

LEGAL CITATIONS FOR CAPITALIZED ASSETS AND FINANCING**6809**

(New 5/98)

Most citations for capital outlay planning, budgeting, and fiscal administration are contained in the Government Code and annual Budget Act. Citations for capitalized asset financing are also provided in the Government Code. However, the Public Contract Code, the Public Resources Code, and the California Code of Regulations provide significant instruction and constraints on project implementation. Statutory authorization for individual general obligation bond measures is placed programmatically in the code (e.g., prison authorizations are placed in the Penal Code), and are not cited in the following 6809 Illustration. In addition, individual project descriptions (called *project scope*), which are provided in supplemental language to the Budget Act, are not cited in the following table.

Because legal citations change periodically, this table is a only a guide. The citations are not comprehensive, and information should be checked against current publications.

CITATIONS FOR CAPITALIZED ASSETS AND FINANCING

| | Annual Budget Act | Government Code | Public Contract Code | Public Resources Code | Other |
|--|-------------------------|---|----------------------------|-----------------------------|-------|
| Public Works Board | | Title 2, Div 3, Part 10.5, 10b & 11 | | | |
| Creation, membership | | 15770 | | | |
| Authority to purchase in lieu of construct | | 15791 | | | |
| Authority for long-lead equipment | | 15792 | | | |
| Authority to augment, restrictions, approval of prelim plans, notify Legislature | | 13332.11 | | | |
| Source of augmentation & transfer of unexpended (see also DOF below) | | 16352, 16352.5,16354, 16409 16351.5 et seq. 15812 | | | |
| Inmate labor | | | 10103.5 | | |
| Emergency public works | | 15799 et seq. (Chap 5, 10.5) | | | |
| State Building Construct. Act (general) | | Title 2, Div 3, Part 10b | | | |
| PWB capital outlay definitions | | 15802 | | | |
| Right of eminent domain | | 15855 | | | |
| PWB powers, including debt financing | | 15809 | | | |
| Art in public buildings | | 15813 et seq. (Chap 2, 10b) | | | |
| Energy conservation in public buildings, including financing | | 15814.10 (Chap 2.7, 10b) | | | |
| Energy efficiency in public buildings, including financing | | 15814.30 et seq. (Chap 2.8, 10b) | | | |
| PWB lease-purchase of public buildings | | 15815 et seq. (Chap 3, 10b) | | | |
| PWB lease-purchase of prison construction/fund | | 15819.1 et seq. (Chap 3.1, 10b) | | | |
| Financing of various specific programs | | 15819.30 to 15820.90 (Chap 3.2 & 3.1, 10b)) | | | |
| High technology facilities/fund | | 15820 et seq. (Chap 3.5, 10b) | | | |
| Financing of various higher ed. facilities | | 15820.15 to 15820.74 (Chap 3.6 to 3.9) | | | |

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| PWB (continued) | | | | | |
| Lease-revenue bond requirements | | 15830 et seq. (Chap 5, 10b) | | | |
| Authority to employ financial consultants | | 15837.5 | | | |
| Inapplicability of specified Public Contract Codes | | 15837.6 | | | |
| Public Building Construction Fund | | 15845 et seq. (Chap 6, 10b) | | | |
| Property Acquisition Law | | Title 2, Div. 3, Part 11, 15850 et seq. | | | |
| Parks and Recreation sites | | | | 5006 | |
| Property acquisition: additional requirements | | 13332.12 & 13332.13 | | | |
| Public land trusts | | 831.5 | | | |
| Parks concession agreements | | | | 5080.20 | |
| Combined bids—approval | | | 10127 | | |
| Joint Powers Authorities | | | | | |
| Rules, authorities, powers | | 6500 et seq. (Title 1, Div. 4, Chap 5) | | | |
| DGS & state office buildings | | 6517 | | | |
| Power to issue revenue bonds | | 6540 et seq. | | | |
| Minor Capital Outlay | Sec 3.00(f) | | 10808 | | |
| Higher thresholds, Resources Agency | | | 10808.5 | | |
| Capital Outlay Budgeting Requirements | | | | | |
| Appropriation availability | Sec 2.00 | | | | |
| Defined, phases | Sec 3.00 | | | | |
| Restrict use of support funds for CO | Sec 6.00 | | | | |
| No deficiency for CO | Sec 27.00(a) | | | | |
| Augmentations | | see PWB | | | |
| Capital Outlay Planning | | 13100 | | | |
| Financing | | | | | |
| General obligation bonds authority | | T. 2, Div 4, Pt. 3; 16550 et seq. | | | Calif. Const. Art. XVI, Section 18 |
| Use of proceeds restricted to capital assets, defined | | 16727 | | | |
| GO commercial paper | | 16731.6 | | | |

