

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
4

As Engrossed: H2/17/97

A Bill

HOUSE BILL 1521

5 *By: House Committee on Agriculture and Economic Development*
6
7

For An Act To Be Entitled

9 "AN ACT TO RENAME THE ARKANSAS INDUSTRIAL DEVELOPMENT
10 COMMISSION AS THE ARKANSAS ECONOMIC DEVELOPMENT
11 COMMISSION; AND FOR OTHER PURPOSES."
12

Subtitle

13 "TO RENAME THE ARKANSAS INDUSTRIAL
14 DEVELOPMENT COMMISSION AS THE ARKANSAS
15 ECONOMIC DEVELOPMENT COMMISSION."
16
17

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

20 SECTION 1. Arkansas Code 6-46-101(b) is amended to read as follows:

21 "(b) The center shall also offer high technology training to specific
22 work forces in coordination with the Arkansas ~~Industrial~~ Economic Development
23 Commission in order to assist the Arkansas Industrial Development Commission
24 in fulfilling its obligations and commitments in attracting high technology
25 industry to the state."
26

27 SECTION 2. Arkansas Code 6-46-301(a)(4) is amended to read as follows:

28 "(4) The Director of the Arkansas ~~Industrial~~ Economic Development
29 Commission;"
30

31 SECTION 3. Arkansas Code 6-46-501 is amended to read as follows:

32 "§ 6-46-501. Technical assistance.

33 The Department of Education, the Department of Higher Education, the
34 Arkansas ~~Industrial~~ Economic Development Commission, and the Arkansas Science
35 and Technology Authority shall provide technical assistance to the center."
36

1 SECTION 4. Arkansas Code 6-50-102(a) is amended to read as follows:

2 "(a) The role and function of the Arkansas Industry Training Program of
3 the Arkansas ~~Industrial~~ Economic Development Commission and the Department of
4 ~~Industrial~~ Economic Development is expanded to authorize the Arkansas Industry
5 Training Program to provide training of workers in existing industries as well
6 as in new and expanding businesses and industries."

7

8 SECTION 5. Arkansas Code 6-50-102(d) is amended to read as follows:

9 "(d) The Arkansas ~~Industrial~~ Economic Development Commission shall
10 cooperate with the State Board of Higher Education in the operation of this
11 program."

12

13 SECTION 6. Arkansas Code 6-50-601(a) is amended to read as follows:

14 "(a) There is hereby created the Arkansas Advisory Council for
15 Vocational-Technical Education, with the Arkansas ~~Industrial~~ Economic
16 Development Commission designated as the state agency eligible to receive
17 federal funds for the Arkansas Advisory Council for Vocational-Technical
18 Education and to act as the council's fiscal agent for purposes of
19 disbursement, accounting, and auditing pursuant to 20 U.S.C. § 2322(c) and
20 (e), and § 2323(c)."

21

22 SECTION 7. Arkansas Code 6-50-702(4) is amended to read as follows:

23 "(4) Governing council means the directors, or their designees, of the
24 Arkansas ~~Industrial~~ Economic Development Commission, the Department of Higher
25 Education, and the Vocational and Technical Education Division of the
26 Department of Education."

27

28 SECTION 8. Arkansas Code 6-50-703(a) is amended to read as follows:

29 "(a) There is hereby created the Arkansas Existing Workforce Training
30 Program to be administered by a governing council composed of equal
31 representation from the Department of Higher Education, the Vocational and
32 Technical Education Division of the Department of Education, and the Arkansas
33 ~~Industrial~~ Economic Development Commission."

34

35 SECTION 9. Arkansas Code 6-50-704(a) is amended to read as follows:

36 "(a) The governing council shall promulgate rules and regulations in

1 accord with the Arkansas Administrative Procedure Act, § 25-15-201 et seq.,
2 for the implementation of this subchapter by the Arkansas ~~Industrial~~ Economic
3 Development Commission."

4

5 SECTION 10. Arkansas Code 6-53-202(b)(1) is amended to read as follows:

6 "(b)(1) The Director of General Education of the Department of
7 Education, the Director of Vocational and Technical Education of the
8 Department of Education, and the Director of the Arkansas ~~Industrial~~ Economic
9 Development Commission shall be ex officio, nonvoting members of the panel."

10

11 SECTION 11. Arkansas Code 6-61-527(h) is amended to read as follows:

12 "(h) The Center for Quality and Productivity at Westark Community
13 College shall annually provide detailed reports and other accountability
14 indices to the Department of Higher Education and the Arkansas ~~Industrial~~
15 Economic Development Commission."

16

17 SECTION 12. Arkansas Code 8-9-201(a)(3) is amended to read as follows:

18 "(3) The Director of the Arkansas ~~Industrial~~ Economic Development
19 Commission or the director's designee shall serve as an ex officio member."

20

21 SECTION 13. Arkansas Code 10-3-1106(4) is amended to read as follows:

22 "(4) The office space on the southeast wing of the second floor of the
23 State Capitol Building currently assigned for use by the Budget Division of
24 the Department of Finance and Administration. The space now provided for the
25 Arkansas ~~Industrial~~ Economic Development Commission on the southwest wing of
26 the second floor of the State Capitol Building shall be made available for the
27 Budget Division of the Department of Finance and Administration unless the
28 director determines that the location of the Budget Division in some other
29 facilities would be more advantageous to the agency;"

30

31 SECTION 14. Arkansas Code 11-10-314(j)(1) is amended to read as
32 follows:

33 "(1) The Arkansas ~~Industrial~~ Economic Development Commission may be
34 provided:

35 (A) The employer's name, mailing address, business location in
36 Arkansas; name of the owner, chief executive officer, or plant manager;

