45.800 Prerequisites to transfer of money from contingency account or other sources.

(1) Except as otherwise provided in KRS 45.770(2)(b), prior to transferring funds from any source to the allotment account of a capital construction project or major item of equipment, the relevant entity head, or his designee, shall present to the Capital Projects and Bond Oversight Committee, at least fourteen (14) days prior to the committee meeting, for its review, specification of the amount of the proposed transfer, documentation of the necessity for the transfer, and, with respect to capital construction projects, documentation of:

(a) The amount already expended on the project prior to and during the current biennium; and

(b) Any alterations made or planned in the project since its consideration by the General Assembly during the most recent even-numbered-year regular session.

(2) Within thirty (30) days after submission to the committee of a proposed capital construction and equipment purchase contingency account transfer, the committee shall determine whether the amount of the proposed transfer is reasonable and consistent with KRS 45.770, whether the proposed transfer is necessary, and whether any alterations made or planned in a project materially change the project as considered and authorized by the General Assembly. If the committee does not approve a proposed transfer or other proposed action, the committee, unless the Legislative Research Commission directs otherwise, shall promptly transmit its findings and determination to the head of the entity that presented the proposal.

(3) If the committee does not approve a proposed transfer or other proposed action, the transfer shall not be made nor the action taken unless the relevant entity head, or his designee, shall:

(a) Revise the transfer or action to comply with the objections of the committee;

(b) Cancel the transfer or action; or

(c) Determine to make the transfer or take the action not approved by the committee.

(4) The decision made by the relevant entity head, or his designee, under the preceding subsection shall be communicated to the committee in writing within thirty (30) days of the committee's not approving the proposed transfer or other proposed action.

(5) The committee, unless the Legislative Research Commission directs otherwise, shall maintain records of its findings and determinations and the relevant entity head's, or his designee's, report of his action on each proposed transfer from the capital construction and equipment purchase contingency account. If the committee determines that the amount of a proposed transfer is not reasonable or is not consistent with KRS 45.770, or that the transfer is not necessary, or if the committee finds that any alteration in a project materially changes the project as considered and approved by the General Assembly, the committee's determination and the action of the secretary of the Finance and Administration Cabinet, or other appropriate entity head, on the transfer shall be transmitted to the appropriate

interim joint committees of the Legislative Research Commission and to the General Assembly when next convened.

(6) The committee, unless the Legislative Research Commission directs otherwise, shall maintain reports of purchases made under KRS 45.760(5), reports of transfers made under KRS 45.760 to this section, reports of transfers made from the emergency repair, maintenance, and replacement account, and a record of any committee finding or recommendation relating to such purchases and transfers.

(7) The committee shall monitor the costs of state capital construction projects in comparison with the costs of construction for the private sector to determine whether the costs are comparable and, if not comparable, the reasons for any difference. The committee shall consider contractors' charges to the state, land acquisition costs, costs and availability of materials, cost and availability of labor, and laws, regulations, and purchasing procedures pertaining to state capital construction projects that are not applicable to construction for the private sector. The committee's findings and recommendations shall be transmitted to the appropriate interim joint committee of the Legislative Research Commission and to the General Assembly when convened.

Effective: June 25, 2009

History: Amended 2009 Ky. Acts ch. 78, sec. 33, effective June 25, 2009. -- Amended 2001 Ky. Acts ch. 58, sec. 22, effective June 21, 2001. -- Amended 1992 Ky. Acts ch. 47, sec. 6, effective July 14, 1992. -- Amended 1982 Ky. Acts ch. 300, sec. 10, effective July 15, 1982. -- Created 1979 (1st Extra. Sess.) Ky. Acts ch. 4, sec. 6, effective July 1, 1980.

2026-2028 Budget Reference. See State/Executive Branch Budget, 2026 Ky. Acts ch. 168, Pt. I, K, 1, (4) at 2102.

Legislative Research Commission Note (7/2/97). 1990 Ky. Acts ch. 30, sec. 3 renumbered the former subsection (10) of KRS 45.760 as subsection (12), but that Act failed to include a conforming amendment to change the reference to that subsection in subsection (6) of this statute. Under KRS 7.136(1)(e), that change has now been made.