

# House Bill 2225

Sponsored by Representative WILDE (Presession filed.)

## 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

1  
2 Relating to attending sessions of the Legislative Assembly; amending ORS 171.072 and 260.407.

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

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

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

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

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

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

14       171.072. (1) A member of the Legislative Assembly shall receive for services an annual salary  
15 that equals one step below the maximum step of Salary Range 1 in the Management Service Com-  
16 pensation Plan in the executive department as defined in ORS 174.112.

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

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

25       (4) A member of the Legislative Assembly shall receive, as an allowance for expenses incurred  
26 in the performance of official duties during periods when the legislature is not in session, \$400 for  
27 each calendar month or part of a calendar month during those periods, to be paid monthly, and  
28 subject to approval of the President of the Senate or Speaker of the House of Representatives,  
29 mileage expenses and a per diem determined as provided in subsection (9) of this section for each  
30 day a member is engaged in the business of legislative interim and statutory committees, including

**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 advisory committees and subcommittees of advisory committees, and task forces and for each day  
 2 a member serves on interstate bodies, advisory committees and other entities on which the member  
 3 serves ex officio, whether or not the entity is a legislative one.

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

8 (6) The President of the Senate and the Speaker of the House of Representatives may delegate  
 9 to the chairpersons of interim and statutory committees and task forces the approval authority  
 10 granted to the President and the Speaker by subsection (4) of this section, with respect to expenses  
 11 incurred in attending any meeting of a particular committee or task force.

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

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

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

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

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

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

35 260.407. (1)(a) Except as provided in paragraph (b) of this subsection, amounts received as con-  
 36 tributions by a candidate, the principal campaign committee of a candidate or the principal cam-  
 37 paign committee of a holder of public office may be:

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

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

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

43 (D) Used for any other lawful purpose.

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

1 be:

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

5 (B) Except as provided in this subparagraph, used to pay any money award as defined in ORS  
 6 18.005 included as part of a judgment in a civil or criminal action or any civil penalty imposed by  
 7 an agency as defined in ORS 183.310 or by a local government as defined in ORS 174.116. Contri-  
 8 butions described in this paragraph may be used to pay a civil penalty imposed under this chapter,  
 9 other than a civil penalty imposed for a violation of this section or ORS 260.409;

10 (C) Except as provided in this subparagraph, used to pay any legal expenses incurred by the  
 11 candidate or public official in any civil, criminal or other legal proceeding or investigation that re-  
 12 lates to or arises from the course and scope of the duties of the person as a candidate or public  
 13 official. Contributions described in this paragraph may be used to pay legal expenses incurred by  
 14 the candidate or public official in connection with a legal proceeding brought under ORS chapters  
 15 246 to 260, other than a proceeding brought under this section or ORS 260.409; [or]

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

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

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

24 (A) Used to repay to the political committee any loan the proceeds of which were used in con-  
 25 nection with the campaign;

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

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

29 (D) Used for any other lawful purpose.

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

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

32 (B) Except as provided in this subparagraph, used to pay any money award as defined in ORS  
 33 18.005 included as part of a judgment in a civil or criminal action or any civil penalty imposed by  
 34 an agency as defined in ORS 183.310 or by a local government as defined in ORS 174.116. Contri-  
 35 butions described in this subsection may be used to pay a civil penalty imposed under this chapter,  
 36 other than a civil penalty imposed for a violation of this section or ORS 260.409;

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

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

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

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

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

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

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

11       (D) Used for any other lawful purpose.

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

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

15       (B) Except as provided in this subparagraph, used to pay any money award as defined in ORS  
 16 18.005 included as part of a judgment in a civil or criminal action or any civil penalty imposed by  
 17 an agency as defined in ORS 183.310 or by a local government as defined in ORS 174.116. Contri-  
 18 butions described in this subsection may be used to pay a civil penalty imposed under this chapter,  
 19 other than a civil penalty imposed for a violation of this section or ORS 260.409;

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

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

30       (4) As used in this section:

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

33       (b) "Funds donated" means all funds, including but not limited to gifts, loans, advances, credits  
 34 or deposits of money that are donated for the purpose of supporting the activities of a holder of  
 35 public office. "Funds donated" does not mean funds appropriated by the Legislative Assembly or  
 36 another similar public appropriating body or personal funds of the office holder donated to an ac-  
 37 count containing only those personal funds.

38       (c) "Public office" does not include national or political party office.

39       (d) "Workplace harassment" means conduct that constitutes discrimination prohibited by ORS  
 40 659A.030, including conduct that constitutes sexual assault as defined in ORS 181A.323.

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