1 current number of employees; and the standard industrial classification code
2 for each employer classified by the agency in Standard Industrial
3 Classification Codes 20-39;

4 (B) The claims status of workers hired by employers under the Arkansas
5 ~~Industrial Economic~~ Development Commission's Arkansas Enterprise Zone Program
6 authorized by §§ 15-4-801 - 15-4-814 [expired], provided the commission
7 submits a list of workers by name and social security number;"

8

9 SECTION 15. Arkansas Code 11-13-102(10) is amended to read as follows:

10 "(10) State agencies means the Arkansas ~~Industrial Economic~~
11 Development Commission, the Department of Arkansas Heritage, the Department of
12 Correction, the Department of Education, the Department of Higher Education,
13 the Department of Human Services, the Department of Labor, the Department of
14 Parks and Tourism, the Department of Pollution Control and Ecology, the
15 Arkansas Employment Security Department, the Arkansas State Game and Fish
16 Commission, the Military Department, and the State Office of Emergency
17 Services; and"

18

19 SECTION 16. Arkansas Code 14-164-208(c)(2) is amended to read as
20 follows:

21 "(2) At least ten (10) days prior to the date of the hearing, notice of
22 it shall be filed with the Director of the Arkansas ~~Industrial Economic~~
23 Development Commission and the State Securities Commissioner and shall be
24 published one (1) time in a newspaper of general circulation in the
25 municipality or county."

26

27 SECTION 17. Arkansas Code 14-164-509(c)(1) is amended to read as
28 follows:

29 "(c)(1) At least ten (10) days prior to the date of the hearing, notice
30 thereof shall be filed with the Director of the Arkansas ~~Industrial Economic~~
31 Development Commission and the State Securities Commissioner and shall be
32 published one (1) time in a newspaper of general circulation in the
33 municipality or county."

34

35 SECTION 18. Arkansas Code 15-3-132(a)(2)(E) is amended to read as
36 follows:

1 "(E) The ability and willingness to cooperate with the authority, the
2 Arkansas ~~Industrial~~ Economic Development Commission, and other economic
3 development agencies in promoting the growth and development in Arkansas of
4 enterprises based upon or benefiting from the areas of technology involved;
5 and"

6

7 SECTION 19. Arkansas Code 15-4-201 is amended to read as follows:

8 "§ 15-4-201. Creation.

9 There is created and established at the seat of government of this state
10 a commission to be known as the Arkansas ~~Industrial~~ Economic Development
11 Commission, hereinafter referred to as the commission."

12

13 SECTION 20. Arkansas Code 15-4-206(a) is amended to read as follows:

14 "(a) The Director of the Arkansas Department of ~~Industrial~~ Economic
15 Development shall be appointed by the Governor with the consent of the
16 Arkansas ~~Industrial~~ Economic Development Commission and be subject to
17 confirmation by the Senate. The director shall serve at the pleasure of the
18 Governor."

19

20 SECTION 21. Arkansas Code 15-4-210 and 211 are amended to read as
21 follows:

22 "§ 15-4-210. Overseas operation - Reports.

23 (a) The Arkansas ~~Industrial~~ Economic Development Commission, with the
24 approval of the Governor, shall open such foreign offices as are deemed
25 appropriate to promote the export and sale of Arkansas products in foreign
26 markets and to develop foreign industry and markets in Arkansas.

27 (b) The Arkansas ~~Industrial~~ Economic Development Commission shall
28 report the progress of these offices annually to the Legislative Council, the
29 Legislative Joint Auditing Committee, and the Governor.

30

31 "§ 15-4-211. Overseas program - Personnel.

32 (a) The Arkansas ~~Industrial~~ Economic Development Commission is
33 authorized to engage the services of contract employees for the purpose of
34 promoting the development of European industry in Arkansas and the export and
35 sale of Arkansas products in Europe. The combined salaries of all employees
36 shall not exceed the line item appropriation.

1 (b) The Arkansas ~~Industrial~~ Economic Development Commission is hereby
2 authorized to engage the services of contract employees for the purpose of
3 promoting the development of Asian industry in Arkansas and the export and
4 sale of Arkansas products in Asia. The combined salaries for all employees
5 shall not exceed the line item appropriation.

6 (c) The Arkansas ~~Industrial~~ Economic Development Commission is hereby
7 authorized to engage the services of contract employees for the purpose of
8 promoting the development of Latin American industry in Arkansas and the
9 export and sale of Arkansas products in Latin America. The combined salaries
10 for all employees shall not exceed the line item appropriation."

11

12 SECTION 22. Arkansas Code 15-4-213 and 214 are amended to read as
13 follows:

14 "§ 15-4-213. Rural development generally.

15 The Arkansas ~~Industrial~~ Economic Development Commission shall act as
16 coordinator with other state agencies in forming advisory teams to work with
17 communities in the development of business, industry, and agriculture in the
18 rural areas of the state.

19

20 § 15-4-214. Interagency contracts.

21 The Arkansas ~~Industrial~~ Economic Development Commission is hereby
22 authorized to enter into interagency contracts in order to promote
23 underdeveloped areas of the state, especially those areas with high
24 unemployment."

25

26 SECTION 23. Arkansas Code 15-4-218(a) is amended to read as follows:

27 "(a) The Arkansas ~~Industrial~~ Economic Development Commission is
28 authorized to investigate and study the necessity and desirability of
29 constructing or reconstructing any transportation access to an industrial site
30 located in a publicly owned industrial park."

