

Enrolled Senate Bill 456

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

CHAPTER

AN ACT

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

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

SECTION 1. ORS 292.405 is amended to read:

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

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

SECTION 2. ORS 292.410 is amended to read:

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

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

SECTION 3. ORS 292.415 is amended to read:

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

SECTION 4. ORS 292.425 is amended to read:

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

SECTION 5. ORS 171.072 is amended to read:

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

[*(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) 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 sum allowed each of them as a member under subsection (1) of this section.

(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 Speaker of the House of Representatives may delegate to the chairpersons of interim and statutory committees and task forces the approval authority granted to them 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 that 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 is 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 5a. If Senate Bill 994 becomes law, sections 1 (amending ORS 292.405), 2 (amending ORS 292.410), 3 (amending ORS 292.415) and 4 (amending ORS 292.425) of this 2007 Act are repealed.

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

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

(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 [sum] **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 [them] **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 [that] **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 [is] **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 5c. If Senate Bill 700 becomes law, section 10, chapter ___, Oregon Laws 2007 (Enrolled Senate Bill 700), is amended to read:

Sec. 10. The [amendments to ORS 171.072 by section 8 of this 2007 Act and the] repeal of statutes by section 11 [of this 2007 Act], **chapter ___, Oregon Laws 2007 (Enrolled Senate Bill 700)**, become operative on July 1, 2009.

SECTION 5d. The amendments to ORS 171.072 by section 5b of this 2007 Act become operative on July 1, 2009.

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

Passed by Senate June 23, 2007

Repassed by Senate June 27, 2007

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Secretary of Senate

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President of Senate

Passed by House June 27, 2007

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Speaker of House

Received by Governor:

.....M,....., 2007

Approved:

.....M,....., 2007

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Governor

Filed in Office of Secretary of State:

.....M,....., 2007

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Secretary of State