

**2017 - 2019 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0615 DFA - Building Authority**

**ACT#: 240**

**SECTION#: 14**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

TRANSFER OF FUNDS. Department of Finance and Administration - Building Authority Division may from time to time as may be necessary and in such amounts as may be necessary and with the approval of the Chief Fiscal Officer of the State, request a transfer of funds from the State Central Services Fund to the Arkansas Building Authority Maintenance Fund for operation of the Justice Building for actual expenditures, in an amount not to exceed the dollar amount appropriated in Section 7. Upon his approval, the Chief Fiscal Officer of the State shall then initiate the necessary transfer documents to reflect the transfer upon the fiscal records of the State Auditor, the State Treasurer, the Chief Fiscal Officer of the State and Department of Finance and Administration - Building Authority Division.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

RESTRICTIONS. Department of Finance and Administration - Building Authority Division shall not demolish the 501 Building, formerly known as the Aegon building, but shall retain the building as suitable office space to be used by state agencies, boards, commissions, offices and departments.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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**ACT#: 240**

**SECTION#: 16**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

TRANSFER OF FUNDS. The Department of Finance and Administration - Building Authority Division is hereby authorized, after seeking the approval of the Chief Fiscal Officer of the State and the Arkansas Legislative Council or Joint Budget Committee to request transfer from the appropriation made in Section 5 for Building Maintenance to the Acquisition and Maintenance appropriation in Section 10 and to receive from another state agency that seeks like approvals its authority, appropriation and the transfer of funds to be deposited into the Building Authority Division Real Estate Fund to become part of the Acquisition and Maintenance appropriation, and to be used for any purposes as set forth by law for said Real Estate Fund.

Determining the maximum number of employees and the maximum amount of appropriation and general revenue funding for a state agency each fiscal year is the prerogative of the General Assembly. This is usually accomplished by delineating such maximums in the appropriation act(s) for a state agency and the general revenue allocations authorized for each fund and fund account by amendment to the Revenue Stabilization law. Further, the General Assembly has determined that the Department of Finance and Administration - Building Authority Division may operate more efficiently if some flexibility is provided to the Department of Finance and Administration - Building Authority Division authorizing broad powers under this section. Therefore, it is both necessary and appropriate that the General Assembly maintain oversight by requiring prior approval of the Legislative Council or Joint Budget Committee as provided by this section. The requirement of approval by the Legislative Council or Joint Budget Committee is not a severable part of this section. If the requirement of

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**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

approval by the Legislative Council or Joint Budget Committee is ruled unconstitutional by a court of competent jurisdiction, this entire section is void.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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**SECTION#: 17**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

DEPARTMENT OF FINANCE AND ADMINISTRATION - BUILDING AUTHORITY DIVISION CONTINGENCY APPROPRIATION TRANSFER AUTHORITY. The Department of Finance and Administration - Building Authority Division may transfer appropriation and funds as needed from the Facilities Management Contingency Appropriation in Section 5 of this Act to any appropriation authorized for the Department of Finance and Administration - Building Authority Division.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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**SECTION#: 18**

<b>CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)</b>	<b>EXECUTIVE RECOMMENDATION</b>
<p>TRANSFER TO FACILITIES MANAGEMENT CONTINGENCY APPROPRIATION AUTHORITY. (a) In order to provide a more cost effective method to address the emerging infrastructure needs of Arkansas State Government, appropriations and funds transferred to the Facilities Management Contingency Appropriation are to be used in the event that the Department of Finance and Administration - Building Authority Division executes one or more building contracts or maintenance agreements with State Agencies, and the appropriations or funds otherwise provided for the Department of Finance and Administration - Building Authority Division are not sufficient to address those needs, and it is more cost effective for the Department of Finance and Administration - Building Authority Division to execute these services. Any State Agency may transfer or deposit funds and appropriations to the Department of Finance and Administration - Building Authority Division - Facilities Management Contingency Appropriation authorized in Section 5 of this Act to execute one or more building contracts or maintenance agreements with said State Agencies. The Department of Finance and Administration - Building Authority Division shall provide justification to the Chief Fiscal Officer of the State for the need of such appropriations and funds transfers and seek and receive approval of the Chief Fiscal Officer of the State. Department of Finance and Administration - Building Authority Division shall then seek and receive the approval of the Arkansas Legislative Council or Joint Budget Committee. The requirement of approval by the Arkansas Legislative Council or Joint Budget Committee is not a severable part of the section. If the requirement of approval by the Arkansas Legislative Council or Joint Budget</p>	<p align="center">AGENCY REQUEST</p>

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**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

Committee is ruled unconstitutional by a court of competent jurisdiction, this entire section is void.

