
[Senate, November 10, 1977—Offered by Senator Kevin B. Harrington]

The Commonwealth of Massachusetts

SENATE, November 10, 1977.

Whereas, Monies received by the commonwealth by federal grants now constitute an appreciable percentage of the state budget; and

Whereas, Said monies so received in the form of federal grants have been and are being expended by and in a manner decided by the governor or by various departments and agencies of the commonwealth rather than by appropriation by the General Court; and

Whereas, The General Court is the only branch of government of the commonwealth empowered by the Constitution of the Commonwealth to appropriate money to be expended by the commonwealth, no matter what the source may be; and

Whereas, The said power of the General Court is being derogated from and thwarted by direct payments of federal grants from federal agencies to their state counterparts, rather than to the state treasurer as special funds; and

Whereas, There are presently pending in the General Court before the House of Representatives a certain bill providing for appropriation by the General Court of federal grants, as House No. 5950, a copy of which is herewith submitted, and before the Senate a certain bill providing for the regulation of certain federal grants and the payments thereof, printed as Senate No. 1941, a copy of which is also herewith submitted; and

Whereas, Grave doubts have arisen as to the existing authority of the General Court to enact such pending legislation under its constitutional powers of appropriation under the Constitution; now therefore be it

Ordered, That the opinions of the Honorable the Justices of the Supreme Judicial Court be required by the Senate on the following important question of law:

Is it constitutionally competent for the General Court under Part

the First, Article 23; Part the Second, chapter 1, section 1, Article 4, section 3, Article 7, and Article 63 of the Amendments, as well as Article 30 of Part the First of the Constitution to require the payment of all federal grants and funds designated to the commonwealth or to any of its offices, departments or agencies, to be paid to the state treasurer and credited to special federal grants funds subject to appropriation and regulation by the General Court under its general and special appropriation powers granted to the General Court by the Constitution?