

Chapter 292

Payment of Salaries and Expenses of State Officers and Employes

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PROCEDURE FOR PAYMENT OF SALARY AND EXPENSES OF STATE OFFICERS AND EMPLOYES

292.010 State officers and employes generally; circuit court judges; district attorneys. (1) The salaries of the Governor, Secretary of State, State Treasurer, Attorney General, judges of the supreme and circuit courts, district attorneys, and all other state officers, and all persons employed by the state whose salary or compensation is payable by law out of the State Treasury, shall be paid monthly, on or before the fifth day of each month, out of the State Treasury, upon warrants drawn by the Secretary of State

(2) This section shall not apply where a provision of law provides for the payment of the salaries of the officers and employes of any state institution or department through the medium of a monthly payroll.

292.020 Employes of state institutions.

(1) As used in this section, "state institutions" means.

- Oregon State Hospital
- Eastern Oregon State Hospital.
- Oregon State Penitentiary.
- Oregon Fairview Home.
- MacLaren School for Boys
- Oregon State Tuberculosis Hospital
- Eastern Oregon Tuberculosis Hospital
- Oregon State School for the Blind.
- Oregon State School for the Deaf.
- Hillcrest School of Oregon.

(2) At the end of each month the executive heads of all state institutions shall cause a payroll to be made. The payroll shall show the name of each person employed, the capacity in which such person is employed, the rate of salary or wages and the amount due. Upon receipt of the payroll, duly certified to by the executive officer, the Secretary of the Oregon State Board of Control shall examine the payroll. The Board of Control, if the payroll is found correct and regular, shall approve the payroll and present it to the Secretary of State, who shall audit the payroll and draw a warrant upon the State Treasurer in favor of the executive head, in payment of the payroll, in the same manner as other warrants are drawn for the payment of claims against the state

292.030 Officers and employes of Department of Higher Education, Oregon Technical Institute, Public Utilities Commissioner, Oregon Liquor Control Commission and

state fish hatcheries. (1) The payment of the salary or compensation of the officers, teachers, instructors and other employes of the Department of Higher Education, employes of the state fish hatcheries, the Oregon Technical Institute, the Public Utilities Commissioner and Oregon Liquor Control Commission, where such salary or compensation is payable out of the State Treasury and is fixed by law or the proper governing board or authority at a definite rate per day, week, month or year, shall be made monthly, as provided in this section.

(2) The superintendent or president of the institutions, boards or commissions listed in subsection (1) of this section, or such other officer thereof as may be, with the approval of the Secretary of State, designated by the proper governing board or authority, shall, at the end of each month, make out, certify to and transmit to the Secretary of State, a payroll, duly verified by him and approved by the proper auditing committee or officer, showing the names of the several officers and employes during the preceding month, the rate of compensation of each by the day, week, month or year, the time employed, the amount due and any other facts the Secretary of State requires. The Secretary of State, if he approves the payroll, shall draw a warrant on the State Treasurer for the aggregate amount allowed by him thereon, in favor of the superintendent, president or other officer of the institution, board or commission, who shall immediately pay over the moneys received thereon to the several parties entitled thereto, taking receipts therefor, which shall be transmitted to the Secretary of State.

(3) All institutions, boards or commissions, whose officers or employes are paid monthly as provided in this section, shall, in the annual or biennial reports to the Governor or the legislature, give the names of all officers, teachers, instructors or other employes so paid, with the rate of compensation and the gross amount paid each during the period covered by the report. [Amended by 1953 c.347 §3]

292.040 Bond of payroll officer. Before the executive head of any institution listed in ORS 292.020, or the superintendent, president or other officer of an institution, board or commission listed in ORS 292.030, forwards a payroll or receives from the Secretary of State a warrant issued thereon, he shall file in the office of the Secretary of

State a bond running to the State of Oregon, for the benefit of whomsoever it may concern, in such sum and amount as the Secretary of State may require, not less, however than 50 percent of the probable aggregate amount of the monthly payroll nor more than \$50,000, with an approved surety company as surety. The bond shall be conditioned that he will faithfully pay over the moneys received by him on the warrant issued by the Secretary of State to the several parties entitled thereto, and properly account for the same. The premium on the bond shall be considered an expense of the state and payable from any funds appropriated for the benefit of the institution, board or commission. [Amended by 1953 c 95 §2]

