

VETOES

(9) AN ANALYSIS OF THE PROPOSED PROJECT AGAINST THE CRITERIA SET FORTH IN ~~§-5-706.3~~ § 5-706.4 OF THIS SUBTITLE AND, IF THE CRITERIA ARE NOT SATISFIED, THE RATIONALE FOR BOARD APPROVAL OF THE PROJECT AS AN EXCEPTION.

(C) UPON RECEIPT OF THE PROPOSAL FOR CAPITAL LEASING, THE FOLLOWING DEPARTMENTS SHALL REVIEW THE PROPOSAL:

(1) THE DEPARTMENT OF STATE PLANNING SHALL REVIEW THE JUSTIFICATION, NEED AND SPACE REQUIREMENTS OF THE PROJECT;

(2) THE DEPARTMENT OF GENERAL SERVICES SHALL REVIEW AND DEVELOP, IF APPROPRIATE, CONSTRUCTION AND OPERATING COSTS ESTIMATES COMPARABLE TO STATE CONSTRUCTED PROJECTS; AND

(3) THE DEPARTMENT OF BUDGET AND FISCAL PLANNING SHALL REVIEW THE STAFFING AND OPERATING COSTS SUBMITTED BY THE USING STATE AGENCY.

(D) THE SECRETARY TO THE BOARD SHALL FORWARD A COPY OF THE PROPOSAL, AS WELL AS ANY LEGAL DOCUMENTATION, TO THE ATTORNEY GENERAL'S OFFICE FOR REVIEW.

(E) UNLESS THE INFORMATION SUBMITTED BY THE REQUESTING AGENCY IS INCOMPLETE, THE REVIEW SHALL BE ACCOMPLISHED WITHIN 45 DAYS OF SUBMISSION AND A CONSOLIDATED RECOMMENDATION FORWARDED TO THE SECRETARY OF THE BOARD.

5-706.3 5-706.4.

(A) THE BOARD SHALL REVIEW EACH PROPOSED CAPITAL LEASE SUBMITTED BY A STATE AGENCY.

(B) THE BOARD SHALL UTILIZE THE FOLLOWING CRITERIA IN REVIEWING A CAPITAL LEASE:

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, PROJECTS SHALL BE LIMITED TO NEW CONSTRUCTION;

(2) EXISTING BUILDINGS MAY NOT BE SOLD TO GENERATE CASH, UNLESS BE SOLD AND LEASED BACK TO THE STATE WHENEVER EXTENSIVE REHABILITATION IS INVOLVED;

(3) THE PROJECT MAY NOT ADVERSELY AFFECT THE STATE'S FUTURE BARGAINING POSITION OR PROVIDE THE DEVELOPER OR BUILDER WITH AN UNDUE FINANCIAL ADVANTAGE OVER A STATE AGENCY;

(4) COST BENEFITS TO THE STATE OVER THE USEFUL LIFE OF THE FACILITY, INCLUDING TAX LOSSES, MUST BE POSITIVE, BASED ON PRESENT VALUE DETERMINATIONS; AND