

Joint Committee on Ways and Means

Carrier – House: Rep. G. Smith  
Carrier – Senate: Sen. Nelson

Revenue: No revenue impact

Fiscal: Fiscal statement issued

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Action: Do Pass as Amended and as Printed A-Engrossed

Vote: 24 – 0 – 1

House

Yeas: Beyer, Cowan, Freeman, Garrard, Komp, Kotek, McLane, Nathanson, Nolan, Richardson,  
G. Smith, Thatcher, Whisnant

Nays:

Exc: Buckley

Senate

Yeas: Bates, Devlin, Edwards, Girod, Johnson, Monroe, Nelson, Thomsen, Verger, Whitsett, Winters

Nays:

Exc:

Prepared By: Ken Rocco, Legislative Fiscal Office

Meeting Date: June 15, 2011

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**WHAT THE MEASURE DOES:** Provides continuing expenditure authority so that state agencies without adopted budgets for the 2011-13 biennium by July 1, 2011 can continue operations at the same level as the last quarter of the 2009-11 biennium. Provides exceptions for the Department of Human Services and the Oregon Health Authority. The continuing resolution also applies to any state agency budget that may be vetoed by the Governor. The continuing expenditure authority is authorized through August 15, 2011.

**ISSUES DISCUSSED:**

- Need for continuing expenditure authority for state agencies

**EFFECT OF COMMITTEE AMENDMENT:** Replaces original bill.

**BACKGROUND:** State agencies without adopted budgets for the 2009-11 biennium as of July 1, 2011 need legislative authorization to continue activities at a stated level. The continuing resolution provides an agency without an adopted budget for the 2011-13 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 2011-13 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 2011-13 budgets during the period of time the continuing resolution is in effect. Even if the Legislative Assembly adjourns sine die on (or before) June 30, 2011, it is possible (or even likely) that the Governor will not be able to sign all budget bills by July 1, 2011. 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, and in the order received from the Desks, unless rush enrollment is requested. 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. The Desks then present the enrolled bills to the presiding officers for signature. Following presiding officer signature, the bills are delivered to the Governor for signature. 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 30, 2011, the Governor will have until August 11<sup>th</sup> to sign or veto bills. A budget bill is not effective until signed by the Governor.