

D R A F T

SUMMARY

Prohibits member of Legislative Assembly who is absent and unexcused when Legislative Assembly is in session from receiving salary, per diem or expense reimbursement, and imposes fine of \$500 per day of unexcused absence. Prohibits political contributions from being used to pay fines or legal fees, replace salary or defray expenses.

A BILL FOR AN ACT

Relating to attending sessions of the Legislative Assembly; amending ORS 171.072 and 260.407.

Whereas members of the Legislative Assembly are elected to serve the people of Oregon during their term of office; and

Whereas when the Legislative Assembly is in session, elected members have an obligation to attend and participate in the legislative process; and

Whereas members of the Legislative Assembly who are absent without permission prevent the Legislative Assembly from conducting business and therefore prevent the Legislative Assembly from performing the work of the people who elected members; and

Whereas a member who is absent without permission should be held personally accountable for such absences; now, therefore,

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

SECTION 1. ORS 171.072 is amended to read:

171.072. (1) A member of the Legislative Assembly shall receive for services an annual salary that equals one step below the maximum step of Salary Range 1 in the Management Service Compensation Plan in the executive department as defined in ORS 174.112.

1 (2) The President of the Senate and the Speaker of the House of Repre-
2 sentatives each shall receive for services, as additional salary, an amount
3 equal to the salary allowed each of them as a member under subsection (1)
4 of this section.

5 (3) A member of the Legislative Assembly shall receive, as an allowance
6 for expenses not otherwise provided for, a per diem determined as provided
7 in subsection (9) of this section for each day within the period that the
8 Legislative Assembly is in session, to be paid with the salary provided for
9 in subsection (1) of this section. Pursuant to procedures determined by the
10 Legislative Administration Committee, a member may draw from an accrued
11 allowance.

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

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

29 (6) The President of the Senate and the Speaker of the House of Repre-
30 sentatives may delegate to the chairpersons of interim and statutory com-
31 mittees and task forces the approval authority granted to 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 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 are subject to state income tax.

(8) For periods when the Legislative Assembly is not in session, a member of the Legislative Assembly shall receive an expense allowance that is in addition to the amount allowed under subsection (4) of this section. The amount allocated to a member under this subsection must be adjusted based on the geographic area of the member's district to reflect travel expenses necessary to communicate in the district.

(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.

(10) Notwithstanding subsections (1) to (9) of this section, a member of the Legislative Assembly who is absent without permission may not receive any salary, per diem payment or expense reimbursement otherwise authorized by this section for any day for which the member is absent and unexcused.

(11) A member of the Legislative Assembly who is absent without permission when the Legislative Assembly is in session shall pay a fine of \$500 per day of unexcused absence.

1 **(12) The Legislative Administration Committee shall develop proce-**
2 **dures to determine when a member is absent without permission under**
3 **subsections (10) and (11) of this section.**

4 **SECTION 2.** ORS 260.407 is amended to read:

5 260.407. (1)(a) Except as provided in paragraph (b) of this subsection,
6 amounts received as contributions by a candidate, the principal campaign
7 committee of a candidate or the principal campaign committee of a holder
8 of public office may be:

9 (A) Used to defray any expenses incurred in connection with the
10 recipient's duties as a holder of public office;

11 (B) Transferred to any national, state or local political committee of any
12 political party;

13 (C) Contributed to any organization described in section 170(c) of the
14 Internal Revenue Code or to any charitable corporation as defined in ORS
15 128.620; or

16 (D) Used for any other lawful purpose.

17 (b) Amounts received as contributions by a candidate, the principal cam-
18 paign committee of a candidate for public office or the principal campaign
19 committee of a holder of public office may not be:

20 (A) Converted by any person to any personal use other than to defray any
21 expenses incurred in connection with the person's duties as a holder of
22 public office or to repay to a candidate any loan the proceeds of which were
23 used in connection with the candidate's campaign;

24 (B) Except as provided in this subparagraph, used to pay any money
25 award as defined in ORS 18.005 included as part of a judgment in a civil or
26 criminal action or any civil penalty imposed by an agency as defined in ORS
27 183.310 or by a local government as defined in ORS 174.116. Contributions
28 described in this paragraph may be used to pay a civil penalty imposed under
29 this chapter, other than a civil penalty imposed for a violation of this section
30 or ORS 260.409;

31 (C) Except as provided in this subparagraph, used to pay any legal ex-

penses incurred by the candidate or public official in any civil, criminal or other legal proceeding or investigation that relates to or arises from the course and scope of the duties of the person as a candidate or public official. Contributions described in this paragraph may be used to pay legal expenses incurred by the candidate or public official in connection with a legal proceeding brought under ORS chapters 246 to 260, other than a proceeding brought under this section or ORS 260.409; [or]

(D) Used to make payments in connection with a nondisclosure agreement relating to workplace harassment. A nondisclosure agreement made in violation of this subparagraph is void and may not be enforced by a court of this state[.]; or

(E) Used to pay fines or legal fees, replace salary, defray expenses or otherwise compensate a member of the Legislative Assembly for monetary losses incurred as a result of the member's being absent without permission from a session of the Legislative Assembly.