31

32 SECTION 24. Arkansas Code 15-4-302(1) is amended to read as follows:

33 "(1) Is established and confirmed within the Department of ~~Industrial~~
34 Economic Development under the jurisdiction of the Arkansas ~~Industrial~~
35 Economic Development Commission;"

36

1 SECTION 25. Arkansas Code 15-4-313(2) and (3) are amended to read as
2 follows:

3 "(2) Division means the Division of Minority Business Enterprise of
4 the Arkansas ~~Industrial~~ Economic Development Commission;

5 (3) Director means the Administrator of the Division of Minority
6 Business Enterprise of the Arkansas ~~Industrial~~ Economic Development
7 Commission;"

8

9 SECTION 26. Arkansas Code 15-4-403 (2) is amended to read as follows:

10 "(2) Commission shall mean the Arkansas ~~Industrial~~ Economic
11 Development Commission;"

12

13 SECTION 27. Arkansas Code 15-4-414 is amended to read as follows:

14 "§ 15-4-414. No personal liability.

15 Neither the members of the Arkansas ~~Industrial~~ Economic Development
16 Commission, nor officials or employees of the Department of ~~Industrial~~
17 Economic Development or the Division of Minority Business Enterprise thereof,
18 executing bonds or notes pursuant to this subchapter, shall be liable
19 personally on such bonds or notes by reason of the issuance thereof."

20

21 SECTION 28. Arkansas Code 15-4-603 is amended to read as follows:

22 "§ 15-4-603. Commission empowered to grant or deny guaranty bonds.

23 The Arkansas ~~Industrial~~ Economic Development Commission, called the
24 commission, in addition to all the duties and functions defined in §§
25 15-4-102, 15-4-201 - 15-4-204, 15-4-206, 15-4-209, 15-4-212, and 15-4-501 -
26 15-4-525, is empowered to approve or deny by majority vote of the membership
27 of the commission the guaranty as provided herein of amortization payments on
28 industrial revenue bonds issued by counties or municipalities in accordance
29 with the provisions of §§ 14-164-201 - 14-164-206 and 14-164-208 - 14-164-224,
30 which are called Act No. 9 bonds, or revenue bonds issued by the Arkansas
31 Development Finance Authority in accordance with §§ 15-5-101 - 15-5-105,
32 15-5-201 - 15-5-211, and 15-5-301 - 15-5-316, which are called ADFA bonds,
33 subject to the provisions, restrictions, and conditions set forth in this
34 subchapter."

35

36 SECTION 29. Arkansas Code 15-4-606 is amended to read as follows:

1 "§ 15-4-606. Evidence to support guaranty - Review of applications.

2 (a)(1)(A) Each county or municipality requesting a guaranty hereunder
3 shall submit to the Arkansas ~~Industrial~~ Economic Development Commission
4 supporting documents, instruments, contractor's costs or estimated cost of
5 improvements, land costs, and other evidence showing conformity with §§
6 14-164-201 - 14-164-206 and 14-164-208 - 14-164-224, as identified in this
7 subchapter.

8 (B) When a guaranty is requested with respect to Arkansas
9 Development Finance Authority bonds, the Arkansas Development Finance
10 Authority shall submit to the commission evidence showing conformity with §§
11 15-5-101 - 15-5-105, 15-5-201 - 15-5-211, and 15-5-301 - 15-5-316, and such
12 other supporting documents as the commission shall reasonably require.

13 (2)(A) All applications for guaranties shall be accompanied by a
14 one-time premium payment to the Revenue Bond Guaranty Reserve Account in an
15 amount equal to whichever is the larger amount of either:

16 (i) Three percent (3%) of the amount of the total
17 principal and interest requirements from date of issuance to maturity of the
18 Act No. 9 bonds or Arkansas Development Finance Authority bonds guaranteed; or
19 (ii) Five percent (5%) of the principal amount

20 of the Act No. 9 bonds or Arkansas Development Finance Authority bonds
21 guaranteed.

22 (B) The premium payment may be collected by the county or
23 municipality or the Arkansas Development Finance Authority from the lessee of
24 the industrial project involved.

25 (b)(1) All applications filed with the Arkansas ~~Industrial~~ Economic
26 Development Commission under the provisions of this subchapter shall first be
27 reviewed by the appropriate designated staff officials of the Arkansas
28 ~~Industrial~~ Economic Development Commission or by a committee consisting of
29 members of the Arkansas ~~Industrial~~ Economic Development Commission for
30 preliminary review and recommendation prior to being submitted for
31 consideration by the Arkansas ~~Industrial~~ Economic Development Commission.

32 (2) All applications submitted to the Arkansas ~~Industrial~~
33 Economic Development Commission and all supporting documents, instruments,
34 proposed contracts, estimated costs, or other evidence submitted therewith
35 shall be confidential and shall not be open to public review except as
36 provided herein. All staff meetings or meetings of the review committee of

1 members of the Arkansas ~~Industrial~~ Economic Development Commission established
2 for the purpose of giving preliminary review of such applications shall be
3 confidential and shall not be open to the public.

4 (3) Upon conclusion of the preliminary review of each request for
5 a guaranty hereunder, if the request for guaranty is submitted to the Arkansas
6 ~~Industrial~~ Economic Development Commission with a recommendation that it be
7 approved, the application and all supporting documents, including the findings
8 and the recommendations resulting from the staff or review committee thereof,
9 shall be an open public record available for inspection during all regular
10 business hours.

11 (4) In the event that an application from a municipality or
12 county or the Arkansas Development Finance Authority requesting a guaranty
13 hereunder is not recommended for approval by the Arkansas ~~Industrial~~ Economic
14 Development Commission, that application and all supporting documents,
15 including all findings and recommendations in regard thereto by the staff or
16 review committee, shall continue to be confidential and not open to public
17 inspection.

