

.As Engrossed: 2/25/92
.As Engrossed: 2/27/92

1 **State of Arkansas**
2 **78th General Assembly**
3 **First Extraordinary Session, 1992**
4 **By: Joint Budget Committee**

A Bill ACT 21 OF 1992

Call Item 5
SENATE BILL 29

For An Act To Be Entitled

8 "AN ACT TO PROVIDE FOR A TRANSFER OF ADDITIONAL FUNDS TO
9 BE USED TO CREATE VARIOUS ECONOMIC DEVELOPMENT
10 ENHANCEMENTS; TO MAKE AN APPROPRIATION TO THE DEPARTMENT
11 OF FINANCE AND ADMINISTRATION - DISBURSING OFFICER; TO
12 ESTABLISH A FUND TO BE KNOWN AS THE *AEROSPACE AND INDUSTRY*
13 *DEVELOPMENT FUND*; AND FOR OTHER PURPOSES."

14
15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

16
17 SECTION 1. APPROPRIATIONS - AVIATION AND AEROSPACE INDUSTRY
18 DEVELOPMENT. There is hereby appropriated, to the Department of Finance and
19 Administration - Disbursing Officer, to be payable from the *Aerospace and*
20 *Industry Development Fund* created herein, for economic development and
21 enhancement of the aviation and aerospace industry in the State of Arkansas
22 for the biennial period ending June 30, 1993, the sum
23 of..... \$10,000,000.

24
25 SECTION 2. FUND ESTABLISHED. Thereby hereby established on the books
26 of the State Treasurer, State Auditor, and Chief Fiscal Officer of the State a
27 fund to be known as the "*Aerospace and Industry Development Fund*". Such fund
28 shall consist of those funds as may be provided by law, there to be used by
29 the Arkansas Aviation and Aerospace Commission and the *Arkansas Industrial*
30 *Development Commission* for the development of the aviation and aerospace
31 industry and other industries which qualify for certification by the *Arkansas*
32 *Industrial Development Commission* in Arkansas.

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34 SECTION 3. FUNDS TRANSFERRED. Upon direction by the Governor and upon
35 certification from time to time by the Chief Fiscal Officer of the State, the
36 State Treasurer shall transfer from the General Revenue Fund Account of the

1 State Apportionment Fund, an amount not to exceed ten million dollars
2 (\$10,000,000) during the biennial period ending June 30, 1993, to the
3 Aerospace and Industry Development Fund for the purpose of creating various
4 economic development enhancements in the aviation and aerospace industry in
5 Arkansas, provided however not more than \$4,000,000 may be transferred prior
6 to June 30, 1992. Funding not to exceed \$4,000,000 may be transferred prior
7 to June 30, 1992 if the Governor determines that such funds are necessary to
8 secure the location or expansion of projects eligible for funding under this
9 Act. If on June 30, 1992, net general revenue available for distribution
10 exceeds funding of 48% of the "B" allotment of the Revenue Stabilization Act,
11 A.C.A. § 19-5-402 (b), an amount not to exceed \$10,000,000 or the amount by
12 which net general revenue available for distribution exceeds 48% of "B"
13 allotment of said Revenue Stabilization Act, whichever is less, may be
14 transferred to the fund.

15

16 During fiscal year ending June 30, 1993, no funds may be transferred unless
17 the Chief Fiscal Officer of the State has provided a forecast of net general
18 revenue available for distribution that exceeds funding of 55.34% of the "B"
19 allotment of the Revenue Stabilization Act, A.C.A. § 19-5-404 (b), for the
20 fiscal year ending June 30, 1993 by a minimum of \$10,000,000, except that
21 funding not to exceed \$4,000,000 may be transferred if the Governor determines
22 that such funds are necessary to secure the location or expansion of projects
23 eligible for funding under this Act. Provided however, that in no event may
24 more than a total of \$10,000,000 be transferred during the biennium ending
25 June 30, 1993.

