2002 Session

Budget Bill - HB30 (Chapter 899)

Item 4-1.05

§ 4-1.05 APPROPRIATION INCREASES

a. UNAPPROPRIATED GENERAL FUND REVENUE:

1. The Director, Department of Planning and Budget, is hereby authorized to increase the appropriations to any of the agencies named in § 4-2.02 a 1 d), e), f), j), k), l), and m) of this act, to an amount not to exceed the revenues collected and paid into the general fund of the state treasury by such agency during the current biennium.

2. The Director, Department of Planning and Budget, is hereby authorized to increase the appropriations to any of the agencies named in § 4-2.02 a 1 g). The increase shall not exceed the otherwise unappropriated revenues collected and paid into the state treasury during the biennium by the agency. The increase for the Department of Corrections may be expended for a material expansion of the activities of the agency only if, in the judgment of the Director, such expenditure will result, within a period of twelve months, in the repayment to the state treasury by the agency of an equal or larger amount than that so expended. In addition, the Director may increase the Department of Corrections appropriation for the purchase of agribusiness equipment or the repair or construction of agribusiness facilities by an amount equal to fifty percent of any annual amounts in excess of FY 1992 deposits to the general fund from agribusiness operations. It is the intent of the General Assembly that appropriation increases for the purposes specified in this subdivision shall not be used to offset or reduce the general fund appropriations for these agencies.

3. The Director, Department of Planning and Budget, is hereby authorized to increase the appropriations to the Department of Taxation for the purpose of paying out-of-state collection agencies. No appropriation increase may be made unless the Department of Taxation has proven that no other funds are available for these payments and that revenues collected by such out-of-state collection agencies and deposited to the general fund exceed the appropriation increase.

4.a) The Director, Department of Planning and Budget, with the prior written approval of the Governor, is authorized to increase the appropriation to any state agency in an amount not to exceed the revenues received from leases by such agency for communications towers pursuant to § 4-2.02 c of this act. Such increase shall exclude the amount for administrative expenses in the following paragraph b).

b) The Director, Department of Planning and Budget, is authorized to increase the appropriation to the Department of General Services and the state agency owning the property in an amount determined by the Director, for the costs of administering such leases.

5. Reporting of increases in unappropriated general fund revenues made by the Director, Department of Planning and Budget, shall be in accordance with § 4-8.00, Reporting Requirements.

b. UNAPPROPRIATED NONGENERAL FUNDS:

1. Sale of Surplus Materials:

The Director, Department of Planning and Budget, is hereby authorized to increase the appropriations to any state agency by the amount of credit resulting from the sale of surplus materials under the provisions of § 2.2-1125, Code of Virginia.

2. Insurance Recovery:

The Director is hereby authorized to increase the appropriations to any state agency by the amount of the proceeds of an insurance policy or from the State Insurance Reserve Trust Fund, for expenditures as far as may be necessary, to pay for the repair or replacement of lost, damaged or destroyed property, plant or equipment.

3. Gifts, Grants and Other Nongeneral Funds:

a) Subject to §§ 4-1.02 a, 4-1.03 b, 4-1.04 b 1 and the conditions stated in this section, the Director, Department of Planning and Budget, is hereby authorized to increase the appropriations to any state agency by the amount of the proceeds of donations, gifts, grants or other nongeneral funds paid into the state treasury in excess of such appropriations. Such appropriations shall be increased only when the expenditure of funds is required to:

1) address a threat to life or safety, or

2) address a threat to property, or

3) provide for unbudgeted increases in costs which the Director determines a state agency or institution or other agency must receive to render essential services or implement General Assembly approved compensation adjustments, or

4) provide for payment of overtime salaries and wages, when the obligations for payment of such overtime were incurred during a situation deemed threatening to life, safety, property or the continuation of essential services, or

5) continue a program at the present level of service or at an increased level of service when required to address unanticipated increases in noncredit instruction at institutions of higher education or business and industrial development opportunities which will benefit the state's economy, or

6) participate in a federal or sponsored program, or

7) realize cost savings in excess of the additional funds provided, or

8) permit a state agency or institution to use a donation, gift or grant for the purpose intended by the donor, or

9) provide for cost overruns on capital projects and for capital projects authorized under § 4-4.01 m of this act, or

10) provide additional funding resulting from caseload or workload changes in programs approved by the General Assembly.

b) The above conditions shall not apply to donations and gifts to the endowment funds of institutions of higher education.

c) Each state agency and institution shall ensure that its budget estimates include a reasonable estimate of receipts from donations, gifts or other nongeneral fund revenue. The Department of Planning and Budget shall review such estimates and verify their accuracy, as part of the budget planning and review process.

d) No obligation or expenditure shall be made from such funds until a revised operating budget request is approved

by the Director. Expenditures from any gift, grant or donation shall be in accordance with the purpose for which it was made; however, expenditures for property, plant or equipment, irrespective of fund source, are subject to the provisions of §§ 4-2.03, 4-4.01 and 4-5.05 b of this act.

e) Nothing in this section shall exempt agencies from complying with § 4-2.01 a of this act.

4. Any nongeneral fund cash balance recorded on the books of the Department of Accounts as unexpended on the last day of the fiscal year may be appropriated for use in the succeeding fiscal year with the prior written approval of the Director, Department of Planning and Budget, unless the General Assembly shall have specifically provided otherwise.

5. Reporting:

The Director, Department of Planning and Budget, shall report on increases in unappropriated nongeneral funds in accordance with § 4-8.00, Reporting Requirements.