

# HOUSE . . . . No. 1297

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, January 18, 1939.

The committee on Ways and Means (sitting jointly, under authority of Joint Rule 1, with the committee on Ways and Means of the Senate), to whom was referred Part I (matters concerning the budget) of the report of the special commission established (under Chapter 1 of the Resolves of 1939) to determine what amendments and additions to the laws of the Commonwealth have become necessary or advisable by reason of the initiative amendment to the Constitution providing for biennial sessions of the General Court and for a biennial budget, submitting certain recommendations and the draft of a bill entitled "An Act making amendments and additions to the laws of the Commonwealth relative to the state budget which have become necessary or advisable by reason of the initiative amendment to the Constitution providing for biennial sessions of the General Court and for a biennial budget" (House, No. 498), report (in part) the accompanying bill (House, No. 1297).

For the committee,

ALBERT F. BIGELOW.

## The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Thirty-Nine.

AN ACT MAKING CERTAIN AMENDMENTS AND ADDITIONS TO THE LAWS OF THE COMMONWEALTH RELATIVE TO THE STATE BUDGET WHICH HAVE BECOME NECESSARY OR ADVISABLE BY REASON OF THE INITIATIVE AMENDMENT TO THE CONSTITUTION PROVIDING FOR BIENNIAL SESSIONS OF THE GENERAL COURT AND FOR A BIENNIAL BUDGET.

1 *Whereas*, The deferred operation of this act would  
2 tend to defeat its purpose, therefore it is hereby  
3 declared to be an emergency law, necessary for the  
4 immediate preservation of the public convenience.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Section one of chapter twenty-nine  
2 of the General Laws, as appearing in the Tercent-  
3 nary Edition, is hereby amended by adding at the  
4 end the following paragraph:—

5 The word “biennium” as used in this chapter  
6 shall, unless the context otherwise requires, mean  
7 a period of two consecutive fiscal years beginning  
8 December first in an even-numbered year.

1 SECTION 2. Said chapter twenty-nine is hereby  
2 further amended by striking out section three, as so  
3 appearing, and inserting in place thereof the fol-  
4 lowing:—

5 *Section 3.* Every officer having charge of any  
6 office, department or undertaking which receives a  
7 periodic appropriation from the commonwealth, in-  
8 cluding periodic appropriations to be met by assess-  
9 ments, shall in each even-numbered year, on or  
10 before September fifteenth, submit to the budget  
11 commissioner statements showing in detail the  
12 amounts appropriated for the preceding and the  
13 current fiscal years, and estimates of the amounts re-  
14 quired for ordinary maintenance for each of the two  
15 next ensuing fiscal years, with an explanation of any  
16 increased appropriations recommended, and with  
17 citations of the statutes relating thereto, and state-  
18 ments showing in detail the revenue of the office,  
19 department or undertaking in his charge for the last  
20 completed fiscal year, and the revenue and estimated  
21 revenue thereof for the current fiscal year, and his  
22 estimate of the revenue from the same or any addi-  
23 tional sources for each of the next two ensuing fiscal  
24 years, with his recommendation as to any changes  
25 in the management, practices, rules, regulations or  
26 laws governing the office, department or undertak-  
27 ing in his charge which would effect an increase or  
28 cause a decrease in revenue from operations, fees,  
29 taxes or other sources, or which would facilitate its  
30 collection, together with any other information re-  
31 quired at any time by the budget commissioner.  
32 The said estimates shall not include any estimate  
33 for any new or special purposes or objects not  
34 authorized by statute.

1 SECTION 3. Section four of said chapter twenty-  
2 nine, as so appearing, is hereby amended by striking  
3 out, in the sixth line, the words "annually, on or  
4 before October" and inserting in place thereof the

5 words:— in each even-numbered year, on or before  
6 September, — so as to read as follows:— *Section 4.*  
7 Officers and heads of departments who, in their an-  
8 nual reports or otherwise, recommend or petition for  
9 the expenditure of money by the commonwealth  
10 from any source of revenue, including expenditures to  
11 be met by assessments or the issue of notes or bonds,  
12 for any purpose not covered by the estimates required  
13 to be submitted under the preceding section shall,  
14 in each even-numbered year, on or before September  
15 fifteenth, submit detailed estimates thereof to the  
16 budget commissioner, together with any other infor-  
17 mation required by him.

