

House Joint Resolution 26

Sponsored by COMMITTEE ON JUDICIARY

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 to limit amount of appropriations by Legislative Assembly. Specifies what constitutes appropriation.

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

JOINT RESOLUTION

1
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 new sections
4 2a and 2b to be added to and made a part of Article IX, such sections to read:

5 **SECTION 2a. (1) The Legislative Assembly may not appropriate for a biennium a total**
6 **amount of money that is more than 10.25 percent greater than the total amount appropriated**
7 **for the immediately preceding biennium.**

8 **(2) For purposes of this section, the following are appropriations by the Legislative As-**
9 **sembly:**

10 **(a) An authorization, given by law, to expend moneys in a biennium; and**

11 **(b) A limitation, imposed by law, on the expenditure in a biennium of moneys that are**
12 **continuously appropriated.**

13 **(3) For purposes of this section, the following are not appropriations by the Legislative**
14 **Assembly:**

15 **(a) Transfers of moneys to local governments for purposes specified by laws that au-**
16 **thorize or require the transfers and that are in effect on January 1, 2005. However, the total**
17 **amount of such transfers for a biennium may not be more than 10.25 percent greater than**
18 **the amount transferred in the prior biennium.**

19 **(b) Distribution of income of the common school fund in accordance with laws enacted**
20 **pursuant to section 4, Article VIII of this Constitution.**

21 **(4) Notwithstanding subsection (1) of this section, the following appropriations may not**
22 **be considered in determining the total amount of appropriations for a biennium:**

23 **(a) Appropriations for the construction or acquisition of assets that are financed by state**
24 **bonds, certificates of participation or other forms of borrowing.**

25 **(b) Appropriations of moneys received directly or indirectly from the federal government.**

26 **(c) Appropriations of moneys voluntarily donated to a state agency.**

27 **(d) Continuous appropriations for which the Legislative Assembly has not enacted ex-**
28 **penditure limitations.**

29 **(5) The Legislative Assembly may exceed the limitation on appropriations established for**
30 **a biennium by this section if the Governor declares an emergency and three-fifths of the**

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 members serving in each house of the Legislative Assembly affirmatively vote to exceed the
2 limitation.

3 SECTION 2b. (1) Subsection (1) of section 2a of this Article first applies to appropriations
4 for the biennium beginning July 1, 2007. The base amount for determining the maximum al-
5 lowed amount of appropriations for the biennium beginning July 1, 2007, is the total amount
6 of appropriations for the biennium beginning on July 1, 2005, as that amount would be de-
7 termined under section 2a of this Article.

8 (2) The limitation in paragraph (a) of subsection (3) of section 2a of this Article on in-
9 creases in the amount transferred first applies to transfers for the biennium beginning July
10 1, 2007. The base amount for determining the maximum allowed amount of transfers for the
11 biennium beginning July 1, 2007, is the total amount of moneys transferred pursuant to laws
12 described in paragraph (a) of subsection (3) of section 2a of this Article in the biennium be-
13 ginning July 1, 2005.

14 (3) This section is repealed on January 1, 2010.
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16 PARAGRAPH 2. The amendment proposed by this resolution shall be submitted to the
17 people for their approval or rejection at the next regular general election held throughout
18 this state.
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