

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

A Bill

HOUSE BILL 1575

4 By: Representatives Baker, Lancaster, and Malone
5 By: Senators Bookout, Bell, Bradford, Gwatney, and Walters

For An Act To Be Entitled

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8 "AN ACT TO AMEND THE ARKANSAS ECONOMIC DEVELOPMENT AND
9 INCENTIVE ACT OF 1993 TO PROVIDE THAT DISTRIBUTION CENTERS
10 MAY QUALIFY FOR BENEFITS UNDER THE ACT AND TO CLARIFY THAT
11 THE DEPARTMENT OF FINANCE AND ADMINISTRATION IS AUTHORIZED
12 TO VERIFY THE QUALIFICATIONS OF PROGRAM PARTICIPANTS; AND
13 FOR OTHER PURPOSES."

Subtitle

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16 "TO AMEND THE 1993 ECONOMIC DEVELOPMENT
17 AND INCENTIVE ACT TO INCLUDE
18 DISTRIBUTION CENTERS AND TO CLARIFY THE
19 AUTHORITY TO VERIFY PARTICIPANTS
20 QUALIFICATIONS."

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

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24 SECTION 1. Ark. Code Ann. § 15-4-1602 is hereby amended to add a new
25 subsection (11) to read as follows:

26 "(11) Distribution Center means a facility for the reception,
27 storage, or shipping of a business' own products or products which the
28 business wholesales to retail businesses or ships to its own retail outlets."

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30 SECTION 2. Ark. Code Ann. § 15-4-1605 is hereby amended to read as
31 follows:

32 "(1) Be either:
33 (A) An industry that comes within the Standard Industrial
34 Classification numbers 20 - 39 which will employ one hundred (100) or
35 more new permanent employees;

1 (B) An office sector business which will employ one hundred (100) or
2 more new permanent employees and not make retail sales to the general
3 public;

4 (C) A corporate headquarters which will employ fifty (50) or more new
5 permanent employees and not make retail sales to the general public; or

6 (D) A distribution center which will employ one hundred (100) or more
7 new permanent employees and not make retail sales to the general
8 public;

9 (2) Hire the requisite number of new permanent employees within twenty-
10 four (24) months of the date the financial incentive plan was entered into
11 with the department;

12 (3) Agree to certify to the Department of Finance and Administration
13 the number of new permanent employees and the new permanent employees'
14 payroll once the number of new permanent employees reaches the requisite
15 number provided in subdivision (1) of this section, and recertify the number
16 and payroll of the net new employees annually thereafter during the term of
17 the financial incentive plan, so that the Department of Finance and
18 Administration can determine the amount of money to be deposited into the
19 fund; and"

20 (4) Agree to certify to the Department of Finance and Administration
21 within thirty (30) days after the number of net new employees falls below:

22 (A) One hundred (100) for an industry;

23 (B) One hundred (100) for an office sector business;

24 (C) Fifty (50) for a corporate headquarters; or

25 (D) One hundred (100) for a distribution center."
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27 SECTION 3. Ark. Code Ann. §15-4-1608 is hereby amended to read as
28 follows:

29 "(A) The Department of Finance and Administration shall have the
30 authority to obtain whatever information necessary from participating
31 businesses and from the Arkansas Employment Security Department to verify
32 that businesses which have entered into financial incentive plans with the
33 department are complying with the terms of the financial incentive plans and
34 reporting accurate information concerning the number of employees and their
35 payrolls to the Department of Finance and Administration.

1 (B) The Department of Finance and Administration may promulgate rules
2 and regulations necessary for the proper administration of the provisions of
3 this subchapter."
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5 SECTION 4. 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 5. If any provision of this act or the application thereof to
10 any person or circumstance is held invalid, such invalidity shall not affect
11 other provisions or applications of the act which can be given effect without
12 the invalid provision or application, and to this end the provisions of this
13 act are declared to be severable.
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15 SECTION 6. All laws and parts of laws in conflict with this act are
16 hereby repealed.
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18 SECTION 7. EMERGENCY CLAUSE. It is hereby found and determined by the
19 General Assembly of this state that unemployment and economic
20 underdevelopment has reached intolerable levels in certain portions of this
21 state and the state as a whole has been unable to compete with other state's
22 incentive programs for the economic development; and, that the incentives
23 afforded by this act are critical to the development and expansion of job
24 opportunities in the state. Therefore, an emergency is declared to exist and
25 this act, being necessary for the preservation of the public peace, health,
26 and safety shall be in full force and effect immediately upon its passage and
27 approval.
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