Senate Bill 262

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Rules and Executive Appointments)

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.

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:

ORS 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.

(2) The President of the Senate and the Speaker of the House of Representatives each shall receive, as additional salary, an amount equal to the salary 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

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.

LC 1741
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 legisla-
tive 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 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 re-
imbursed 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 sub-
section (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 com-
municate 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 Ser-
sice 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.

(12) The Legislative Administration Committee shall develop procedures to determine
when a member is absent without permission under subsections (10) and (11) of this section.

SECTION 2. ORS 260.407 is amended to read:

260.407. (1)(a) Except as provided in paragraph (b) of this subsection, amounts received as con-
tributions by a candidate, the principal campaign committee of a candidate or the principal cam-
paign committee of a holder of public office may be:

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

(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

[2]
(D) Used for any other lawful purpose.

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

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

(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. Contri-
butions described in this paragraph 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 the
candidate or public official in any civil, criminal or other legal proceeding or investigation that re-
lates 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 com-
penstate 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 con-
nection 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. Contri-
butions 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 in-
vestigation 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 com-
pensate 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 con-
nection 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. Contri-
butions 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 ac-
count 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.