

House Joint Resolution 41

Sponsored by Representative WHISNANT; Representatives CONGER, THOMPSON

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**.

Proposes amendment to Oregon Constitution requiring State Treasurer to estimate state revenues and certify that appropriations made by Legislative Assembly are funded with available or estimated revenues.

Specifies that bill containing appropriation is not valid and may not be presented to Governor unless State Treasurer certifies that each appropriation is within amount of available or estimated revenues. Directs State Treasurer to return appropriation bill to House of origin if State Treasurer determines that appropriation is not within amount of available or estimated revenues.

Refers proposed amendment to people for their approval or rejection at next regular general election.

JOINT RESOLUTION

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2 **Be It Resolved by the Legislative Assembly of the State of Oregon:**

3 **PARAGRAPH 1.** The Constitution of the State of Oregon is amended by creating a new section
4 15 to be added to and made a part of Article IX, such section to read:

5 **SECTION 15. (1) The State Treasurer, in advance of each odd-numbered year regular**
6 **session of the Legislative Assembly, shall prepare and submit to the Governor and to the**
7 **Legislative Assembly upon its convening in an odd-numbered year, a statement made under**
8 **oath:**

9 (a) Describing the financial condition of the treasury at the close of the previous fiscal
10 year;

11 (b) Estimating the probable receipts to and disbursements from the treasury for the then
12 current fiscal year;

13 (c) Estimating revenues, based on the laws then in effect, that will be received by the
14 treasury from all sources during the next biennium, and showing any particular funds or
15 accounts to be credited; and

16 (d) Containing any other information required by law.

17 (2) The State Treasurer shall submit the statement required by subsection (1) of this
18 section to the Legislative Assembly upon the convening of any special session of the Legis-
19 lative Assembly and at any other times the State Treasurer considers necessary to report
20 probable changes.

21 (3)(a) An appropriation in an amount that exceeds the cash and estimated revenues of
22 the fund or account from which the appropriation is to be made is not valid unless:

23 (A) The Legislative Assembly declares that an emergency and imperative public necessity
24 for the appropriation exists; and

25 (B) The bill containing the appropriation is approved by four-fifths of the members
26 serving in each House of the Legislative Assembly.

27 (b) Except as provided in paragraph (a) of this subsection, a bill containing an appropri-

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 ation is not considered passed and may not be presented to the Governor under section 15b,
2 Article V of this Constitution, unless the State Treasurer endorses the bill containing the
3 appropriation with a certificate showing that the amount appropriated is within the amount
4 estimated to be available in the affected funds or accounts.

5 (c) If the State Treasurer determines that an appropriation exceeds the cash and esti-
6 mated revenues of the fund or account from which the appropriation is to be made, the State
7 Treasurer shall return the bill containing the appropriation to the House in which the bill
8 originated with a certificate showing the determination. The certificate shall be immediately
9 made known to each House. Each House may take necessary steps to bring the appropriation
10 to within available or estimated revenues, either by providing additional revenue or reducing
11 the appropriation.

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13 PARAGRAPH 2. The amendment proposed by this resolution shall be submitted to the
14 people for their approval or rejection at the next regular general election held throughout
15 this state.
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