

**48.630 Allotment of unbudgeted appropriation -- Legislative committee review --
Use of unanticipated restricted or federal funds -- Exemptions.**

- (1) An unbudgeted appropriation shall not be allotted without prior review and action by the Interim Joint Committee on Appropriations and Revenue as provided for in this section.
- (2) Except as otherwise provided in this section, any request for allotment of unbudgeted appropriations from any fund source shall be made in writing by the head of the budget unit and transmitted simultaneously to the state budget director and the Interim Joint Committee on Appropriations and Revenue.
- (3) The state budget director may recommend a proposed revision to a specified appropriation in any branch budget bill to the Interim Joint Committee on Appropriations and Revenue by the seventh day of each month.
- (4) If the Interim Joint Committee on Appropriations and Revenue fails to review and act upon the proposed revision by the last day of the month, the proposed revision shall be deemed to have been reviewed and favorably acted upon.
- (5) The Interim Joint Committee on Appropriations and Revenue shall review the proposed expenditure of the unbudgeted appropriation for conformance with the purposes of the proposed appropriation and the enacted branch budget bill and any other relevant statute, by the last day of each month.
- (6) If the Interim Joint Committee on Appropriations and Revenue disapproves of the proposed revision of the enacted appropriation, the budget adjustment shall be invalid unless it is:
 - (a) Revised to comply with the objections of the committee; or
 - (b) The committee is informed, in writing, in detail, within thirty (30) days of the committee's disapproval, that a determination has been made not to comply with the objections of the committee.
- (7) If an emergency unbudgeted appropriation revision is required due to a declared natural disaster, calamity, or impending deficit in an enacted appropriation as certified by the Governor, the state budget director may effect an emergency revised appropriation, with the approval of the secretary of the Finance and Administration Cabinet, and with concurrent notification to the Interim Joint Committee on Appropriations and Revenue of the action and its justification.
- (8) If a budget unit not listed in any enacted branch budget bill receives unanticipated restricted funds or federal funds, the secretary of the Finance and Administration Cabinet, upon written request from the agency head with appropriate documentation of the amount, source, purpose, necessity, and use of the moneys, may authorize the credit and expenditure of these funds for statutory purposes, upon recommendation of the state budget director and review and action by the Interim Joint Committee on Appropriations and Revenue pursuant to the conditions and procedures prescribed by this section. The secretary shall cause to be established a separate discrete restricted funds or federal funds account, as appropriate, for the receipt and disbursement of these funds and shall establish the maximum sum which may be credited and expended from the authorized account.

- (9) Institutions of higher education shall be exempt from all conditions and procedures in this section with respect to the authority of the state budget director and the secretary of the Finance and Administration Cabinet to review and approve unbudgeted restricted funds or federal funds or revisions to appropriations in excess of any enacted branch budget bill; however, in the event of a revision, an institution of higher education shall report unbudgeted restricted funds and federal funds to the state budget director and the Interim Joint Committee on Appropriations and Revenue.
- (10) Unbudgeted appropriations for expenditure in the judicial branch budget and the legislative branch budget shall be exempt from all conditions and procedures in this section, except that each branch head, or its designee, shall report unbudgeted restricted funds and federal funds to the Interim Joint Committee on Appropriations and Revenue and transmit an informational copy to the state budget director.
- (11) The Legislative Research Commission shall maintain records of the findings of the Interim Joint Committee on Appropriations and Revenue and the determinations and reports of actions by the state budget director and transmit these records to the General Assembly when next convened.

Effective: June 8, 2011

History: Amended 2011 Ky. Acts ch. 73, sec. 14, effective June 8, 2011. -- Created 1994 Ky. Acts ch. 387, sec. 6, effective July 15, 1994.

2010-2012 Budget Reference. See State/Executive Branch Budget, 2010 (1st Extra. Sess.) Ky. Acts ch. 1, Pt. III, 3 at 136.