1997 Session

Budget Bill - HB1600 (Introduced)

Item 4-1.02

§ 4-1.02 WITHHOLDING APPROPRIATIONS

a. Except as provided by §§ 4-1.03, 4-4.01 or 4-5.01 a. of this act none of the monies mentioned in this act, or in any other act effective during the current biennium, shall be expended for any other purpose than those for which they are specifically appropriated. It shall be the duty of the Governor, as chief budget officer of the state, to see that this provision is strictly observed. Should he find that such monies are not being expended in accordance with the provisions of the act appropriating them, he shall restrain the State Comptroller from making further disbursements, in whole or in part, out of the appropriations to the offending state or other agency receiving appropriations under the provisions of the appropriating act.

b.1. The Governor is authorized to withhold operating expense appropriations up to 15 percent of the annual general fund appropriation and 15 percent of the annual nongeneral fund appropriation for an agency or institution based on a written program evaluation conducted or commissioned by the respective cabinet secretary. Provided, however, that the withholding of funds under this provision shall not occur until at least 45 days after the Governor has transmitted the written program evaluation and the actions he proposes to take to the Chairmen of the House Appropriations and Senate Finance Committees. Further, the Governor is authorized to withhold funds from expenditure in the event input factors, such as enrollments or population in institutions, related to appropriation amounts differ from the estimates upon which the appropriation was based. Provided, however, that the withholding of funds under this provision shall not occur until at least 45 days after the Governor has transmitted a statement of changed factors and intent to withhold funds to the Chairmen of the House Appropriations and Senate Finance Committees.

2. Funds shall not be withheld on the basis of reorganization plans until such plans have been submitted and approved by appropriate action of the General Assembly.

c. Reporting of appropriations withheld by the Governor shall be in accordance with § 4-8.00, Reporting Requirements.