1 SECTION 4. Said chapter twenty-nine is hereby  
2 further amended by striking out section five, as so  
3 appearing, and inserting in place thereof the follow-  
4 ing:—

5 *Section 5.* The comptroller shall annually, on or  
6 before December twenty-sixth, submit to the budget  
7 commissioner statements setting forth:—

8 (a) The expenditures for all state purposes for the  
9 preceding fiscal year, itemized separately so as to  
10 show expenditures made from grants from the United  
11 States, trust funds and sources other than state  
12 revenue.

13 (b) The appropriations for the preceding fiscal  
14 year.

15 (c) The actual revenue for the three preceding  
16 fiscal years, itemized so as to show the sources from  
17 which received.

18 (d) The condition of the cash on hand, itemized  
19 separately so as to show cash derived from special  
20 revenue not available for general state purposes,

21 cash held to meet authorizations and obligations  
22 previously made and incurred, and cash which is  
23 unencumbered and available for appropriation.

24 (e) The condition of the state debt.

25 The statement submitted in each even-numbered  
26 year shall also set forth the estimates of all claims  
27 and other expenditures for the current and ensuing  
28 fiscal years authorized by law and not required to  
29 be filed under section three.

1 SECTION 5. Said chapter twenty-nine is hereby  
2 further amended by striking out section six, as  
3 amended by section one of chapter four hundred  
4 and twenty-six of the acts of nineteen hundred and  
5 thirty-seven, and inserting in place thereof the  
6 following:—

7 *Section 6.* The budget commissioner shall study  
8 and review all estimates and requests for appropria-  
9 tions and other authorizations for expenditures of  
10 state funds filed with him as provided by sections  
11 three and four, and shall make such investigations  
12 as will enable him to prepare a budget for the gov-  
13 ernor for both fiscal years of the biennium, setting  
14 forth such recommendations as the governor shall  
15 determine upon. The governor may call upon the  
16 comptroller for information relative to finances and  
17 for assistance in the preparation of the budget.  
18 The budget shall be submitted by the governor to  
19 the general court within three weeks after the gen-  
20 eral court convenes in regular session, and it shall  
21 embody all estimates, requests and recommenda-  
22 tions for appropriations or other authorizations for  
23 expenditures by the commonwealth for each such  
24 fiscal year. The budget shall, for each such fiscal

25 year, be classified and designated so as to show sepa-  
26 rately estimates and recommendations for: (a) ex-  
27 penses of administration, operation and maintenance;  
28 (b) deficiencies or overdrafts in appropriations of  
29 former years; (c) new construction, additions, im-  
30 provements and other capital outlay; (d) interest  
31 on the public debt and sinking fund and serial bond  
32 requirements; and (e) all requests and proposals,  
33 for expenditures for new projects and other under-  
34 takings; and shall include in detail definite recom-  
35 mendations of the governor relative to the amounts  
36 which should be appropriated therefor. The budget  
37 shall include, for each such fiscal year, a sum, equal  
38 at least to the total amount received by the division  
39 of fisheries and game of the department of conserva-  
40 tion during the last fiscal year of the preceding  
41 biennium from license and other fees and fines under  
42 the laws relating to game and inland fisheries, and  
43 also a sum equal to one half of the amount necessary  
44 for payment for personal services and other expenses  
45 for or on account of the enforcement of said laws;  
46 and said sums shall be appropriated for each such  
47 fiscal year for the general purposes of said division  
48 of fisheries and game, not including any services or  
49 expenses in any way relating to marine fisheries.  
50 The budget shall also include definite recommenda-  
51 tions of the governor for financing the expenditures  
52 recommended, and the relative amounts to be  
53 raised from ordinary revenue, direct taxes or loans.  
54 All appropriations based upon the budget to be  
55 paid from taxes or revenue shall be incorporated in  
56 a single bill to be designated the general appropria-  
57 tion bill. With the budget the governor shall sub-  
58 mit to the general court such messages, statements

59 or supplemental data relative thereto as he deems  
60 expedient, and from time to time during the session  
61 of the general court he may submit supplemental  
62 messages on recommendations relative to appropri-  
63 ations, revenues and loans.

