1996 Session

Budget Bill - HB30 (Chapter 912)

General Conditions

§ 2-0. GENERAL CONDITIONS

A.1. The General Assembly hereby authorizes the capital projects listed in this act. The amounts hereinafter set forth are appropriated to the state agencies named for the indicated capital projects. Amounts so appropriated and amounts reappropriated pursuant to Paragraphs H and I of this section shall be available for expenditure during the current biennium, subject to the conditions controlling the expenditures of capital project funds as provided by law. Reappropriated amounts, unless otherwise stated, are limited to the unexpended appropriation balances at the close of the previous biennium, as shown by the records of the Department of Accounts.

2. Unless otherwise specified in this act, general fund capital appropriations listed in Part 2 of this act shall not be available until July 1, 1997, provided, however, that the Director of the Department of Planning and Budget may transfer appropriations from the second year to the first year in accordance with § 4-1.03 a.3. of this act.

B. The five-digit number following the title of a project is the code identification number assigned for the life of the project.

C. Except as herein otherwise expressly provided, appropriations or reappropriations for structures may be used for the purchase of equipment to be used in the structures for which the funds are provided, subject to guidelines prescribed by the Governor.

D. Notwithstanding any other provisions of law, requests for appropriations for capital projects shall be subject to the following:

1. Appropriations or reappropriations of funds made pursuant to this act for planning of capital projects shall not constitute implied approval of construction funds in a future biennium. Funds, other than the reappropriations referred to above, for the preparation of capital project proposals and preplanning studies must come from the affected agency's existing resources.

2. The agency shall submit a capital project proposal for all requested capital projects. Such proposals shall be submitted to the Director, Department of Planning and Budget, for review and approval in accordance with guidelines prescribed by the Director. Projects shall be developed to meet agency functional and space requirements within a cost range comparable to similar public and private sector projects.

3. Any preplanning studies subsequently prepared shall be submitted to the Director, Department of General Services, for review in accordance with such guidelines. Unless otherwise determined by the Director, Department of Planning and Budget, such preplanning studies are required for all projects for which appropriations have been made and which meet the criteria for preplanning studies specified in the instructions for the preparation of the Executive Budget.

4. Capital project proposals and preplanning studies shall be submitted to the House Appropriations Committee and the Senate Finance Committee at the same time they are submitted as specified above. No action shall be taken on requests for appropriations until required capital project proposals and preplanning studies are received by these committees.

5. No capital project for which appropriations for planning are contained in this act, nor any project for which appropriations for planning have been previously approved, shall be considered for construction funds until preliminary plans and cost estimates are reviewed by the Department of General Services for compliance with Paragraph D.3. above. The purpose of this review is to avoid unnecessary expenditures for each project.

6. All requests for appropriations for capital projects by institutions of higher education shall comply, where applicable, with the Alternative Construction and Financing Guidelines of the Secretary of Finance dated July 1, 1992, and any subsequent amendments thereto.

E. Directors or superintendents of institutions or state facilities will certify to the Director, Department of General Services, that necessary roof repairs to buildings under their control have been given first priority for repair or renovation and that to the best of their knowledge all necessary roof repairs have been accomplished or the necessary funds requested before requesting funds for other renovations or construction.
F. Expenditures from items in this act identified as "Maintenance Reserve" are to be made only for the maintenance of property, plant and equipment to the extent that funds included in the appropriation to the agency for this purpose in Part 1 of this act are insufficient. Such expenditures shall be subject to rules and regulations prescribed by the Governor. Only facilities supported wholly or in part by the general fund shall utilize general fund maintenance reserve appropriations. Facilities totally supported by nongeneral funds shall accomplish maintenance through the use of nongeneral funds.
G. The Department of Planning and Budget shall maintain a preplanning process as part of the Commonwealth's approach to capital outlay planning and budgeting. The purpose of this process shall be to define each proposed capital project in terms of its scope, size and cost. For this purpose, the Department may require agencies and institutions to submit either a preplanning study, including preliminary schematics for the project, or other information as necessary to identify the design parameters, including any special features and requirements associated with the project and a realistic project budget. The Department of Planning and Budget shall review its approach to capital outlay planning and budgeting from time to time and report any proposed change to the Chairmen of the House Appropriations and Senate Finance Committees prior to its implementation. Such report shall include an analysis of the impact of the suggested change on affected agencies and institutions.
H. There is hereby reappropriated:
1. the appropriations unexpended at the close of the previous biennium in the appropriations and reappropriations in Items C-1 through C-8 made by Chapter 853, Acts of Assembly of 1995, and
2. the appropriations unexpended at the close of the previous biennium of any amount transferred from Items C-1 through C-8 to any capital project established by authority of the Governor which conforms to the conditions in Paragraph I below.
I. Upon certification by the Director, Department of Planning and Budget, there is hereby reappropriated the appropriations unexpended at the close of the previous biennium for all authorized capital projects which meet any of the following conditions:
1. Construction is in progress.
2. Equipment purchases have been authorized by the Governor but not received.
3. Plans and specifications have been authorized by the Governor but not completed.
4. Obligations were outstanding at the end of the previous biennium.