292.050 Deduction of cost of contracts for medical, hospital and other services; payment to contracting agency. (1) The Secretary of State or other state official authorized to disburse funds in payment of salaries and wages of employes of any department, institution or commission is authorized to deduct a portion of the salaries or wages of the employes of such department, institution or commission to pay the cost of contracts of such employes or contracts on their behalf for medical, surgical, hospital and related services and supplies, upon receiving written authorization from each employe from whose wages or salary a deduction is made if the agency contracting to provide such services and supplies is authorized by law to enter into such a contract.

(2) The Secretary of State or other state official authorized to disburse funds in payment of salaries and wages shall not be required to deduct such moneys for more than one such contract in any one department, institution or commission.

(3) The money deducted shall be paid over promptly to the agency, in accordance with the terms of the contract.

292.060 Deduction of cost of group life insurance; payment to insurance company.

(1) Any state official authorized to disburse funds in payment of salaries or wages of employes of any department, institution or commission of this state, is authorized, upon the written request of the employes of such department, institution or commission, to deduct from such salaries or wages the amounts of money designated by such employes for payment of the cost of group life insurance contracts made and entered

into by such employes or in their behalf with a life insurance company authorized by law to do business in this state.

(2) The money so deducted shall be paid over promptly by the state official to the insurance company in accordance with the terms of the contract.

(3) The state official shall not be required to make such deductions for more than one group life insurance contract in respect of any one department, institution or commission.

292.070 Withholding compensation to purchase United States War Savings Bonds or other obligations; Employes' War Savings Account; exemption from garnishment, attachment or execution. (1) As used in ORS 292 070 to 292 110

(a) "Compensation" means salaries and wages.

(b) "State employes" means state officers and employes, including minors.

(2) The Secretary of State, pursuant to such rules and regulations as he may promulgate, is authorized, with the approval of state employes, to withhold from their compensation sums with which to purchase for them United States War Savings Bonds or other obligations of the United States of America and to deposit such sums with the State Treasurer in a trust account entitled Employes' War Savings Account. The account shall be subject to withdrawal, in whole or in part, upon the check or written order of the Secretary of State, or of such persons as may be deputized by him, for the purposes provided in ORS 292 070 to 292 110. The account, with its component items, shall be exempt from garnishment, attachment or execution under the laws of this state.

292.080 Issuance of bonds; delivery to employe. (1) The Secretary of State shall maintain a record of all deductions made from the compensation of employes under authority of ORS 292 070. When sufficient funds have accumulated to the credit of an employe to permit of the issuance to him of a United States War Savings Bond or other federal obligation of the kind and in the denomination desired by the employe, the Secretary of State shall issue or procure the bond or other obligation purchased by the employe.

(2) All such bonds or other obligations issued by the Secretary of State in behalf of the Federal Government shall be:

(a) Forwarded to the purchasing employe by the Secretary of State by mail in envelopes furnished by the Federal Government; or

(b) Delivered by the Secretary of State to the board, department, commission or other state agency by which the purchaser is employed, for re-delivery to the employe

292.090 Balances may be used to purchase bonds in advance. Balances to the credit of the Employes' War Savings Account may be used for the purchase in advance, from the Federal Government or from any federal reserve bank or other authorized federal agency, of war savings bonds or other obligations of the Federal Government, either in blank or in inscribed form, in convenient denominations to meet the requirements of the purchasers thereof.

292.100 Refunds from account. The Secretary of State may make refunds from the Employes' War Savings Account, of the uninvested amounts therein, of employes' salary deductions

292.110 Procedure where employe dies having credit in account. (1) If a state employe dies having moneys to his credit in the Employes' War Savings Account, the moneys shall be paid to the co-owner or beneficiary named in the employe's payroll allotment authorization for the purchase of such bonds or obligations. If no co-owner or beneficiary is designated therein, then, if the employe is married, the moneys shall be paid or refunded to the employe's surviving spouse, or, if the employe is unmarried, to a next of kin.

(2) Uncashed refund checks or orders issued and delivered to state employes before death, may be paid to the like parties in the order named, upon indorsement of the checks or orders by such parties in the name of the deceased payee and individually.

