

By Mr. Lapointe of Chicopee, petition of Francis C. Lapointe, Kenneth M. Lemanski and Timothy A. Bassett relative to the appropriation of federal funds. Ways and Means (joint).

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Eight.

AN ACT RELATIVE TO THE APPROPRIATION OF FEDERAL FUNDS.

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. This act may be cited as the Massachusetts
2 Legislative Appropriation of Certain Federal Funds Act.

1 SECTION 2. As used in this act:

2 (1) "Agency" means all state offices, departments, divisions,
3 boards, commissions, councils, committees, state colleges or
4 universities, or other entities of the executive branch, offices of the
5 judicial branch, and offices of the legislative branch of state
6 government.

7 (2) "Federal funds" means any financial assistance made to a
8 state agency by the United States government, whether a loan,
9 grant, subsidy, augmentation, reimbursement, or in any other
10 form except for federal pass-through funds to local governments
11 and organizations which do not require state matching funds or
12 financial assistance to state colleges and universities.

13 (3) "State chief fiscal officer" means appropriate official as
14 designated by the state.

1 SECTION 3. (a) As federal funds are received, they shall be
2 deposited in and credited to the appropriate fund account and be
3 available for appropriation by the legislature as part of the state's
4 operating budget; furthermore, detailed and accurate accounting
5 records shall be maintained for those federal funds.

6 (b) The provisions of subsection (a) of this section shall not
7 apply in those cases where, by statutory enactment, the legislature

8 has created a special fund or restricted receipt account and has
9 specifically provided for an exclusive, special purpose, or other use
10 of federal funds so long as those federal funds are used solely and
11 exclusively for those specific statutory purpose or purposes.

1 SECTION 4. (a) No state agency may make expenditures of
2 any federal funds whether the funds are advanced prior to
3 expenditure or as reimbursement, unless the expenditures are
4 made pursuant to specific appropriations of the legislature or in
5 accordance with subsection (d) of this section.

6 (b) If the federal funds received are less than the amount of the
7 funds appropriated by the legislature according to this act and for a
8 specific purpose, the total appropriation of federal and state funds
9 allocated for that purpose shall be reduced in proportion to the
10 amount of reduction in federal funds.

11 (c) If the federal funds received are greater than the amount of
12 those funds appropriated by the legislature according to this act
13 and for a specific purpose, the total appropriation of federal and
14 state funds for that purpose shall remain at the level designated by
15 the legislature.

16 (d) When the legislature is out of session, a committee designated
17 by that body, state chief fiscal officer may act in its behalf to
18 approve the expenditure of available federal funds and ap-
19 propriate necessary state matching funds. However, the designated
20 committee, state chief fiscal officer shall act only in instances when
21 new or additional federal funds are made available at such a time as
22 to preclude the possibility of their inclusion in the budget bill under
23 consideration in the legislature.

1 SECTION 5. This act shall take effect on January 1, 1979.