

1 **State of Arkansas**
2 **80th General Assembly**
3 **Regular Session, 1995**
4 **By: Joint Budget Committee**

A Bill

ACT 1023 OF 1995
SENATE BILL 135

For An Act To Be Entitled

8 "AN ACT TO MAKE AN APPROPRIATION FOR ECONOMIC DEVELOPMENT
9 AND ENHANCEMENT OF THE AVIATION AND AEROSPACE INDUSTRY IN
10 ARKANSAS FOR THE DEPARTMENT OF FINANCE AND ADMINISTRATION
11 - DISBURSING OFFICER FOR THE BIENNIAL PERIOD ENDING JUNE
12 30, 1997; AND FOR OTHER PURPOSES."

Subtitle

15 "AN ACT FOR THE DEPARTMENT OF FINANCE
16 AND ADMINISTRATION - DISBURSING OFFICER
17 APPROPRIATION FOR THE 1995-97 BIENNIUM."

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

21 SECTION 1. APPROPRIATIONS. There is hereby appropriated, to the
22 Department of Finance and Administration - Disbursing Officer, to be payable
23 from the *Industry and Aerospace* Development Fund, for economic development and
24 enhancement of the aviation and aerospace industry in Arkansas for the
25 biennial period ending June 30, 1997, the following:

ITEM	FISCAL YEARS	
NO.	1995-96	1996-97
(01) ECONOMIC DEVELOPMENT/ENHANCEMENT	<u>\$ 10,000,000</u>	<u>\$ 10,000,000</u>

31 SECTION 2. Funds appropriated for economic development and enhancement
32 of the aviation and aerospace industry in the State of Arkansas may only be
33 disbursed upon the recommendation of the Arkansas Aviation and Aerospace
34 Commission or the Arkansas Industrial Development Commission. Such funds may
35 be utilized for construction, reconstruction, demolition, site development,
36 transportation, contracts and related costs associated with the creation,

1 expansion, and rehabilitation of water or sewer systems, streets and roads,
2 bridges, drainage and other vital public facilities, or to provide training or
3 retraining of the workforce to new or existing industry. Use of the funds for
4 such training shall be limited to training where no other existing education
5 or training program is capable of meeting the specific training needs of the
6 aviation and aerospace industry. The public purpose must be certified by the
7 Chief Fiscal Officer of the State. Provided, however, that before any funds
8 are disbursed under the provisions of this Act, the Chief Fiscal Officer of
9 the State shall promulgate such rules and regulations as may be needed to
10 ensure that any recipient shall contribute to the economy of this State
11 consistent with the intents of this Act. *Funds appropriated in Section 1 of*
12 *this Act may also be used to provide grants for Commercial Driver's License*
13 *Training.*

14

15 SECTION 3. FUNDS TRANSFERRED. Upon direction by the Governor and upon
16 certification from time to time by the Chief Fiscal Officer of the State, the
17 State Treasurer shall transfer from the General Revenue Fund Account of the
18 State Apportionment Fund, an amount not to exceed ten million dollars
19 (\$10,000,000) during the biennial period ending June 30, 1997, to the *Industry*
20 *and Aerospace Development Fund* for the purpose of creating various economic
21 development enhancements in the aviation and aerospace industry in Arkansas,
22 provided however not more than \$4,000,000 may be transferred prior to June 30,
23 1996. Funding not to exceed \$4,000,000 may be transferred prior to June 30,
24 1996 if the Governor determines that such funds are necessary to secure the
25 location or expansion of projects eligible for funding under this Act. If on
26 June 30, 1996, net general revenue available for distribution exceeds funding
27 of 100% of the "B" allotment of the Revenue Stabilization Act, A.C.A. § 19-5-
28 402 (b), an amount not to exceed \$10,000,000 or the amount by which net
29 general revenue available for distribution exceeds 100% of "B" allotment of
30 said Revenue Stabilization Act, whichever is less, may be transferred to the
31 fund.

32

33 During the fiscal year ending June 30, 1997, no funds may be transferred
34 unless the Chief Fiscal Officer of the State has provided a forecast of net
35 general revenue available for distribution that exceeds funding of 100% of the

1 "B" allotment of the Revenue Stabilization Act, A.C.A. § 19-5-404 (b), for the
2 fiscal year ending June 30, 1997 by a minimum of \$10,000,000, except that
3 funding not to exceed \$4,000,000 may be transferred if the Governor determines
4 that such funds are necessary to secure the location or expansion of projects
5 eligible for funding under this Act. Provided however, that in no event may
6 more than a total of \$10,000,000 be transferred during the biennium ending
7 June 30, 1997.

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

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

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31 SECTION 6. LEGISLATIVE INTENT. It is the intent of the General
32 Assembly that any funds disbursed under the authority of the appropriations
33 contained in this Act shall be in compliance with the stated reasons for which
34 this Act was adopted, as evidenced by the Agency Requests, Executive
35 Recommendations and Legislative Recommendations contained in the budget

1 manuals prepared by the Department of Finance and Administration, letters, or
2 summarized oral testimony in the official minutes of the Arkansas Legislative
3 Council or Joint Budget Committee which relate to its passage and adoption.

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

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

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

17

18 SECTION 10. EMERGENCY CLAUSE. It is hereby found and determined by the
19 Eightieth General Assembly, that the Constitution of the State of Arkansas
20 prohibits the appropriation of funds for more than a two (2) year period; that
21 the effectiveness of this Act on July 1, 1995 is essential to the operation of
22 the agency for which the appropriations in this Act are provided, and that in
23 the event of an extension of the Regular Session, the delay in the effective
24 date of this Act beyond July 1, 1995 could work irreparable harm upon the
25 proper administration and provision of essential governmental programs.
26 Therefore, an emergency is hereby declared to exist and this Act being
27 necessary for the immediate preservation of the public peace, health and
28 safety shall be in full force and effect from and after July 1, 1995.

29

/s/Russ

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APPROVED: 4-10-95

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As Engrossed: 3/22/95 3/24/95

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