292.120 Payment of earned wages or salary after death intestate of state employe where no warrant, check or order has been issued. If a person dies while in the employ of any state board, commission, officer or institution, the board, commission, officer or institution may pay or cause to be paid the wages or salary earned and unpaid at the time of the death of the employe to.

(1) The surviving spouse if the employe was married;

(2) The surviving children of lawful age if there is no surviving spouse; or

(3) His surviving parent or parents if the employe was not married

292.130 Procedure for payment. (1) Before making payment as authorized by ORS 292.120, the board, commission, officer or institution by which the person was employed shall require an affidavit from the surviving spouse, if there is a surviving spouse, or, if there is no surviving spouse, from the surviving children of lawful age, or if the employe was unmarried an affidavit from his surviving parent or parents.

(2) The affidavit shall state that the employe died intestate and shall contain a promise that the wages or salary shall be used or disbursed in the payment of the debts of the deceased employe if there are any debts, and for the necessities of life

(3) The board, commission, officer or institution by which the person was employed shall be under no obligation to determine the relationship of the affiant or affiants to the deceased employe

(4) The payment of wages or salary made in good faith to the party or parties making the affidavit shall be a full acquittance and release of the board, commission, officer or institution for the amount of the wages or salary so paid.

292.140 Probate proceedings unnecessary; accounting to administrator. (1) No probate proceedings shall be necessary to establish the right of the surviving spouse, surviving children, surviving parent or parents to the wages or salary as authorized by ORS 292.120 and 292.130.

(2) If an administrator is appointed in an estate where payment of wages or salary has been made in compliance with ORS 292.120 to 292.140, the persons to whom the wages or salary has been paid shall account therefor to the administrator

292.150 Advances upon mileage allowances of members of legislature and upon salaries of legislative clerks and other state employes. (1) The State Treasurer is authorized, under such rules as he shall promulgate, to make cash advances in payment of mileage allowances of members of the Legislative Assembly, and in payment of earned wages and salaries of clerks and employes thereof, and of state employes during sessions of the Legislative Assembly and in emergency cases, pursuant to assignments executed by payees in favor of the State Treasurer

(2) Wages and salaries of clerks and employes of the Legislative Assembly shall be so advanced only pursuant to certificates, showing the amount of salary earned and unpaid, signed by the chief clerk of the branch of the Legislative Assembly with which the party receiving the advance is identified and by the Secretary of State or his duly authorized representative.

(3) The amounts of earned wages and salaries of state employes shall be so advanced only if payable solely from appropriations made by the Legislative Assembly, and then only upon vouchers approved by the proper state officer, board or commission, as the case may be.

292.160 Repayment of amounts advanced. (1) The amounts advanced by the State Treasurer under ORS 292.150 shall be repaid to the State Treasurer through warrants issued by the Secretary of State in payment of properly approved vouchers.

(2) The State Treasurer, as assignee of the parties to whom such advances have been made, is authorized to:

(a) Verify the vouchers.

(b) Indorse, as assignee, the warrants drawn in favor of the parties to whom the advances have been made, or to such parties and to the State Treasurer as assignee jointly.

(c) Reimburse, from the proceeds of the warrants, the funds or accounts from which the advances have been made.

292.170 to 292.200 [Reserved for expansion]

SUBSISTENCE AND MILEAGE ALLOWANCES FOR TRAVEL BY STATE OFFICERS AND EMPLOYES

292.210 Definitions and application of ORS 292.220 and 292.230. As used in ORS 292.210 to 292.230, unless the context otherwise requires:

(1) "State agency" means every state officer, board, commission, institution, branch or agency of the state government, whose costs are paid wholly or in part from funds held in the State Treasury.

(2) "State officer" means any elected or appointed state officer, including members of boards and commissions [Amended by 1953 c 623 §3]

292.220 Department of Finance and Administration to regulate subsistence and mileage allowances for travel. The amounts and

nature of subsistence allowances for travel, and the rate of mileage allowance for travel by private automobile, payable by state agencies, shall be established and regulated by the Department of Finance and Administration, within any limits that may be prescribed by statute. The department shall prescribe by regulation the conditions under which allowances for travel by private automobile may be made.

