Senate Engrossed

State of Arizona
Senate
Forty-ninth Legislature
Second Regular Session
2010

SENATE CONCURRENT RESOLUTION 1022

A CONCURRENT RESOLUTION

ENACTING AND ORDERING THE SUBMISSION TO THE PEOPLE OF A MEASURE RELATING TO THE APPROPRIATION OF FEDERAL MONIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it resolved by the Senate of the State of Arizona, the House of Representatives concurring:

1. Under the power of the referendum, as vested in the legislature, the following measure, relating to appropriation of federal monies, is enacted to become valid as a law if approved by the voters and on proclamation of the Governor:

AN ACT

AMENDING TITLE 35, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 1.1; RELATING TO APPROPRIATION OF FEDERAL MONIES.

Be it enacted by the Legislature of the State of Arizona:

Section 1. Title 35, Arizona Revised Statutes, is amended by adding chapter 1.1, to read:

CHAPTER 1.1

APPROPRIATION OF FEDERAL MONIES

ARTICLE 1. GENERAL PROVISIONS

35-251. Definition of noncustodial federal monies

FOR THE PURPOSES OF THIS CHAPTER, "NONCUSTODIAL FEDERAL MONIES":

1. MEANS FEDERAL MONIES THAT MEET ONE OF THE FOLLOWING CRITERIA:

(a) ARE DESIGNATED BY THE FEDERAL GOVERNMENT AS BLOCK GRANT MONIES.

(b) ARE DESIGNATED BY THE FEDERAL GOVERNMENT AS GENERAL REVENUE SHARING MONIES.

(c) PROVIDE THIS STATE WITH BROAD AUTHORITY TO MAKE SPENDING DECISIONS REGARDING THE DEVELOPMENT, IMPLEMENTATION OR OPERATION OF A PROGRAM OR SERVICE.

(d) ARE CONSIDERED ESSENTIAL TO MEET TOTAL SPENDING OBLIGATIONS OF A FEDERALLY REQUIRED OR MATCHED PROGRAM OR SERVICE AUTHORIZED BY THE LEGISLATURE IN WHICH THE FEDERAL GOVERNMENT REQUIRES AT LEAST ONE PER CENT OF THE PROGRAM OR SERVICE FUNDING TO COME FROM THIS STATE.

2. DOES NOT INCLUDE FEDERAL MONIES OR RESEARCH GRANTS AWARDED TO THE UNIVERSITIES, UNIVERSITY EMPLOYEES OR THE ARIZONA BOARD OF REGENTS FOR AND ON BEHALF OF THE UNIVERSITIES UNDER THEIR JURISDICTION, FEDERAL MONIES FOR USE BY THE DEPARTMENT OF EMERGENCY AND MILITARY AFFAIRS AND FEDERAL MONIES AWARDED DIRECTLY TO SCHOOL DISTRICTS OR COMMUNITY COLLEGES.

35-252. Receipt of noncustodial federal monies; accounting

ALL NONCUSTODIAL FEDERAL MONIES RECEIVED BY ANY BUDGET UNIT SHALL BE ACCOUNTED FOR IN SEPARATE ACCOUNTS OR FUNDS AS NECESSARY TO MEET ACCOUNTING, BUDGETARY AND AUDITING REQUIREMENTS. THE DEPARTMENT OF ADMINISTRATION MAY USE THE MOST

EFFICIENT SYSTEM OF ACCOUNTS AND RECORDS, CONSISTENT WITH LEGAL REQUIREMENTS AND STANDARDS, AND NECESSARY FISCAL SAFEGUARDS.

35-253. Appropriation of federal monies; legislative powers and duties

A. THE LEGISLATURE RETAINS THE AUTHORITY TO APPROPRIATE NONCUSTODIAL FEDERAL MONIES. IF THE LEGISLATURE DOES NOT MAKE AN APPROPRIATION FOR EITHER A PARTICULAR FUND, SPECIFIC GRANT PROGRAM OR BLOCK OF NONCUSTODIAL FEDERAL MONIES, THE BUDGET UNIT THAT HAS LAWFUL AUTHORITY SHALL ADMINISTER AND SPEND THESE MONIES PURSUANT TO FEDERAL AND STATE LAW.

B. THE LEGISLATURE SHALL SPECIFY IN EACH FEDERAL MONIES APPROPRIATION THE PURPOSES FOR WHICH FEDERAL MONIES ARE TO BE USED, CONSISTENT WITH FEDERAL LAW. FOR PURPOSES OF OBTAINING EXPENDITURE AUTHORITY FOR UNANTICIPATED FEDERAL MONIES THAT MAY BECOME AVAILABLE WHEN THE LEGISLATURE IS NOT IN SESSION, THE LEGISLATURE MAY MAKE A LUMP SUM APPROPRIATION. THE JOINT LEGISLATIVE BUDGET COMMITTEE SHALL REVIEW IN ADVANCE THE EXPENDITURE OF ANY MONIES FROM THE LUMP SUM APPROPRIATION, SUBJECT TO ANY CONDITION SPECIFIED BY THE LEGISLATURE.

C. IF THE AMOUNT OF THE FEDERAL MONIES RECEIVED IS LESS THAN THE AMOUNT APPROPRIATED, THE APPROPRIATION OF FEDERAL MONIES SHALL BE REDUCED TO THE AMOUNT OF THE FEDERAL MONIES RECEIVED. THE ACTIVITIES FINANCED BY THE FEDERAL MONIES SHALL BE REDUCED PROPORTIONATELY.

D. IF THE AMOUNT OF THE FEDERAL MONIES RECEIVED IS MORE THAN THE AMOUNT APPROPRIATED, THE TOTAL APPROPRIATION OF FEDERAL AND STATE MONIES ALLOCATED FOR A PROGRAM SHALL REMAIN AT THE AMOUNT DESIGNATED BY THE LEGISLATURE. THE STATE TREASURER SHALL CREDIT THE EXCESS FEDERAL MONIES TO THE APPROPRIATE BUDGET UNIT ACCOUNT.

2. The Secretary of State shall submit this proposition to the voters at the next general election as provided by article IV, part 1, section 1, Constitution of Arizona.