(b) The Chief Fiscal Officer of the State shall make the necessary adjustments on his or her books and the books of the Auditor of the State for the transfer or deposit of the funds and appropriations from each State Agency to the appropriation authorized in Section 5 of this Act and to the various Department of Finance and Administration - Building Authority Division accounts to be used exclusively by the Department of Finance and Administration - Building Authority Division for the fiscal year.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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**SECTION#: 19**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

SUSTAINABLE BUILDING DESIGN PROGRAM - TRANSFER. In the event there is not sufficient appropriation and/or funding provided for by the General Assembly for any state agency, board or commission to participate in the Sustainable Building Design Program for renovations of state owned property which exceeds two hundred fifty thousand dollars (\$250,000), the agency may request a transfer from the Sustainable Building Design Program appropriation authorized in Section 12 of this Act from the Chief Fiscal Officer of the State. The request shall clearly state the amount required and such other information as may be required by the Chief Fiscal Officer of the State necessary to make a decision regarding the request. Upon approval of the Chief Fiscal Officer of the State and prior review by the Arkansas Legislative Council or Joint Budget Committee, the State Auditor shall be notified as of the amount and the purposes for which the appropriation and/or funding is to be transferred and shall be established upon the books of the Department of Finance and Administration and the State Auditor. If desired, the appropriation may be supplemental to those regularly appropriated for like purposes by the General Assembly for that agency.

Provided further, that all state agencies, boards or commissions shall have prior approval by the Department of Finance and Administration - Building Authority Division as authorized for the Sustainable Building Design Program in accordance with established Rules and Regulations.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

SUSTAINABLE BUILDING DESIGN PROGRAM - REVOLVING LOAN FUND. The Sustainable Building Design Program Appropriation is intended to provide additional appropriation authority for the Sustainable Building Design Program. Funding for the program may be made available by the Chief Fiscal Officer of the State, in the form of a loan, from a transfer from the Sustainable Building Design Revolving Loan Fund after the required review by the Arkansas Legislative Council or Joint Budget Committee, approval by the Chief Fiscal Officer of the State and approval through rules and regulations established and administered by the Department of Finance and Administration - Building Authority Division. Moneys made available for the repayment of a loan shall be deposited to the credit of the Sustainable Building Design Revolving Loan Fund as a "Refund to Expenditure" for the year in which the deposit is made. In the event that the funds for the repayment of a loan are held in depositories other than the State Treasury, the administrative head of the affected state agency shall issue a check drawn against the funds, which shall be deposited in the Sustainable Building Design Revolving Loan Fund.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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**SECTION#: 21**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

SUSTAINABLE BUILDING DESIGN PROGRAM - RULES AND REGULATIONS. Rules and Regulations shall be established and administered by the Department of Finance and Administration - Building Authority Division for the Sustainable Building Design Program prior to the implementation of any transfers of appropriation and/or funding. The Rules and Regulations shall be reviewed by the Legislative Council or Joint Budget Committee prior to implementation.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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**SECTION#: 22**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

FUNDING TRANSFER. The Chief Fiscal Officer of the State may transfer from time to time on his or her books and those of the State Treasurer and the Auditor of the State funding which is made available from General Improvement Funds allocated and distributed to the Department of Finance and Administration - Building Authority Division in an amount not to exceed three million dollars (\$3,000,000) from the General Improvement Fund or its successor fund or fund accounts to the Sustainable Building Design Revolving Loan Fund to provide funds for the appropriation provided herein or for appropriation authority as may be provided by law to provide loans to agencies for the Sustainable Building Design Program.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

FUNDING TRANSFER. From time to time, the Chief Fiscal Officer of the State may transfer on his or her books and those of the State Treasurer and the Auditor of the State the sum not to exceed twelve million dollars (\$12,000,000) from Federal Funds as determined by the Chief Fiscal Officer of the State to the Sustainable Building Design Revolving Loan Fund to provide funds for the appropriations herein.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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<b>CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)</b>	<b>EXECUTIVE RECOMMENDATION</b>
<p>FUNDING TRANSFER. The Department of Finance and Administration - Building Authority Division is authorized to transfer any unspent funds remaining in any cash fund account established for the management of a state owned facility managed by, but not owned by, the Department of Finance and Administration - Building Authority Division to the Department of Finance and Administration - Building Authority Maintenance Fund to support the facility's Maintenance and Operations appropriations.</p> <p>The provisions of this section shall be in effect only from July 1, <del>2016</del> <u>2017</u> through June 30, <del>2017</del> <u>2018</u>.</p>	<p align="center">AGENCY REQUEST</p>

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**ACT#: 240**

**SECTION#: 25**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

FUNDING TRANSFER. Department of Finance and Administration - Building Authority Division may from time to time as may be necessary and in such amounts as may be necessary and with the approval of the Chief Fiscal Officer of the State, request a transfer of funds from the Insurance Department Trust Fund to the Building Authority Division Real Estate Fund to provide funds for land acquisition and building construction in an amount not to exceed the dollar amount appropriated in Section 10. Upon his approval, the Chief Fiscal Officer of the State shall then initiate the necessary transfer documents to reflect the transfer upon the fiscal records of the State Auditor, the State Treasurer, the Chief Fiscal Officer of the State and Department of Finance and Administration - Building Authority Division.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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