292.230 Travel outside state at public expense by state officers and employes of state agencies; letter of authorization required. No state officer or employe of a state agency shall be reimbursed for travel expenses for out-of-state travel, nor shall any state agency incur any obligation for such travel, unless a letter of authorization for such travel has been issued by the Department of Finance and Administration prior to the making of the travel or the incurring of the obligation. The issuance of such letters of authorization shall be based upon the department's determination of the propriety, legality and necessity of the proposed travel. The amounts allowable for out-of-state travel expenses shall be governed by regulations prescribed under ORS 292.220. For the purposes of this section, all travel from a point of origin in Oregon to a point of destination in another state, and return therefrom, constitutes out-of-state travel.

292.240 [Repealed by 1953 c.623 §3]

292.250 Rate of reimbursement for use of privately-owned motor vehicle on official business. (1) No officer or employe of the state, or of any branch, department, board, commission, bureau, institution or other agency thereof, shall be reimbursed by the state for the use on official business of a privately-owned motor vehicle at a rate to exceed seven cents per mile. Reimbursement shall be paid only for distances actually traveled and trips made in the performance of official duties.

(2) The rate prescribed in subsection (1) of this section shall be deemed to be in full compensation for all and every expense, charge or liability incurred through the use of the privately-owned motor vehicle, including the cost of gasoline, oil, repair parts, depreciation, taxes, insurance and maintenance and upkeep of every kind and nature.

(3) No law enacted before August 2, 1951, allowing the recovery by an officer or employe of the state of necessary and

reasonable traveling expenses incurred in the performance of official duties shall be construed to authorize payment by the state for the use of a privately-owned motor vehicle on a basis in excess of the rate provided in subsection (1) of this section

292.260 Audit or allowance of claim for excessive rate prohibited. The Secretary of State shall not audit and allow any claim for reimbursement for the use of a privately-owned motor vehicle in the transaction of state business which is computed at a rate greater than seven cents per mile

292.270 to 292.300 [Reserved for expansion]

SALARIES AND EXPENSES OF PARTICULAR STATE OFFICERS AND EMPLOYES

292.310 [Repealed by 1953 c.307 §4]

292.312 [Repealed by 1953 c 307 §4]

292.313 Governor, Secretary of State, State Treasurer, Attorney General, Superintendent of Public Instruction, Commissioner of Labor. The incumbents of each of the several elective offices of this state and positions herein named shall be entitled to receive and shall be paid an annual salary on a monthly basis, the sum hereinafter set forth, to wit:

(1) Governor, \$15,000 per annum plus \$100 per month regularly for expenses necessarily incurred but not otherwise provided for

(2) Secretary of State, \$10,000.

(3) State Treasurer, \$10,000

(4) Attorney General, \$10,000.

(5) Superintendent of Public Instruction, \$10,000.

(6) Commissioner of Labor, \$9,000. [1953 c 307 §1]

292.314 [Repealed by 1953 c.307 §4]

292.315 Supreme Court Judge. The annual salary of each judge of the Supreme Court shall be \$12,000, payable monthly [1953 c.517 §1]

292.316 Governor, Secretary of State, State Treasurer and Attorney General to pay fees and commissions into treasury; biennial report. All fees and commissions of any kind, name or nature collected by the Governor, Secretary of State, State Treasury or Attorney General for any service performed by

him by virtue of his office or collected by him by virtue of his office, shall be paid into the State Treasury on or before the tenth day of the month following the collection thereof, accompanied by an itemized statement of the services for which the same were collected. Each of such officers shall, in his biennial report, set forth a statement of all moneys so collected and paid over to the State Treasurer. [Amended by 1953 c.307 §4]