1 SECTION 6. Said chapter twenty-nine is hereby  
2 further amended by inserting after section nine A,  
3 as appearing in the Tercentenary Edition, the two  
4 following new sections:—

5 *Section 9B.* In the appropriation bill for each  
6 biennium there shall be appropriated from the gen-  
7 eral fund for each fiscal year thereof an amount not  
8 exceeding twenty-five thousand dollars for the enter-  
9 tainment of the president of the United States and  
10 other distinguished guests while visiting or passing  
11 through the commonwealth, or for extraordinary ex-  
12 penses not otherwise provided for which the governor  
13 may deem necessary, and also an amount not exceed-  
14 ing seventy-five thousand dollars for carrying out  
15 sections twenty-five to thirty-three, inclusive, of  
16 chapter thirty-three, or for transfer on order of the  
17 governor to such appropriations other than for per-  
18 sonal services as have proved insufficient; provided,  
19 that not more than five thousand dollars shall be so  
20 transferred to any one item of appropriation in any  
21 one year.

22 *Section 9C.* In the general appropriation bill for  
23 each biennium there shall be appropriated from the  
24 general fund for the second fiscal year thereof a stated  
25 amount for transfers to items of appropriation, other  
26 than for personal services, for the purpose of provid-  
27 ing for unforeseen conditions of an emergency nature  
28 where such action cannot be postponed until the next

29 regular session of the general court, such transfers  
30 to be made on order of the governor after written  
31 consent has been granted as hereinafter provided by  
32 a special recess commission consisting of the chair-  
33 man of the commission on administration and finance,  
34 ex officio, three persons appointed by the president  
35 of the senate and five persons appointed by the  
36 speaker of the house of representatives. Every  
37 application for a transfer under this section shall be  
38 submitted in writing to the governor; and each such  
39 application, together with a record of all action  
40 taken thereon under this section by the governor  
41 and by the commission, shall be kept on file in a con-  
42 venient place in the governor's office and be open to  
43 public inspection during office hours. No action shall  
44 be taken by the commission on such an application  
45 until it shall have been on file and open to public  
46 inspection as aforesaid for a period of seven days,  
47 nor, if there has been filed with the commission  
48 within said seven day period a petition for a public  
49 hearing, signed by not less than twenty-four taxable  
50 inhabitants of the commonwealth, until the com-  
51 mission shall have held such a hearing after reason-  
52 able notice thereof. The commission may on its own  
53 initiative hold a public hearing on any such applica-  
54 tion.

55 The appointive members of said commission shall  
56 be appointed before prorogation of the regular session  
57 of the general court to serve during that part of the  
58 second fiscal year of the biennium when the general  
59 court is not in session. Any vacancy in the appointive  
60 membership shall be filled in the manner provided  
61 for a regular appointment except that if the appoint-  
62 ing officer fails to fill such vacancy for a period of

63 ten days after it occurs, the remaining members of  
64 such commission may fill such vacancy. Said com-  
65 mission shall be furnished with suitable quarters in  
66 the state house or elsewhere. The several depart-  
67 ments and agencies of the commonwealth shall fur-  
68 nish the commission, upon its request, all information  
69 in their possession relating to any matter within the  
70 scope of its powers and duties.

71 Any amounts transferred under this section to an  
72 item of appropriation to be expended by the metro-  
73 politan district commission shall be assessed upon  
74 the appropriate district in the manner established  
75 by law and shall be credited to the general fund.  
76 Any amounts transferred under this section to an  
77 item of appropriation payable from the Highway  
78 Fund shall be repaid to the General Fund from the  
79 proceeds of the Highway Fund without appropriation.

1 SECTION 7. Section eight of chapter six of the  
2 General Laws, as appearing in the Tercentenary  
3 Edition, is hereby repealed.





