

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas  
2 81st General Assembly  
3 Regular Session, 1997

# A Bill

HOUSE BILL 1271

4  
5 By: Joint Budget Committee  
6  
7

## For An Act To Be Entitled

9 "AN ACT TO MAKE AN APPROPRIATION FOR THE DEPARTMENT OF  
10 FINANCE AND ADMINISTRATION - DISBURSING OFFICER FOR  
11 ECONOMIC DEVELOPMENT/ENHANCEMENT AND FOR DEVELOPMENT OF  
12 THE AVIATION AND AEROSPACE INDUSTRY FOR THE BIENNIAL  
13 PERIOD ENDING JUNE 30, 1999; AND FOR OTHER PURPOSES."

## Subtitle

15 "AN ACT FOR THE DEPARTMENT OF FINANCE  
16 AND ADMINISTRATION - DISBURSING OFFICER  
17 APPROPRIATION FOR THE 1997-99 BIENNIUM."  
18

19  
20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
21

22 SECTION 1. APPROPRIATIONS - ECONOMIC DEVELOPMENT OF ARKANSAS FUND.

23 There is hereby appropriated, to the Department of Finance and Administration  
24 - Disbursing Officer, to be payable from the Economic Development of Arkansas  
25 Fund, for economic development and enhancement in the State of Arkansas for  
26 the biennial period ending June 30, 1999, the following:  
27

28 ITEM	FISCAL YEARS	
<del>NO.</del>	<del>1997-98</del>	<del>1998-99</del>
(01) ECONOMIC DEVELOPMENT/ENHANCEMENT	<u>\$ 15,000,000</u>	<u>\$ 15,000,000</u>

31  
32 SECTION 2. APPROPRIATIONS - AVIATION AND AEROSPACE. There is hereby  
33 appropriated, to the Department of Finance and Administration - Disbursing  
34 Officer, to be payable from the Industry and Aerospace Development Fund, for  
35 economic development and enhancement of the aviation, aerospace and other  
36 industries in Arkansas for the biennial period ending June 30, 1999, the

1 following:

3 ITEM	FISCAL YEARS	
4 NO.	1997-98	1998-99
5 (01) ECON DEVELOPMENT/ENHANCEMENT	<u>\$ 10,000,000</u>	<u>\$ 10,000,000</u>

6

7 SECTION 3. SPECIAL LANGUAGE - FUNDS TRANSFERRED. Upon direction by the  
 8 Governor and upon certification from time to time by the Chief Fiscal Officer  
 9 of the State, the State Treasurer shall transfer from the General Revenue Fund  
 10 Account of the State Apportionment Fund, an amount not to exceed ten million  
 11 dollars (\$10,000,000) during the biennial period ending June 30, 1999, to the  
 12 Industry and Aerospace Development Fund for the purpose of creating various  
 13 economic development enhancements in the aviation and aerospace industry in  
 14 Arkansas, provided however not more than \$4,000,000 may be transferred prior  
 15 to June 30, 1998. Funding not to exceed \$4,000,000 may be transferred prior  
 16 to June 30, 1998 if the Governor determines that such funds are necessary to  
 17 secure the location or expansion of projects eligible for funding under  
 18 Section 2 of this Act. If on June 30, 1998, net general revenue available for  
 19 distribution exceeds funding of 100% of the "B" allotment of the Revenue  
 20 Stabilization Act, A.C.A. § 19-5-402 (b), an amount not to exceed \$10,000,000  
 21 or the amount by which net general revenue available for distribution exceeds  
 22 100% of "B" allotment of said Revenue Stabilization Act, whichever is less,  
 23 may be transferred to the fund.

24

25 During the fiscal year ending June 30, 1999, no funds may be transferred  
 26 unless the Chief Fiscal Officer of the State has provided a forecast of net  
 27 general revenue available for distribution that exceeds funding of 100% of the  
 28 "B" allotment of the Revenue Stabilization Act, A.C.A. § 19-5-404 (b), for the  
 29 fiscal year ending June 30, 1999 by a minimum of \$10,000,000, except that  
 30 funding not to exceed \$4,000,000 may be transferred if the Governor determines  
 31 that such funds are necessary to secure the location or expansion of projects  
 32 eligible for funding under Section 2 this Act. Provided however, that in no  
 33 event may more than a total of \$10,000,000 be transferred during the biennium  
 34 ending June 30, 1999.