(2)(a) Except as provided in paragraph (b) of this subsection, amounts received as contributions by a political committee that is not a principal campaign committee may be:

(A) Used to repay to the political committee any loan the proceeds of which were used in connection with the campaign;

(B) Transferred to any national, state or local political committee of any political party;

(C) Contributed to any organization described in section 170(c) of the Internal Revenue Code or to any charitable corporation as defined in ORS 128.620; or

(D) Used for any other lawful purpose.

(b) Amounts received as contributions by the political committee may not be:

(A) Converted by any person to any personal use;

(B) Except as provided in this subparagraph, used to pay any money award as defined in ORS 18.005 included as part of a judgment in a civil or

criminal action or any civil penalty imposed by an agency as defined in ORS 183.310 or by a local government as defined in ORS 174.116. Contributions described in this subsection may be used to pay a civil penalty imposed under this chapter, other than a civil penalty imposed for a violation of this section or ORS 260.409;

(C) Except as provided in this subparagraph, used to pay any legal expenses incurred by a treasurer or director of a political committee in any civil, criminal or other legal proceeding or investigation that relates to or arises from the course and scope of the duties of the person as a treasurer or director. Contributions described in this subsection may be used to pay legal expenses incurred by a treasurer or director in connection with a legal proceeding brought under ORS chapters 246 to 260, other than a proceeding brought under this section or ORS 260.409; *[or]*

(D) Used to make payments in connection with a nondisclosure agreement relating to workplace harassment. A nondisclosure agreement made in violation of this subparagraph is void and may not be enforced by a court of this state~~].~~; **or**

(E) Used to pay fines or legal fees, replace salary, defray expenses or otherwise compensate a member of the Legislative Assembly for monetary losses incurred as a result of the member's being absent without permission from a session of the Legislative Assembly.

(3)(a) Except as provided in paragraph (b) of this subsection, amounts received as contributions by a chief petitioner or treasurer of a petition committee may be:

(A) Used to repay to the chief petitioner any loan the proceeds of which were used in connection with the initiative, referendum or recall petition;

(B) Transferred to any national, state or local political committee of any political party;

(C) Contributed to any organization described in section 170(c) of the Internal Revenue Code or to any charitable corporation as defined in ORS 128.620; or

(D) Used for any other lawful purpose.

(b) Amounts received as contributions by a chief petitioner or treasurer of a petition committee may not be:

(A) Converted by any person to any personal use;

(B) Except as provided in this subparagraph, used to pay any money award as defined in ORS 18.005 included as part of a judgment in a civil or criminal action or any civil penalty imposed by an agency as defined in ORS 183.310 or by a local government as defined in ORS 174.116. Contributions described in this subsection may be used to pay a civil penalty imposed under this chapter, other than a civil penalty imposed for a violation of this section or ORS 260.409;

(C) Except as provided in this subparagraph, used to pay any legal expenses incurred by a chief petitioner or the treasurer of a petition committee in any civil, criminal or other legal proceeding or investigation that relates to or arises from the course and scope of the duties of the person as a chief petitioner or treasurer. Contributions described in this subsection may be used to pay legal expenses incurred by a chief petitioner or treasurer in connection with a legal proceeding brought under ORS chapters 246 to 260, other than a proceeding brought under this section or ORS 260.409; or

(D) Used to make payments in connection with a nondisclosure agreement relating to workplace harassment. A nondisclosure agreement made in violation of this subparagraph is void and may not be enforced by a court of this state.

(4) As used in this section:

(a) "Contribution" and "expenditure" include a contribution or expenditure to or on behalf of an initiative, referendum or recall petition.

(b) "Funds donated" means all funds, including but not limited to gifts, loans, advances, credits or deposits of money that are donated for the purpose of supporting the activities of a holder of public office. "Funds donated" does not mean funds appropriated by the Legislative Assembly or another similar public appropriating body or personal funds of the office

holder donated to an account containing only those personal funds.

(c) “Public office” does not include national or political party office.

(d) “Workplace harassment” means conduct that constitutes discrimination prohibited by ORS 659A.030, including conduct that constitutes sexual assault as defined in ORS 181A.323.

(5) For purposes of this section, all moneys solicited or collected to pay fines or legal fees, replace salary or defray expenses incurred by a member of the Legislative Assembly who is absent without permission from a session of the Legislative Assembly shall be deemed a contribution.