292.317 Salary ranges for certain non-elective state officials. Notwithstanding any other provision of law, after July 1, 1953, the incumbents of the various state offices and positions named in this section shall be paid an annual salary, on a monthly basis, equal to the minimum amount set forth in this section after the designation of the respective offices or positions, unless such salary is altered as prescribed in ORS 292.318; provided, however, that in no case shall an incumbent, by reason of the minimum established by this section, be paid less than the monthly rate he is receiving on May 2, 1953

| | Position | Min. | Max. |
|------|--|-------------|-------------|
| (1) | State Health Officer | \$9,000 | \$12,000 |
| (2) | Public Utilities Commissioner | 9,000 | 11,000 |
| (3) | Director of Department of Finance and Ad- ministration | 9,000 | 11,000 |
| (4) | Superintendent of Ore- gon State Hospital | 8,000 | 9,500 |
| (5) | Superintendent of East- ern Oregon State Hos- pital | 8,000 | 9,500 |
| (6) | Superintendent of Fair- view Home | 8,000 | 9,500 |
| (7) | Superintendent of East- ern Oregon Tubercu- losis Hospital | 8,000 | 9,000 |
| (8) | Superintendent of State Tuberculosis Hospital | 8,000 | 9,000 |
| (9) | Liquor Control Admin- istrator | 8,000 | 9,000 |
| (10) | Public Welfare Admin- istrator | 8,000 | 9,000 |
| (11) | State Tax Commission- ers (3) | 8,000 | 9,000 |
| (12) | State Forester | 8,000 | 9,000 |
| (13) | Director of Agriculture | 8,000 | 9,000 |
| (14) | State Engineer | 8,000 | 9,000 |
| (15) | State Police Superin- tendent | 8,000 | 9,000 |

| Position | Min. | Max. | Position | Min. | Max. |
|--|-------|-------|---|-------|-------|
| (16) State Industrial Accident and Unemployment Compensation Commissioners (3) | 8,000 | 9,000 | (45) Assistant Superintendent of Banks | 5,000 | 6,500 |
| (17) Secretary of Retirement Board | 8,000 | 9,000 | (46) Assistant Director of Veterans' Affairs | 5,000 | 6,000 |
| (18) Warden, Penitentiary | 8,000 | 9,000 | (47) Administrator, Commission for the Blind | 5,000 | 6,000 |
| (19) Assistant Secretary of State | 7,500 | 8,500 | (48) State Director of Apprenticeship | 5,000 | 6,000 |
| (20) Deputy Attorney General | 7,500 | 8,500 | (49) Secretary, Willamette River Basin Commission | 5,000 | 6,000 |
| (21) Insurance Commissioner | 7,000 | 8,000 | [1953 c 542 §1] | | |
| (22) Superintendent of Banks | 7,000 | 8,000 | 292.318 Alteration of salaries within ranges specified for nonelective officials. | | |
| (23) Clerk of Land Board | 7,000 | 8,000 | Within the minimum and maximum limits prescribed by ORS 292 317, the annual salary of the incumbent of an office or position named in ORS 292 317 may from time to time be altered upon the appointing authority's filing in the office of the Secretary of State written notification, approved by the Governor, or in the case of offices or positions under the control of the Secretary of State, State Treasurer, State Board of Control or State Land Board, approved by such officer or agency, specifying the salary to be paid. The salary specified in such notification shall be the annual salary for the office or position therein named beginning with the first day of the month next following the filing of such notification and until subsequently altered pursuant to this section [1953 c 542 §2] | | |
| (24) Corporation Commissioner | 7,000 | 8,000 | | | |
| (25) Real Estate Commissioner | 7,000 | 8,000 | 292.319 Nonelective officials to be charged for any maintenance furnished. | | |
| (26) Adjutant General | 7,000 | 8,000 | In the case of all officials enumerated in ORS 292 317, where maintenance is furnished by the state, such officials shall be charged for such maintenance a sum to be fixed by the State Board of Control [1953 c 542 §3] | | |
| (27) State Librarian | 6,500 | 7,500 | | | |
| (28) Milk Marketing Administrator | 6,500 | 7,500 | 292.320 Assistant Secretary of State. | | |
| (29) Unemployment Compensation Administrator | 6,500 | 7,500 | Subject to ORS 292 317 and 292 318, the compensation of the Assistant Secretary of State shall be fixed by the Secretary of State [Amended by 1953 c 542 §5] | | |
| (30) Deputy Superintendent of State Police | 6,500 | 7,500 | | | |
| (31) Deputy Public Utilities Commissioner | 6,500 | 7,500 | 292.322 Chief Deputy State Treasurer. | | |
| (32) Director of Veterans' Affairs | 6,500 | 7,200 | Subject to ORS 292 317 and 292 318, the compensation of the Chief Deputy employed by the State Treasurer shall be fixed by the State Treasurer. [Amended by 1953 c 542 §5] | | |
| (33) Secretary to the Governor | 6,500 | 7,200 | | | |
| (34) Director of Geology and Mineral Industries | 6,500 | 7,200 | 292.324 Deputy Attorney General. | | |
| (35) Deputy State Treasurer | 6,500 | 7,200 | Subject to ORS 292 317 and 292.318, the compensation of the Deputy Attorney General | | |
| (36) Secretary of the Board of Control | 6,500 | 7,200 | | | |
| (37) Parole and Probation Supervisor | 6,500 | 7,200 | | | |
| (38) Deputy Wardens, Penitentiary | 6,500 | 7,200 | | | |
| (39) Assistant Adjutant General | 6,500 | 7,200 | | | |
| (40) Superintendent, School for the Deaf | 6,000 | 7,000 | | | |
| (41) Superintendent, MacLaren School for Boys | 6,000 | 7,000 | | | |
| (42) Superintendent of Blind School | 6,000 | 7,000 | | | |
| (43) Superintendent of Hillcrest School | 6,000 | 7,000 | | | |
| (44) Director of Aeronautics Board | 5,000 | 6,500 | | | |

