

REFERENCE TITLE: noncustodial federal monies; legislative appropriation

State of Arizona
House of Representatives
Forty-ninth Legislature
Second Regular Session
2010

HB 2500

Introduced by
Representative Murphy

AN ACT

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

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

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

4 CHAPTER 1.1

5 APPROPRIATION OF FEDERAL MONIES

6 ARTICLE 1. GENERAL PROVISIONS

7 35-251. Definitions

8 IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES:

9 1. "BUDGET UNIT" MEANS ANY DEPARTMENT, COMMISSION, BOARD, INSTITUTION
10 OR OTHER AGENCY OF THE STATE ORGANIZATION RECEIVING, SPENDING OR DISBURSING
11 STATE MONIES OR INCURRING OBLIGATIONS AGAINST THIS STATE.

12 2. "NONCUSTODIAL FEDERAL MONIES" MEANS FEDERAL MONIES, NOT INCLUDING
13 FEDERAL MONIES OR RESEARCH GRANTS AWARDED TO THE UNIVERSITIES, UNIVERSITY
14 EMPLOYEES OR THE ARIZONA BOARD OF REGENTS FOR AND ON BEHALF OF THE
15 UNIVERSITIES UNDER THEIR JURISDICTION, FEDERAL MONIES FOR USE BY THE
16 DEPARTMENT OF EMERGENCY AND MILITARY AFFAIRS AND FEDERAL MONIES AWARDED
17 DIRECTLY TO SCHOOL DISTRICTS OR COMMUNITY COLLEGES, THAT MEET ONE OF THE
18 FOLLOWING CRITERIA:

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

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

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

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

29 35-252. Receipt of noncustodial federal monies; accounting

30 ALL NONCUSTODIAL FEDERAL MONIES RECEIVED BY ANY BUDGET UNIT SHALL BE
31 ACCOUNTED FOR IN SEPARATE ACCOUNTS OR FUNDS AS NECESSARY TO MEET ACCOUNTING,
32 BUDGETARY AND AUDITING REQUIREMENTS. THE DEPARTMENT OF ADMINISTRATION MAY
33 USE THE MOST EFFICIENT SYSTEM OF ACCOUNTS AND RECORDS, CONSISTENT WITH LEGAL
34 REQUIREMENTS AND STANDARDS, AND NECESSARY FISCAL SAFEGUARDS.

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

37 A. THE LEGISLATURE RETAINS THE AUTHORITY TO APPROPRIATE NONCUSTODIAL
38 FEDERAL MONIES. IF THE LEGISLATURE DOES NOT MAKE ANY APPROPRIATION FOR
39 EITHER A PARTICULAR FUND, SPECIFIC GRANT PROGRAM OR BLOCK OF NONCUSTODIAL
40 FEDERAL MONIES, THE STATE AGENCY THAT HAS LAWFUL AUTHORITY SHALL ADMINISTER
41 AND SPEND THESE MONIES PURSUANT TO FEDERAL AND STATE LAW.

42 B. THE LEGISLATURE SHALL SPECIFY IN ANY FEDERAL MONIES APPROPRIATION
43 IT MAKES THE PURPOSES FOR WHICH FEDERAL MONIES ARE TO BE USED, CONSISTENT
44 WITH FEDERAL LAW. FOR PURPOSES OF OBTAINING UNANTICIPATED FEDERAL MONIES
45 THAT MAY BECOME AVAILABLE WHEN THE LEGISLATURE IS NOT IN SESSION, THE

1 LEGISLATURE MAY MAKE A LUMP SUM APPROPRIATION. THE JOINT LEGISLATIVE BUDGET
2 COMMITTEE SHALL REVIEW IN ADVANCE THE EXPENDITURE OF ANY MONIES FROM THE LUMP
3 SUM APPROPRIATION, SUBJECT TO ANY CONDITION SPECIFIED BY THE LEGISLATURE.

4 C. IF THE AMOUNT OF THE FEDERAL MONIES RECEIVED IS LESS THAN THE
5 AMOUNT APPROPRIATED, THE APPROPRIATION OF FEDERAL MONIES SHALL BE REDUCED BY
6 THE AMOUNT OF THE REDUCTION. THE ACTIVITIES FINANCED BY THE FEDERAL MONIES
7 SHALL BE REDUCED PROPORTIONATELY.

8 D. IF THE AMOUNT OF THE FEDERAL MONIES RECEIVED IS MORE THAN THE
9 AMOUNT APPROPRIATED, THE TOTAL APPROPRIATION OF FEDERAL AND STATE MONIES
10 ALLOCATED FOR A PROGRAM SHALL REMAIN AT THE AMOUNT DESIGNATED BY THE
11 LEGISLATURE. THE STATE TREASURER SHALL CREDIT THE EXCESS FEDERAL MONIES TO
12 THE APPROPRIATE AGENCY ACCOUNT. THE JOINT LEGISLATIVE BUDGET COMMITTEE SHALL
13 REVIEW IN ADVANCE EXPENDITURES OF THESE MONIES UP TO THE AMOUNT OF THE LUMP
14 SUM APPROPRIATION SPECIFIED PURSUANT TO SUBSECTION B.