18 (5) The municipality or county or the Arkansas Development
19 Finance Authority shall be notified in writing of any staff or review
20 committee determination that the application is not being submitted to the
21 Arkansas ~~Industrial~~ Economic Development Commission with a recommendation that
22 it be approved. This notice shall advise the municipality or county or the
23 Arkansas Development Finance Authority that the application will be kept
24 confidential unless the municipality or county or the Arkansas Development
25 Finance Authority shall, within thirty (30) days from the date of receipt of
26 the written notice, file a petition with the Arkansas ~~Industrial~~ Economic
27 Development Commission requesting that the Arkansas ~~Industrial~~ Economic
28 Development Commission hold a hearing in regard to the application. In this
29 event, the application and all supporting documents shall become public
30 information available for public inspection.

31 (c) The membership of a review committee, when acting in that capacity,
32 shall never be considered to constitute a quorum of the Arkansas ~~Industrial~~
33 Economic Development Commission for the purpose of approving an application
34 for guaranty hereunder.

35 (d) No provision of this section shall be interpreted to create any
36 private right against any member of the Arkansas ~~Industrial~~ Economic

1 Development Commission or any member of its staff."

2

3 SECTION 30. Arkansas Code 15-4-702 is amended to read as follows:

4 "§ 15-4-702. Authority to use commission moneys if account is
5 insufficient.

6 If the Arkansas ~~Industrial~~ Economic Development Commission shall at any time
7 determine that the moneys in the Revenue Bond Guaranty Reserve Account created
8 and being maintained pursuant to the provisions of §§ 15-4-601 - 15-4-609,
9 known as the Guaranty Account, are not or will not be sufficient to meet the
10 obligations of the Guaranty Account, the commission is authorized to use the
11 necessary amount of any available moneys that it may have which are not needed
12 for, then or in the foreseeable future, or committed to, other authorized
13 functions and purposes of the commission. Any such moneys so used may be
14 reimbursed out of the Guaranty Account if and when there are moneys therein
15 available for the purpose."

16

17 SECTION 31. Arkansas code 15-4-1602(1) is amended to read as follows:

18 "(1) Commission means the Arkansas ~~Industrial~~ Economic Development
19 Commission;"

20

21 SECTION 32. Arkansas Code 15-4-1603 is amended to read as follows:

22 "§ 15-4-1603. Economic development incentive fund.

23 There is hereby established on the books of the Treasurer of State,
24 Auditor of State, and Chief Fiscal Officer of the State, a fund to be known as
25 the Economic Development Incentive Fund of the Arkansas ~~Industrial~~ Economic
26 Development Commission. The Economic Development Incentive Fund shall consist
27 of revenues designated for this fund by the Revenue Division of the Department
28 of Finance and Administration pursuant to agreements entered into by the
29 Arkansas ~~Industrial~~ Economic Development Commission with qualified
30 businesses."

31

32 SECTION 33. Arkansas Code 15-4-1702(1) is amended to read as follows:

33 "(1) Commission means the Arkansas ~~Industrial~~ Economic Development
34 Commission;"

35

36 SECTION 34. Arkansas Code 15-10-202(5) is amended to read as follows:

1 "(5) It is in the best interest of the citizens of this state to
2 establish a division within the Arkansas ~~Industrial~~ Economic Development
3 Commission to coordinate the planning and execution of comprehensive energy
4 conservation programs;"

5

6 SECTION 35. Arkansas Code 15-10-203 is amended to read as follows:

7 "§15-10-203. Arkansas Energy Office - Creation.

8 (a) There is created an Arkansas Energy Office, hereinafter also
9 referred to as the Energy Office, as a division within the Arkansas
10 ~~Industrial~~ Economic Development Commission. The executive head of this
11 division shall be the Director of the Arkansas Energy Office. The director
12 shall be appointed by the Director of the Arkansas ~~Industrial~~ Economic
13 Development Commission with the advice and consent of the Governor.

14 (b) The Arkansas Energy Office shall consist of such divisions as may
15 be established by the director, with the approval of the Director of the
16 Arkansas ~~Industrial~~ Economic Development Commission."

17

18 SECTION 36. Arkansas Code 15-10-204(c) is amended to read as follows:

19 "(c) In addition to other duties and functions prescribed for the
20 director elsewhere in this subchapter, the Director of the Arkansas Energy
21 Office shall supervise the daily operation of the agency and advise the
22 Director of the Arkansas ~~Industrial~~ Economic Development Commission, the
23 Governor, and the General Assembly on energy matters."

24

25 SECTION 37. Arkansas Code 15-10-305(b) is amended to read as follows:

26 "(b)(1) The Coordinator of Atomic Development Activities shall have the
27 duty of coordinating the studies, recommendations, and proposals of the
28 several departments and agencies of the state and its political subdivisions
29 required by § 15-10-304 with each other and also with the programs and
30 activities of the Arkansas ~~Industrial~~ Economic Development Commission.

31 (2) So far as may be practicable, he shall coordinate the studies
32 conducted, and the recommendations and proposals made, in this state with like
33 activities in other states and with the policies and regulations of the United
34 States Nuclear Regulatory Commission.

35 (3) In carrying out his duties, he shall proceed in close
36 cooperation with the Arkansas ~~Industrial~~ Economic Development Commission."

