

1 **State of Arkansas**
2 **80th General Assembly**
3 **Regular Session, 1995**

A Bill

ACT 434 OF 1995
HOUSE BILL 1547

4 **By: Representatives Miller, Malone, and Lancaster**
5 **By: Senators Bradford, Wilson, Cassady, and Walters**

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 15-4-1507 TO REVISE
9 QUALIFICATIONS FOR FUNDING FROM THE AVIATION AND AEROSPACE
10 DEVELOPMENT FUND; AND FOR OTHER PURPOSES."

Subtitle

13 "TO REVISE QUALIFICATIONS FOR FUNDING
14 FROM THE AVIATION AND AEROSPACE
15 DEVELOPMENT FUND."

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

19 SECTION 1. Arkansas Code 15-4-1507 is amended to read as follows:

20 "15-4-1507. Loan criteria.

21 (a) The commission shall have the authority to determine the structure,
22 amount and nature of any loan or other financial assistance from the fund,
23 subject to the following criteria:

24 (1) The applicant shall provide certification that the jobs
25 created shall generate a quarterly average weekly wage per employee equal to
26 or greater than one hundred ten percent (110%) of the state average weekly
27 wage per employee for manufacturing industries for the immediately preceding
28 calendar year as reported in the Covered Employment and Earnings report
29 published by the Arkansas Employment Security Department.

30 (2) Any applicant receiving financial assistance from the
31 Aviation and Aerospace Industry Development Fund shall make available to the
32 commission such employee and wage information as may be required by the
33 commission to verify compliance with the requirements of this section.

34 (b) The commission shall establish procedures to quantify the benefit
35 and return to the state and its citizens from the provision of financial
36 assistance from the fund. The commission shall establish as a goal the return

1 of any state investment made hereunder within eight (8) years of the provision
2 of financial assistance. The state's return shall be measured using the
3 following criteria:

- 4 (1) Number of jobs;
- 5 (2) Level of pay per job;
- 6 (3) Company's capital investment;
- 7 (4) Length of commitment of jobs by the company;
- 8 (5) Training and educational needs;
- 9 (6) Take-back provisions;
- 10 (7) Public and private participation in project funding; and
- 11 (8) Other criteria as established by the commission.

12 The commission in applying the formula shall determine that funding the
13 project will result in economic activity within the state that provides a
14 revenue-neutral or revenue-positive impact on the state's current general
15 revenues.

16 (c) The Executive Director of the Arkansas Industrial Development
17 Commission shall enter into an agreement with each successful applicant that
18 shall include the specific terms and conditions of the financial assistance to
19 be provided. These terms shall include a take-back provision in the event
20 the applicant fails to meet the terms of the agreement. Any legal recourse
21 set out by these provisions shall be pursued by the Chief Fiscal Officer of
22 the State.

23 (d) Any applicant receiving assistance from the fund shall be liable to
24 repay any assistance received if it does not comply with the terms of any
25 disbursement agreement, the criteria set out in this act, and any rule or
26 regulation promulgated by the Chief Fiscal Officer with regard to the Arkansas
27 Aviation and Aerospace Industry Development Fund. The repayment shall be made
28 to the Chief Fiscal Officer and credited to the fund. The Chief Fiscal
29 Officer may bring any lawful action to recover any amount for which the
30 recipient is liable."

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32 SECTION 2. All provisions of this act of a general and permanent nature
33 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
34 Revision Commission shall incorporate the same in the Code.

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1 SECTION 3. If any provision of this act or the application thereof to
2 any person or circumstance is held invalid, such invalidity shall not affect
3 other provisions or applications of the act which can be given effect without
4 the invalid provision or application, and to this end the provisions of this
5 act are declared to be severable.

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7 SECTION 4. All laws and parts of laws in conflict with this act are
8 hereby repealed.

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APPROVED: 2-24-95

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