

Joint Committee on Ways and Means

Carrier – House: Rep. Hanna
Carrier – Senate: Sen. Devlin

Revenue: No revenue impact

Fiscal: No fiscal impact

Action: Do Pass the A-Engrossed Measure

Vote: 18 – 0 – 4

House – Yeas: D. Edwards, Galizio, Garrard, Hanna, Nathanson, Nolan, Shields
– Nays:

– Exc: Jenson, Morgan

Senate – Yeas: Bates, Brown, Courtney, Devlin, Johnson, Morse, Nelson, Schrader, Verger, Westlund, Whitsett

– Nays:

– Exc: Gordly, Winters

Prepared By: Ken Rocco, Legislative Fiscal Office

Meeting Date: 6/23/07

WHAT THE MEASURE DOES: Provides continuing expenditure authority so that state agencies without adopted budgets for the 2007-09 biennium by July 1, 2007 can continue operations at the same level as the last quarter of the 2005-07 biennium. The continuing resolution also applies to any state agency budget that may be vetoed by the Governor. The continuing expenditure authority is authorized through July 31, 2007.

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: State agencies without adopted budgets for the 2007-09 biennium as of July 1, 2007 need legislative authorization to continue activities at a stated level. The continuing resolution provides an agency without an adopted budget for the 2007-09 biennium the authority to receive and spend money for a limited amount of time. The amount that an agency is authorized to spend under the continuing resolution counts toward the agency's total 2007-09 budget. The exact amounts authorized are set by the Department of Administrative Services through an administrative rule. The amounts can be adjusted to reflect actions in pending legislation. Pending legislation refers to a bill that has at least passed out of a budget subcommittee or budget committee. No decision in the continuing resolution binds the Legislative Assembly if determining 2007-09 budgets during the period of time the continuing resolution is in effect.

Even if the Legislative Assembly adjourns sine die on June 29, 2007, it is possible (or even likely) that the Governor will not be able to sign all budget bills by July 1, 2007. Before a bill can be signed by the Governor, it must be enrolled and signed by both presiding officers. The Office of Legislative Counsel prepares enrolled measures based on what is sent to them by the House and Senate Desks. The enrolled measures are normally sent to the State Printer for overnight printing and then back to the desks. When Legislative Counsel receives word from the desks that all measures that have passed have been sent to them, Counsel prepares a list of the enrolled measures and sends the lists to the desks. The desks then check the list and determine whether everything is correct. It is possible for Legislative Counsel to not receive all of the measures passed on the last day of session until a couple of days after sine die. When signatures will be provided by the presiding officers and the Governor is impossible to predict. In addition, under section 15b, Article V of the Oregon Constitution, the Governor has 30 days (excluding Saturdays and Sundays) after sine die to sign or veto bills. This provision applies to all bills presented to the Governor within five days, excluding Saturday and Sunday, prior to adjournment. If the Legislative Assembly adjourns sine die on June 29, 2007, the Governor will have until August 10th to sign or veto bills. A budget bill is not effective until signed by the Governor.