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SECTION 38. Arkansas Code 15-11-401(3) is amended to read as follows:

"(3) Natural planning regions means the respective counties comprising each of the fourteen (14) natural planning regions as defined by the Arkansas ~~Industrial Economic~~ Development Commission, and which are outlined on the records and maps maintained by the Arkansas ~~Industrial Economic~~ Development Commission as natural planning regions of this state existing on August 6, 1969; and"

SECTION 39. Arkansas Code 19-4-803(a) is amended to read as follows:

"(a) Funds required by the terms of a bond indenture to be held by paying agents for the payment of interest and principal on such bonds; petty cash funds held by the various state agencies; memorials, endowments, bequests, gifts, and donations made to any state agency other than for normal operation of the agency; canteen funds of state agencies other than institutions of higher learning, wherein the profits earned are used for the benefit of the people served by that agency through the purchase of services or goods other than normal salary or maintenance expenses of the agency; the Social Security Contribution Bank Fund administered by the Arkansas Public Employees' Retirement System; the Benefit Fund of the Arkansas Employment Security Department; the Bond Guaranty Reserve Account of the Arkansas ~~Industrial Economic~~ Development Commission; the Illegal Drug Purchase Account and the Confidential Accounts of the Department of Arkansas State Police; patient funds, where the institution is acting in a trust capacity or the funds are utilized for patient activities other than normal agency-provided services; and any other funds determined by the Chief Fiscal Officer of the State or the General Assembly, to be held in trust, and on deposit in a financial institution other than the State Treasury shall be exempt from the provisions of this subchapter."

SECTION 40. Arkansas Code 19-4-906(a)(006) is amended to read as follows:

"(006) Arkansas ~~Industrial Economic~~ Development Commission 31"

SECTION 41. Arkansas Code 19-5-302(6) is amended to read as follows:

"(6)(A) Department of ~~Industrial Economic~~ Development Fund Account. The

1 Department of ~~Industrial~~ Economic Development Fund Account shall be used for
2 the maintenance, operation, and improvement required by the Department of
3 ~~Industrial~~ Economic Development and the Arkansas ~~Industrial~~ Economic
4 Development Commission in carrying out the powers, functions, and duties as
5 set out in §§ 15-4-101, 15-4-102, 15-4-201 - 15-4-204, 15-4-206, 15-4-209 -
6 15-4-212, 15-4-501 - 15-4-524, and 15-10-201 - 15-10-206, or other duties
7 imposed by law upon the Department of ~~Industrial~~ Economic Development or the
8 Office of Energy.

9 (B) The fund account shall consist of:

10 (i) Those general revenues as may be provided by law;

11 (ii) Nonrevenue income derived from services performed by the
12 various divisions of the Department of ~~Industrial~~ Economic Development; and

13 (iii) Any other funds that may be provided by law."
14

15 SECTION 42. Arkansas Code 19-5-1049(b) is amended to read as follows:

16 "(b) Such fund shall consist of those funds as may be provided by law,
17 there to be used by the Arkansas Aviation and Aerospace Commission and the
18 Arkansas ~~Industrial~~ Economic Development Commission for the development of the
19 aviation and aerospace industry and other industries which qualify for
20 certification by the Arkansas ~~Industrial~~ Economic Development Commission in
21 Arkansas."
22

23 SECTION 43. Arkansas Code 20-78-503(e) is amended to read as follows:

24 "(e) This fund shall be administered by the Arkansas Early Childhood
25 Commission with technical assistance from the Small Business Development
26 Division of the Arkansas ~~Industrial~~ Economic Development Commission."
27

28 SECTION 44. Arkansas Code 20-78-505(a) is amended to read as follows:

29 "(a) The Arkansas Early Childhood Commission is authorized to develop
30 and implement, with the technical assistance of the Small Business Development
31 Division of the Arkansas ~~Industrial~~ Economic Development Commission, necessary
32 rules and regulations to receive, review, and approve applications for loan
33 deficiency guarantee assistance for expansion or development of child care
34 facilities in this state."
35

36 SECTION 45. Arkansas Code 23-3-602(2)(B)(i) is amended to read as

1 follows:

2 "(i) The Arkansas ~~Industrial~~ Economic Development Commission or its
3 successor;"

4

5 SECTION 46. Arkansas Code 23-32-715(b)(1) is amended to read as
6 follows:

7 "(1) The new or expanding industry, agricultural processing facility,
8 or marketing and distribution facility must be certified by the Director of
9 the Arkansas ~~Industrial~~ Economic Development Commission or individuals
10 designated by him as essential for the creation of new jobs, essential for the
11 maintenance or preservation of existing jobs, or essential for economic
12 development."

13

14 SECTION 47. Arkansas Code 25-1-104 is amended to read as follows:

15 "§ 25-1-104. Access of Department of Finance and Administration to
16 agency records.

17 The Revenue Division of the Department of Finance and Administration,
18 the Arkansas Employment Security Department, the University of Arkansas at
19 Little Rock, the University of Arkansas at Fayetteville, the Arkansas
20 ~~Industrial~~ Economic Development Commission, and any other state agency, board,
21 commission, department, institution, college, university, or authority shall
22 make data, information, statistics, or other records of information, available
23 to the Department of Finance and Administration. Provided, however, that such
24 information and records shall not identify persons, people, conglomerates,
25 corporations, monopolies, or others that would, from any published data, or
26 data within the possession of the office of the Director of the Department of
27 Finance and Administration, reveal the identity or any information or data of
28 that particular identity that would be in conflict with federal laws."

29

30 SECTION 48. Arkansas Code 25-6-105 is amended to read as follows:

31 "§ 25-6-105. Transfer of powers to ~~Industrial~~ Economic Development
32 Commission and Department of ~~Industrial~~ Economic Development.

33 All powers, functions, and duties heretofore vested in and exercised by
34 the Vocational and Technical Education Division of the Department of Education
35 with respect to the Arkansas Industry Training Program are hereby transferred
36 to and shall hereafter be vested in the Arkansas ~~Industrial~~ Economic

1 Development Commission and the Department of ~~Industrial~~ Economic Development."

2

3 SECTION 49. Arkansas Code 25-11-101 is amended to read as follows:

4 "§ 25-11-101. Creation - Director - Organization - Personnel.

5 (a) There is created a Department of ~~Industrial~~ Economic Development.

