

Senate Bill 799

Sponsored by Senator TELFER

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**.

Eliminates per diem allowance for member of Legislative Assembly whose place of residence within legislative district is 50 or fewer miles from State Capitol building.

Declares emergency, effective July 1, 2011.

A BILL FOR AN ACT

1
2 Relating to legislative per diem allowance; amending ORS 171.072; and declaring an emergency.

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

4 **SECTION 1.** ORS 171.072 is amended to read:

5 171.072. (1) A member of the Legislative Assembly shall receive for services an annual salary
6 of the greater of:

7 (a) One step below the maximum of Salary Range 1 in the Management Service Compensation
8 Plan in the executive department as defined in ORS 174.112; or

9 (b) Seventeen percent of the salary of a Circuit Court Judge.

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

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

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

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

31 (6) The President of the Senate and the Speaker of the House of Representatives may delegate

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 to the chairpersons of interim and statutory committees and task forces the approval authority
2 granted to the President and the Speaker by subsection (4) of this section, with respect to expenses
3 incurred in attending any meeting of a particular committee or task force.

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

12 (8) For periods when the Legislative Assembly is not in session, the Legislative Administration
13 Committee shall provide for a telephone and an expense allowance for members of the Legislative
14 Assembly that is in addition to the amount allowed under subsection (4) of this section. In deter-
15 mining the amount of allowance for members, the committee shall consider the geographic area of
16 the member's district. The additional allowance shall reflect travel expenses necessary to communi-
17 cate in districts of varying sizes.

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

21 **(b) Notwithstanding paragraph (a) of this subsection, a per diem allowance may not be**
22 **paid to a member of the Legislative Assembly whose place of residence within the legislative**
23 **district the member represents is 50 or fewer miles from the State Capitol building.**

24 **SECTION 2. This 2011 Act being necessary for the immediate preservation of the public**
25 **peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect**
26 **on July 1, 2011.**

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