

*.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**

**Call Item 5**

# **A Bill**

**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:

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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.

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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

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

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

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

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

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

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21       SECTION 6. 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 7. 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 8. 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 9. 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 10. GENERAL REPEALER. All laws and parts of laws in conflict  
16 with this Act are hereby repealed.

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

27 */s/Sen. Russ*

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