6 (b) The executive head of the department shall be the Director of the
7 Department of ~~Industrial~~ Economic Development. The director shall be appointed
8 by the Governor, with the advice of the Arkansas ~~Industrial~~ Economic
9 Development Commission and the consent of the Senate, and shall serve at the
10 pleasure of the Governor.

11 (c) The Department of ~~Industrial~~ Economic Development shall consist of
12 the divisions which may be necessary to fulfill its purposes and which may be
13 created by law and placed under the Department of ~~Industrial~~ Economic
14 Development.

15 (d) The Director of the Department of ~~Industrial~~ Economic Development,
16 with the advice and consent of the Governor, shall appoint the heads of the
17 respective divisions. All other personnel of the Department of ~~Industrial~~
18 Economic Development shall be employed by and shall serve at the pleasure of
19 the Director of the Department of ~~Industrial~~ Economic Development. However,
20 nothing in this section shall be so construed as to reduce any right which an
21 employee of the Department of ~~Industrial~~ Economic Development shall have under
22 any civil service or merit system.

23 (e) Each division of the Department of ~~Industrial~~ Economic Development
24 shall be under the direction, control, and supervision of the director of the
25 department. The director may delegate his functions, powers, and duties to
26 various divisions of the Department of ~~Industrial~~ Economic Development as he
27 shall deem desirable and necessary for the effective and efficient operation
28 of the department."

29

30 SECTION 50. Arkansas Code 25-11-102 is amended to read as follows:

31 "§ 25-11-102. Arkansas ~~Industrial~~ Economic Development Commission.

32 There is created an Arkansas ~~Industrial~~ Economic Development Commission, whose
33 membership, authorities, and powers shall be as specified in §§ 15-4-201 -
34 15-4-204, 15-4-209, 15-4-212, and 15-4-501 - 15-4-525."

35

36 SECTION 51. Arkansas Code 25-16-904(2) is amended to read as follows:

1 "(2) Arkansas ~~Industrial~~ Economic Development Commission;"

2

3 SECTION 52. Arkansas Code 25-19-105(b)(9)(B) is amended to read as
4 follows:

5 "(B)(i) Records maintained by the Arkansas ~~Industrial~~ Economic
6 Development Commission related to any business entity's planning, site
7 location, expansion, operations, or product development and marketing, unless
8 approval for release of such records is granted by the business entity.

9 (ii) Provided, however, this exemption shall not be applicable to
10 any records of expenditures or grants made or administered by the Arkansas
11 ~~Industrial~~ Economic Development Commission and otherwise disclosable under the
12 provisions of this chapter;"

13

14 SECTION 53. Arkansas Code 26-4-203(3) is amended to read as follows:

15 "(3) Motion Picture Office means the division of the Arkansas
16 ~~Industrial~~ Economic Development Commission charged with the responsibility of
17 promoting and assisting the motion picture industry in Arkansas;"

18

19 SECTION 54. Arkansas Code 26-51-505(e)(2) is amended to read as
20 follows:

21 "(2) The Revenue Division shall consult with the Arkansas Employment
22 Security Department and the Arkansas ~~Industrial~~ Economic Development
23 Commission during the promulgation of the rules and regulations."

24

25 SECTION 55. Arkansas Code 26-52-702(1) and (2) are amended to read as
26 follows:

27 "(1) Manufacturer or manufacturing operation means any person engaged
28 in a business classified as manufacturing in the Federal Standard Industrial
29 Classification Codes 20-39 who has been in continuous operation in Arkansas
30 for at least two (2) years prior to the initial application to the Director of
31 the Arkansas ~~Industrial~~ Economic Development Commission for the credit granted
32 by this subchapter and who has obtained a direct-pay sales and use tax permit
33 from the Revenue Division of the Department of Finance and Administration
34 under the provisions of § 26-52-509;

35 (2) Project means any manufacturing plant construction or expansion in
36 Arkansas by a manufacturer costing more than five million dollars (\$5,000,000)

1 including the cost of land, buildings, and equipment used in the construction
2 or expansion and which construction or expansion has been approved by the
3 Arkansas ~~Industrial~~ Economic Development Commission as a construction or
4 expansion which qualifies for the credit under the provisions of this
5 subchapter;"

6

7 SECTION 56. Arkansas Code 26-52-705(a)(1) is amended to read as
8 follows:

9 "(a)(1) In order to qualify for and receive the credits afforded by
10 this subchapter, any manufacturer undertaking a project shall submit a project
11 plan to the Director of the Arkansas ~~Industrial~~ Economic Development
12 Commission thirty (30) days prior to the start of construction."

13

14 SECTION 57. Arkansas Code 26-52-705(b)(2) is amended to read as
15 follows:

16 "(2) On receipt by the Director of the Department of Finance and
17 Administration of a certification from the Director of the Arkansas ~~Industrial~~
18 Economic Development Commission that a manufacturer is entitled to credit
19 under this subchapter, the Director of the Department of Finance and
20 Administration shall provide forms to the manufacturer on which to claim the
21 credit."

22

23 SECTION 58. Arkansas Code 26-52-705(c)(1) is amended to read as
24 follows:

25 "(c)(1) At the end of the calendar year in which the application was
26 made to the Director of the Arkansas ~~Industrial~~ Economic Development
27 Commission, and each calendar year thereafter until the project is completed,
28 the manufacturer shall certify, on the form provided by the Director of the
29 Department of Finance and Administration, the amount of expenditures on the
30 project during the preceding calendar year."

31

32 SECTION 59. Arkansas Code 26-52-706(c) is amended to read as follows:

33 "(c) The Director of the Arkansas ~~Industrial~~ Economic Development
34 Commission shall also have authority to promulgate such rules and regulations
35 as are necessary to carry out the intent and purposes of this subchapter."

