

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

A Bill

SENATE BILL 135

4 By: Joint Budget Committee
5
6

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."
13

Subtitle

14 "AN ACT FOR THE DEPARTMENT OF FINANCE
15 AND ADMINISTRATION - DISBURSING OFFICER
16 APPROPRIATION FOR THE 1995-97 BIENNIUM."
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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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
24 and enhancement of the aviation and aerospace industry in Arkansas for the
25 biennial period ending June 30, 1997, the following:
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ITEM	FISCAL YEARS	
NO.	1995-96	1996-97
(01) ECONOMIC DEVELOPMENT/ENHANCEMENT	<u>\$ 10,000,000</u>	<u>\$ 10,000,000</u>

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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,

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

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

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34 During the fiscal year ending June 30, 1997, no funds may be
35 transferred unless the Chief Fiscal Officer of the State has provided a

1 forecast of net general revenue available for distribution that exceeds
2 funding of 100% of the "B" allotment of the Revenue Stabilization Act, A.C.A.
3 § 19-5-404 (b), for the fiscal year ending June 30, 1997 by a minimum of
4 \$10,000,000, except that funding not to exceed \$4,000,000 may be transferred
5 if the Governor determines that such funds are necessary to secure the
6 location or expansion of projects eligible for funding under this Act.
7 Provided however, that in no event may more than a total of \$10,000,000 be
8 transferred during the biennium ending June 30, 1997.

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

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

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

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

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

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

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

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

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/s/Russ

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