

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Joint Budget Committee**

A Bill

ACT 1134 OF 1993
HOUSE BILL 2137

For An Act To Be Entitled

8 "AN ACT TO MAKE A REAPPROPRIATION TO THE DEPARTMENT OF
9 FINANCE AND ADMINISTRATION - DISBURSING OFFICER AND TO
10 PROVIDE FOR A TRANSFER OF ADDITIONAL FUNDS TO BE USED TO
11 CREATE VARIOUS ECONOMIC DEVELOPMENT ENHANCEMENTS; AND FOR
12 OTHER PURPOSES."

Subtitle

14 "AN ACT TO MAKE A REAPPROPRIATION TO THE DEPARTMENT OF
15 FINANCE AND ADMINISTRATION - DISBURSING OFFICER-
16 AEROSPACE."
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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21 SECTION 1. REAPPROPRIATION - AVIATION AND AEROSPACE INDUSTRY
22 DEVELOPMENT. There is hereby appropriated, to the Department of Finance and
23 Administration - Disbursing Officer, to be payable from the Aerospace and
24 Industry Development Fund for the Department of Finance and Administration -
25 Disbursing Officer, the following:

26 (A) Effective July 1, 1993, the balance of the appropriation provided in
27 Section 1 of Act 21 of the First Extraordinary Session of 1992, for the
28 purpose of providing economic development and enhancement of the aviation and
29 aerospace industry in the State of Arkansas, a sum not to exceed..\$10,000,000.
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31 SECTION 2. FUNDS TRANSFERRED. Upon direction by the Governor and upon
32 certification from time to time by the Chief Fiscal Officer of the State, the
33 State Treasurer shall transfer from the General Revenue Fund Account of the
34 State Apportionment Fund, an amount not to exceed ten million dollars
35 (\$10,000,000) during the biennial period ending June 30, 1995, to the
36 Aerospace and Industry Development Fund for the purpose of creating various

1 economic development enhancements in the aviation and aerospace industry in
2 Arkansas, provided however not more than \$4,000,000 may be transferred prior
3 to June 30, 1994. Funding not to exceed \$4,000,000 may be transferred prior
4 to June 30, 1994 if the Governor determines that such funds are necessary to
5 secure the location or expansion of projects eligible for funding under this
6 Act. If on June 30, 1994, net general revenue available for distribution
7 exceeds funding of 48% of the "B" allotment of the Revenue Stabilization Act,
8 A.C.A. § 19-5-402 (b), an amount not to exceed \$10,000,000 or the amount by
9 which net general revenue available for distribution exceeds 48% of "B"
10 allotment of said Revenue Stabilization Act, whichever is less, may be
11 transferred to the fund.

12 During the fiscal year ending June 30, 1995, no funds may be transferred
13 unless the Chief Fiscal Officer of the State has provided a forecast of net
14 general revenue available for distribution that exceeds funding of 55.34% of
15 the "B" allotment of the Revenue Stabilization Act, A.C.A. § 19-5-404 (b), for
16 the fiscal year ending June 30, 1995 by a minimum of \$10,000,000, except that
17 funding not to exceed \$4,000,000 may be transferred if the Governor determines
18 that such funds are necessary to secure the location or expansion of projects
19 eligible for funding under this Act. Provided however, that in no event may
20 more than a total of \$10,000,000 be transferred during the biennium ending
21 June 30, 1995.

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23 SECTION 3. Funds appropriated in Section 1 may only be disbursed upon
24 the recommendation of the Arkansas Aviation and Aerospace Commission or the
25 Arkansas Industrial Development Commission. Such funds may be utilized for
26 construction, reconstruction, demolition, site development, transportation,
27 contracts and related costs associated with the creation, expansion, and
28 rehabilitation of water or sewer systems, streets and roads, bridges,
29 drainage, additional support for disease control centers and other vital
30 public facilities, or to provide training or retraining of the workforce to
31 new or existing industry located in the State of Arkansas. Use of the funds
32 for such training shall be limited to training where no other existing
33 education or training program is capable of meeting the specific training
34 needs of the aviation and aerospace industry. The public purpose must be
35 certified by the Chief Fiscal Officer of the State. Provided, however, that

1 before any funds are disbursed under the provisions of this Act, the Chief
2 Fiscal Officer of the State shall promulgate such rules and regulations as may
3 be needed to ensure that any recipient shall contribute to the economy of this
4 State consistent with the intents of this Act.

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6 SECTION 4. It is the intent of the 79th General Assembly meeting in
7 Regular Session that the financing of the aerospace and industrial development
8 program through a transfer from the State Apportionment Fund is not to be a
9 precedent in financing programs in this state. We recognize that an unusual
10 and possibly unique situation exists that requires the General Assembly to
11 deviate from its normal practice of establishing priorities and allowing the
12 programs to receive financing through the Arkansas Revenue Stabilization Law.
13 It is our intent to provide any financial support for the program contained
14 in this Act in the future, if any, through the process of it receiving a share
15 of the distribution of the "general revenues available for allocation" in the
16 Arkansas Revenue Stabilization Law.

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18 SECTION 5. COMPLIANCE WITH OTHER LAWS. Disbursement of funds
19 authorized by this Act shall be limited to the appropriation for such agency
20 and funds made available by law for the support of such appropriations; and
21 the restrictions of the State Purchasing Law, the General Accounting and
22 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
23 Procedures and Restrictions Act, or their successors, and other fiscal control
24 laws of this State, where applicable, and regulations promulgated by the
25 Department of Finance and Administration, as authorized by law, shall be
26 strictly complied with in disbursement of said funds.

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28 SECTION 6. LEGISLATIVE INTENT. It is the intent of the General
29 Assembly that any funds disbursed under the authority of the appropriations
30 contained in this Act shall be in compliance with the stated reasons for which
31 this Act was adopted, as evidenced by the Agency Requests, Executive
32 Recommendations and Legislative Recommendations contained in the budget
33 manuals prepared by the Department of Finance and Administration, letters, or
34 summarized oral testimony in the official minutes of the Arkansas Legislative
35 Council or Joint Budget Committee which relate to its passage and adoption.

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SECTION 7. CODE. All provisions of this Act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 8. SEVERABILITY. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

SECTION 9. GENERAL REPEALER. All laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 10. EMERGENCY CLAUSE. It is hereby found and determined by the Seventy-Ninth General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a two (2) year period; that previous General Assemblies have provided appropriations for the projects provided enumerated in this act; that certain appropriations will expire before the adjournment of the General Assembly; and that if such appropriations expire, the projects and programs authorized herein will cease thereby depriving the citizens of the State of the benefits to be derived from such projects. Therefore, an emergency is hereby declared to exist, and this Act being necessary for the immediate preservation of the public peace, health, and safety shall be in full force and effect from and after its passage and approval.

APPROVED: 04/13/93

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