36

1 SECTION 60. Arkansas Code 26-52-902(a) is amended to read as follows:

2 "(a) To claim the benefits of this subchapter, a taxpayer must obtain a
3 certification from the Director of the Arkansas ~~Industrial~~ Economic
4 Development Commission certifying to the Revenue Division of the Department of
5 Finance and Administration that the taxpayer:

6 (1) Operates a steel mill in Arkansas which began production
7 after February 16, 1987; and

8 (2) Has invested, after February 16, 1987, in excess of one
9 hundred twenty million dollars (\$120,000,000) in the steel mill, which
10 investment expenditure is for one (1) of the following:

11 (A) Property purchased for use in the construction of a
12 building or buildings or any addition or improvement thereon to house the
13 steel mill.

14 (B) Machinery and equipment to be located in or in
15 connection with the steel mill. Motor vehicles of a type subject to
16 registration shall not be considered as machinery and equipment.

17 (C) Project planning costs or construction labor costs,
18 including on-site direct labor and supervision, whether employed by a
19 contractor or the project owner; architectural fees or engineering fees, or
20 both; right-of-way purchases; utility extensions; site preparation; parking
21 lots; disposal or containment systems; water and sewer treatment systems; rail
22 spurs; streets and roads; purchase of mineral rights; land; buildings;
23 building renovation; production, processing, and testing equipment; freight
24 charges; building demolition; material handling equipment; drainage systems;
25 water tanks and reservoirs; storage facilities; equipment rental; contractor's
26 cost plus fees; builders risk insurance; original spare parts; job
27 administrative expenses; office furnishings and equipment; rolling stock;
28 capitalized start-up costs as recognized by generally accepted accounting
29 principles; and other costs related to the construction."
30

31 SECTION 61. Arkansas Code 27-3-103(b)(3)(D) is amended to read as
32 follows:

33 "(D) The Director of the Arkansas ~~Industrial~~ Economic Development
34 Commission or his designee;"

35

36 SECTION 62. Arkansas Code 27-115-110(d) is amended to read as follows;

1 (d) The department shall administer the funds so deposited and shall
2 use the funds for the sole purpose of building airports, civil airways, and
3 other air navigation facilities in this state in such cities or towns as the
4 department, in coordination with the Arkansas ~~Industrial~~ Economic Development
5 Commission, shall determine would attract the greatest volume of industry to
6 this state."

7

8 SECTION 63. Arkansas Code 14-206-105(a)(1) is amended to read as
9 follows:

10 (a)(1) Each application shall be accompanied by proof of service of a
11 copy of the application on the gas or electric public utility which owns the
12 property and on the director or other administrative head of the following
13 state agencies or departments:

- 14 (A) Department of Pollution Control and Ecology;
- 15 (B) Department of ~~Industrial~~ Economic Development;
- 16 (C) Department of Finance and Administration;
- 17 (D) Arkansas Energy Office;
- 18 (E) Attorney General;
- 19 (F) Any school district or other political subdivision of
20 this state that is the recipient of real and personal property taxes in which
21 any of the gas or electric utility properties to be acquired by the
22 municipality may be located; and
- 23 (G) Any other state agency or department or political
24 subdivision of this state designated by commission regulation or order."

25

26 SECTION 64. Arkansas Code 15-4-203(a)(2) is amended to read as follows:

27 (2) The Director of the Department of ~~Industrial~~ Economic Development
28 shall be ex officio secretary of the commission but shall have no vote on
29 matters coming before it."

30

31 SECTION 65. Arkansas Code 15-4-205 is amended to read as follows:

32 "§ 15-4-205. Department of ~~Industrial~~ Economic Development - Information
33 and investigations.

34 (a) The objects and purposes of the Department of ~~Industrial~~ Economic
35 Development shall be to:

- 36 (1) Gather and assemble information, make investigation, compile

1 statistics and data in respect to the natural and agricultural resources
2 within the State of Arkansas, and catalogue and publish the same in any form
3 deemed helpful in the development of the resources;

4 (2) Distribute the information in a manner or form appropriate
5 for the promotion of industrial enterprise within the State of Arkansas or the
6 procuring of locations within the State of Arkansas of manufacturing or
7 processing enterprises for the development of natural resources;

8 (3) Foster and encourage the development of industrial
9 utilization of agricultural and mineral products of the State of Arkansas, and
10 in general to encourage helpful industries within the state.

11 (b) The department shall perform such other duties in the field of
12 agriculture and industry as may be consistent with the purposes of this act."

13

14

15 SECTION 66. Arkansas Code 15-4-207 and 208 are amended to read as
16 follows:

17 "§ 15-4-207. Department - Duties regarding tax exemption to industries.

18 The Department of ~~Industrial~~ Economic Development shall be the official
19 state agency to act with the Governor in carrying out the provisions of
20 Arkansas Constitution, Amendment 27, which provides for the granting of a
21 limited exemption of state taxes to new manufacturing or processing
22 investments in Arkansas for a period of from one (1) to ten (10) years.

23 § 15-4-208. Department - Cooperation with other states and federal
24 government.

25 The Department of ~~Industrial~~ Economic Development is empowered to
26 cooperate with similar agencies existing in other states, with the several
27 federal departments, and with other boards, commissions, and departments of
28 the state government. Cooperation shall be for the purpose of coordinating
29 laws, rules, and regulations governing the interstate movement of all
30 agricultural products and articles of commerce relating thereto, with the view
31 of properly safeguarding Arkansas against plant and animal diseases, insects,
32 and pests and at the same time endeavoring to eliminate the trade barriers
33 that have arisen between states."

