 1, 2017, and ending on June 30, 2018.*]

12 [(2) *On July 1, 2018, the annual salary of each judge of a circuit court, as adjusted under ORS*
13 *292.428, shall be increased by \$5,000.*] **The annual salary of each judge of a circuit court shall**
14 **be \$156,000.**

15 **SECTION 5.** ORS 292.428 is amended to read:

16 292.428. (1) **As used in this section:**

17 (a) **“Executive department” has the meaning given that term in ORS 174.112.**

18 (b) **“Management service” means the management service as provided in ORS 240.212.**

19 [(1)] (2)(a) Annual salaries of judges of the Supreme Court, the Court of Appeals, circuit courts
20 and the Oregon Tax Court established under ORS 292.406, 292.411, 292.416 and 292.426 shall be ad-
21 justed to reflect the same percentage amount of any positive cost of living adjustment granted to
22 employees in the management service in the executive department.

23 [(2)] (b) The adjustment described in [subsection (1) of this section] **paragraph (a) of this sub-**
24 **section** shall occur at the same time that salaries of employees in the management service in the
25 executive department are adjusted.

26 [(3) *As used in this section:*]

27 [(a) *“Executive department” has the meaning given that term in ORS 174.112.*]

28 [(b) *“Management service” means the management service as provided in ORS 240.212.*]

29 (3) **On July 1 of each odd-numbered year, annual salaries of judges of the Supreme Court,**
30 **the Court of Appeals, circuit courts and the Oregon Tax Court established under ORS**
31 **292.406, 292.411, 292.416 and 292.426, as adjusted under subsection (2) of this section, shall be**
32 **adjusted so that:**

33 (a) **The annual salary of the Chief Justice of the Supreme Court is no less than 90 percent**
34 **of the annual salary of a judge of a United States District Court.**

35 (b) **The annual salary of each other judge of the Supreme Court is no less than 87 percent**
36 **of the annual salary of a judge of a United States District Court.**

37 (c) **The annual salary of the Chief Judge of the Court of Appeals is no less than 87 per-**
38 **cent of the annual salary of a judge of a United States District Court.**

39 (d) **The annual salary of each other judge of the Court of Appeals is no less than 85 per-**
40 **cent of the annual salary of a judge of a United States District Court.**

41 (e) **The annual salary of the judge of the Oregon Tax Court is no less than 82 percent of**
42 **the annual salary of a judge of a United States District Court.**

43 (f) **The annual salary of each judge of a circuit court is no less than 80 percent of the**
44 **annual salary of a judge of a United States District Court.**

45 **SECTION 6.** The amendments to ORS 292.428 by section 5 of this 2019 Act become oper-

1 **ative on July 1, 2021.**

2 **SECTION 7.** ORS 171.072, as amended by section 1, chapter 578, Oregon Laws 2013, and section
3 17, chapter 98, Oregon Laws 2018, is amended to read:

4 171.072. (1) A member of the Legislative Assembly shall receive for services an annual salary
5 that equals [*the greater of:*]

6 [(a)] one step below the maximum step of Salary Range 1 in the Management Service Compen-
7 sation Plan in the executive department as defined in ORS 174.112[; or]

8 [(b) *Seventeen percent of the salary of a circuit court judge.*]

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

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

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

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

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

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

42 (8) For periods when the Legislative Assembly is not in session, the Legislative Administration
43 Committee shall provide for a telephone and an expense allowance for members of the Legislative
44 Assembly that is in addition to the amount allowed under subsection (4) of this section. In deter-
45 mining the amount of allowance for members, the committee shall consider the geographic area of

1 the member's district. The additional allowance shall reflect travel expenses necessary to communi-
2 cate in districts of varying sizes.

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

6 **SECTION 8. This 2019 Act being necessary for the immediate preservation of the public**
7 **peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect**
8 **on its passage.**

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