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1           SECTION 4. SPECIAL LANGUAGE. It is the intent of the General Assembly  
2 that the financing of the Aerospace and Industrial Development Program through  
3 a transfer from the State Apportionment Fund is not to be a precedent in  
4 financing programs in this state. We recognize that an unusual and possible  
5 unique situation exists that requires the General Assembly to deviate from its  
6 normal practice of establishing priorities and allowing the programs to  
7 receive financing through the Arkansas Revenue Stabilization Law. It is our  
8 intent to provide any financial support for the program contained in this act  
9 in the future, if any, through the process of it receiving a share of the  
10 distribution of the "general revenues available for allocation" in the  
11 Arkansas Revenue Stabilization Law.

12

13           SECTION 5. SPECIAL LANGUAGE. Funds appropriated for economic  
14 development and enhancement of the aviation and aerospace industry in the  
15 State of Arkansas may only be disbursed upon the recommendation of the  
16 Arkansas Aviation and Aerospace Commission or the Arkansas Industrial  
17 Development Commission. Such funds may be utilized for construction,  
18 reconstruction, demolition, site development, transportation, contracts and  
19 related costs associated with the creation, expansion, and rehabilitation of  
20 water or sewer systems, streets and roads, bridges, drainage and other vital  
21 public facilities, or to provide training or retraining of the workforce to  
22 new or existing industry. Use of the funds for such training shall be limited  
23 to training where no other existing education or training program is capable  
24 of meeting the specific training needs of the aviation and aerospace industry.  
25 The public purpose must be certified by the Chief Fiscal Officer of the  
26 State. Provided, however, that before any funds are disbursed under the  
27 provisions of this Act, the Chief Fiscal Officer of the State shall promulgate  
28 such rules and regulations as may be needed to ensure that any recipient shall  
29 contribute to the economy of this State consistent with the intents of this  
30 Act. Funds appropriated in Section 2 of this Act may also be used to provide  
31 grants for Commercial Driver's License Training.

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33           SECTION 6. COMPLIANCE WITH OTHER LAWS. Disbursement of funds  
34 authorized by this Act shall be limited to the appropriation for such agency  
35 and funds made available by law for the support of such appropriations; and

1 the restrictions of the State Purchasing Law, the General Accounting and  
2 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary  
3 Procedures and Restrictions Act, or their successors, and other fiscal control  
4 laws of this State, where applicable, and regulations promulgated by the  
5 Department of Finance and Administration, as authorized by law, shall be  
6 strictly complied with in disbursement of said funds.

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8 SECTION 7. LEGISLATIVE INTENT. It is the intent of the General  
9 Assembly that any funds disbursed under the authority of the appropriations  
10 contained in this Act shall be in compliance with the stated reasons for which  
11 this Act was adopted, as evidenced by the Agency Requests, Executive  
12 Recommendations and Legislative Recommendations contained in the budget  
13 manuals prepared by the Department of Finance and Administration, letters, or  
14 summarized oral testimony in the official minutes of the Arkansas Legislative  
15 Council or Joint Budget Committee which relate to its passage and adoption.

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

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

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27 SECTION 10. GENERAL REPEALER. All laws and parts of laws in conflict  
28 with this Act are hereby repealed.

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30 SECTION 11. EMERGENCY CLAUSE. It is hereby found and determined by the  
31 Eighty-First General Assembly, that the Constitution of the State of Arkansas  
32 prohibits the appropriation of funds for more than a two (2) year period; that  
33 the effectiveness of this Act on July 1, 1997 is essential to the operation of  
34 the agency for which the appropriations in this Act are provided, and that in  
35 the event of an extension of the Regular Session, the delay in the effective

1 date of this Act beyond July 1, 1997 could work irreparable harm upon the  
2 proper administration and provision of essential governmental programs.  
3 Therefore, an emergency is hereby declared to exist and this Act being  
4 necessary for the immediate preservation of the public peace, health and  
5 safety shall be in full force and effect from and after July 1, 1997.