shall be fixed by the Attorney General [Amended by 1953 c 542 §5]

292.326 [Repealed by 1953 c 307 §4]

292.328 [Repealed by 1953 c 307 §4]

292.330 [Repealed by 1953 c 517 §4]

292.332 [Repealed by 1953 c 382 §4]

292.334 Superintendent of State Police. Subject to ORS 292 317 and 292 318, the compensation of the Superintendent of State Police shall be fixed by the Governor [Amended by 1953 c 542 §5]

292.336 [Repealed by 1953 c 542 §5]

292.338 [Repealed by 1953 c 68 §19]

292.340 [Repealed by 1953 c 542 §5]

292.342 Adjutant General. (1) Unless otherwise provided in ORS 292 317, the Adjutant General shall receive a compensation of \$4,800 per year, to be paid by warrant of the Secretary of State on the State Treasury in monthly instalments of \$400 each

(2) For the service performed pursuant to subsection (2) of ORS 397 135, the Adjutant General shall be paid monthly the sum of \$100.

292.344 Commanding general of the Oregon National Guard. For the services described in ORS 397 105 the commanding general of the Oregon National Guard, in lieu of the pay and allowances of his grade, shall receive pay in the sum of \$6,000 per year. When on field training duty with troops and when conducting inspections of personnel or installations requiring absence from his home station, he shall receive the pay and allowance of his grade therefor, the total number of days of such duty not to exceed 60 days in any one calendar year. When such commanding general also per-

forms the duties of Adjutant General he shall receive no additional compensation therefor

292.346 [Repealed by 1953 c 25 §2]

292.348 Secretary of the Oregon Racing Commission. The secretary of the Oregon Racing Commission shall receive such compensation as may be fixed by the commission, not exceeding \$2,400 a year, and such compensation may be paid for such services.

292.350 Secretary-treasurer of Board of Barber Examiners. Unless otherwise provided by ORS 292 317, the secretary-treasurer of the Board of Barber Examiners shall receive \$300 per month

292.352 [Repealed by 1953 c.542 §5]

292.354 Labor Examiner. The labor examiner appointed pursuant to ORS 662.700 shall be paid an annual salary of \$8,000, and each special examiner appointed pursuant to ORS 662.700 shall be paid a per diem of \$35, and his necessary expenses, while so engaged. [1953 c 723 §11]

292.356 to 292.980 [Reserved for expansion]

PENALTIES

292.990 Penalties. (1) The provisions of subsection (1) of ORS 291 990 shall apply to ORS 292.220 and 292 230 the same as such provisions apply to the sections enumerated in paragraph (e) of subsection (1) of ORS 291 990.

(2) If any of the officers mentioned in ORS 292 316 fails to pay over to the State Treasurer any and all moneys collected by virtue of his office, he shall be deemed guilty of embezzlement, and shall be punished accordingly

CHAPTER 293

[Reserved for expansion]