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| Financing, continued | | | | | |
| GO refundings | | 16780 et seq. | | | |
| Lease-revenue bonds: authority: <i>see PWB and JPA above</i> | | | | | |
| Not constitutional debt (<i>aka Offner-Dean rule</i>) | | | | | City of LA v. Offner (1942) 19 Cal.2 nd 483, 486 |
| Continuous appropri- ations for Financing of: | | 15848 | | | |
| Higher ed. facilities | | | see PWB above | | |
| Prisons | | | see PWB above | | |
| Office buildings | | | | | |
| Interim financing for LR: | | | | | |
| Negotiable | | 15809 | | | |
| Loans | | 15489.1, 15819.13, 15820.19 15820.41 15820.61 | | | |
| Continuing disclosure Period of challenge to a bond issue | | | | | SEC 15c2-12 Code of Civil Proc. 860 et seq.; “validation acts” |
| Financing as lease—see DGS | | | | | |
| DGS & state office buildings | | 6517 | | | |
| Department of Finance | | | | | |
| General powers over financial and business | | 13070 | | | |
| Approve scope changes, bid alternates and prelim. plans; notify Legislature | | 13332.11 | | | |
| Transfer of unused balance (<i>see also PWB above</i>) | | 15812 | | | |
| Administers PWB | | 15792 | | | |
| Report on capital outlay plan | | 13100 et seq. | | | |
| Report on capital outlay for cogeneration | | 13304 | | | |
| Time-frames for capital outlay budget adjustments | | 13308 | | | |
| Adjustment of dollar threshold of “project” per Public Contract Code | | | 10105 | | |
| Bid alternates—approval | | 13332.11(b) | 10126 | | |

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| Department of Finance (cont.) | | | | | |
| Combined bid—allocation of costs | | | 10127 | | |
| Approve preliminary plans and working drawings | | 13332.11 | | | |
| State Treasurer's Office | | | | | |
| As agent for sale | | 5700 | | | |
| See also <i>Financing</i> , above | | | | | |
| Department of General Services | | | | | |
| Asset management, general | | 14650 et seq. | | | |
| General authority to hire, lease, lease-purchase, or purchase-option | | 14669 | | | |
| Notification of long-term leases | | 13332.10 | | | |
| Specific project authorities | | 14669.1-14673 | | | |
| Proactive asset management goals | | 14680.8 | | | |
| State Contract Act | | | | | |
| Exclusions, emergencies | | | 10100 et seq. | | |
| Exclusions, inmate labor | | | 10101 | | |
| Project, defined | | | 10103.5 | | |
| State procurement | | | 10105 | | |
| University of California | | | 10290 et seq. | | |
| CA State University | | | 10500 et seq. | | |
| | | | 10700 et seq. | | |
| Building Codes | | | | | |
| | | | | | CA Code of Reg., Title 24 |
| Rules Governing Selection of A&E Firms | | | | | |
| | 4525 | | 6106 | | CA Code of Reg., Title 21 |
| California Environmental Quality Act (CEQA) | | | | | |
| | | | | 21000 et seq. (Div. 13) | CA Code of Reg., Sec 15000 et seq. |
| Eminent Domain | | | | | |
| | | 15854 | | | Code Civil Proc 1230.010 et seq. |
| | | 15802 | | | |
| | | 7267.2 | | | |
| Arbitration of Public Construction | | | | | |
| | | | | | Code Civil Proc 1296 et seq. |
| Historical Resources | | | | | |
| | | | 10110 | 5024 et seq. | CA Code of Reg., Title 24 |