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27 SECTION 4. Funds appropriated in Section 1 may only be disbursed upon
28 the recommendation of the Arkansas Aviation and Aerospace Commission or the
29 Arkansas Industrial Development Commission. Such funds may be utilized for
30 construction, reconstruction, demolition, site development, transportation,
31 contracts and related costs associated with the creation, expansion, and
32 rehabilitation of water or sewer systems, streets and roads, bridges, drainage
33 and other vital public facilities, or to provide training or retraining of the
34 workforce to new or existing industry. Use of the funds for such training
35 shall be limited to training where no other existing education or training
36 program is capable of meeting the specific training needs of the aviation and

1 aerospace industry. The public purpose must be certified by the Chief Fiscal
2 Officer of the State. Provided, however, that before any funds are disbursed
3 under the provisions of this Act, the Chief Fiscal Officer of the State shall
4 promulgate such rules and regulations as may be needed to ensure that any
5 recipient shall contribute to the economy of this State consistent with the
6 intents of this Act.

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8 SECTION 5. *It is the intent of the 78th General Assembly meeting in*
9 *extraordinary session that the financing of the aerospace and industrial*
10 *development program through a transfer from the State Apportionment Fund is*
11 *not to be a precedent in financing programs in this state. We recognize that*
12 *an unusual and possible unique situation exists that requires the General*
13 *Assembly to deviate from its normal practice of establishing priorities and*
14 *allowing the programs to receive financing through the Arkansas Revenue*
15 *Stabilization Law. It is our intent to provide any financial support for the*
16 *program contained in this act in the future, if any, through the process of it*
17 *receiving a share of the distribution of the "general revenues available for*
18 *allocation" in the Arkansas Revenue Stabilization Law.*

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20 SECTION 6. COMPLIANCE WITH OTHER LAWS. Disbursement of funds
21 authorized by this Act shall be limited to the appropriation for such agency
22 and funds made available by law for the support of such appropriations; and
23 the restrictions of the State Purchasing Law, the General Accounting and
24 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
25 Procedures and Restrictions Act, or their successors, and other fiscal control
26 laws of this State, where applicable, and regulations promulgated by the
27 Department of Finance and Administration, as authorized by law, shall be
28 strictly complied with in disbursement of said funds.

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30 SECTION 7. LEGISLATIVE INTENT. It is the intent of the General
31 Assembly that any funds disbursed under the authority of the appropriations
32 contained in this Act shall be in compliance with the stated reasons for which
33 this Act was adopted, as evidenced by the Agency Requests, Executive
34 Recommendations and Legislative Recommendations contained in the budget
35 manuals prepared by the Department of Finance and Administration, letters, or

1 summarized oral testimony in the official minutes of the Arkansas Legislative
2 Council or Joint Budget Committee which relate to its passage and adoption.

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4 SECTION 8. CODE. All provisions of this Act of a general and permanent
5 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
6 Code Revision Commission shall incorporate the same in the Code.

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8 SECTION 9. SEVERABILITY. If any provision of this Act or the
9 application thereof to any person or circumstance is held invalid, such
10 invalidity shall not affect other provisions or applications of the Act which
11 can be given effect without the invalid provision or application, and to this
12 end the provisions of this Act are declared to be severable.

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14 SECTION 10. GENERAL REPEALER. All laws and parts of laws in conflict
15 with this Act are hereby repealed.

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17 SECTION 11. EMERGENCY CLAUSE. It is hereby found and determined by the
18 Seventy-Eighth General Assembly meeting in First Extraordinary Session, that
19 the provisions of this Act are of critical importance to the provisions of
20 governmental goods and services to the people of the State of Arkansas, and to
21 provide sufficient funding for unique opportunities in the economic
22 development in the State of Arkansas. Therefore, an emergency is hereby
23 declared to exist, and this Act being necessary for the immediate preservation
24 of the public peace, health, and safety shall be in full force and effect from
25 and after its passage and approval.

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/s/Sen. Russ

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APPROVED: 3-4-92

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