34

35 SECTION 67. Arkansas Code 15-4-212(b) is amended to read as follows:

36 "(b) The commission shall, through its chairman and director, certify

1 to the Governor, in duplicate, its proposal for any such sale. The Governor,
2 if he approves the proposal, shall endorse his approval upon both copies of
3 the certificate and return one (1) copy thereof to the Director of the
4 Department of ~~Industrial~~ Economic Development, and he shall at the same time
5 appoint a committee of appraisers to appraise the property, with notice
6 thereof to the Director of the Department of ~~Industrial~~ Economic Development.
7 He may similarly fill any vacancy occurring on the committee."

8

9 SECTION 68. Arkansas Code 15-4-212(e) is amended to read as follows:

10 "(e) After they shall have made their appraisal of the property, they
11 shall append to each copy of their affidavit a statement of their appraisal
12 over their signature. They shall deliver both copies of the affidavit, with
13 such statement appended thereto, to the Governor. The Governor, if he
14 continues to approve the proposed sale of the property, as so appraised, shall
15 endorse such approval upon both copies of the affidavit and statement. He
16 shall transmit one (1) copy to the Director of the Department of ~~Industrial~~
17 Economic Development."

18

19 SECTION 69. Arkansas Code 15-4-301(1) is amended to read as follows:

20 "(1) Division means the Division of Minority Business Enterprise of
21 the Department of ~~Industrial~~ Economic Development;"

22

23 SECTION 70. Arkansas Code 15-4-302 is amended to read as follows:

24 "§ 15-4-302. Creation.

25 The Division of Minority Business Enterprise:

26 (1) Is established and confirmed within the Department of ~~Industrial~~
27 Economic Development under the jurisdiction of the Arkansas ~~Industrial~~
28 Economic Development Commission;

29 (2) Shall be operated as a division within the Department of ~~Industrial~~
30 Economic Development; and

31 (3) Shall perform the functions and duties as provided in this
32 subchapter."

33

34 SECTION 71. Arkansas Code 15-4-403(3) is amended to read as follows:

35 "(3) Division shall mean the Division of Minority Business Enterprise
36 within the Department of ~~Industrial~~ Economic Development; and"

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SECTION 72. Arkansas Code 15-4-404 is amended to read as follows:

"§ 15-4-404. Promulgation of rules and regulations generally.

The commission shall promulgate rules, regulations, and procedures to be followed by the Division of Minority Business Enterprise within the Department of ~~Industrial~~ Economic Development in administering the provisions of this subchapter and in the making of loans to small business investment companies, or to be followed in the purchase from the companies of loans made to small business concerns in compliance with the provisions of this subchapter."

SECTION 73. Arkansas Code 15-4-406 is amended to read as follows:

"§ 15-4-406. Authority to issue revenue bonds - Loan funds.

To stimulate the flow of private funds for capital improvements to small business concerns, the commission is authorized to:

(1) Issue revenue bonds to obtain funds to be administered through the Division of Minority Business Enterprise within the Department of ~~Industrial~~ Economic Development to make investment loans to small business concerns insured by the Small Business Administration of the federal government; and

(2) Provide funds whereby the Division of Minority Business Enterprise may purchase from small business investment companies small business enterprise loans for capital improvements and expansions guaranteed by the Small Business Administration thereby making available to such small business investment companies additional loan funds."

SECTION 74. Arkansas Code 15-4-516 is amended to read as follows:

"§ 15-4-516. Statement required prior to borrowing money, issuing bonds, etc.

When any corporation organized under the provisions of this act desires to borrow money or to issue bonds or other obligations, it shall furnish to the commission a statement. Included in this statement shall be the amount proposed to be borrowed, the purpose for which the money is to be used, the proposed maturity of the indebtedness, a description of the property to be mortgaged and the income to be pledged as security therefor, and such other information as the commission may require. The corporation shall not sell any bonds or other obligations until after the commission has issued its approval thereof in writing, signed by the chairman or the Director of the Department

1 of ~~Industrial~~ Economic Development, and bearing the seal of the commission."

2

3

4 SECTION 75. Arkansas Code 15-4-519 is amended to read as follows:

5 "§ 15-4-519. Validity of bonds, notes, etc.

6 No bond, note, or other interest-bearing obligation of any corporation
7 issued under the provisions of this act shall be valid until countersigned by
8 the chairman of the commission or, in his absence, and upon the direction of
9 the commission or, upon the direction of the chairman of the commission, by
10 the Director of the Department of ~~Industrial~~ Economic Development."

11

12 SECTION 76. Arkansas Code 15-4-522(c) is amended to read as follows:

13 "(c) All refunding obligations shall bear a certificate signed by the
14 chairman or the Director of the Department of ~~Industrial~~ Economic Development
15 that the indebtedness which is refunded has been cancelled."

16

17 SECTION 77. Arkansas Code 15-4-706(a) is amended to read as follows:

18 "(a) The bonds shall be executed by the facsimile signature of the
19 chairman of the commission and by the manual signature of the Director of the
20 Department of ~~Industrial~~ Economic Development."

21

22 SECTION 78. Arkansas Code 15-4-915(c) is amended to read as follows:

23 "(c) In addition to the directors elected by the holders of common
24 stock of a development finance corporation, the Director of the Department of
25 ~~Industrial~~ Economic Development, the President of the Arkansas Development
26 Finance Authority, and the Executive Director of the Arkansas Science and
27 Technology Authority, or persons holding similar executive positions in any
28 agency or instrumentality succeeding thereto, shall be ex officio members of
29 the board of directors of each corporation created under this subchapter. Ex
30 officio directors shall have all rights, duties, and obligations of a director
31 except that their terms of office shall be concurrent with their employment in
32 the position by the respective agencies and shall be deemed to have resigned
33 as a director of the corporation when such employment is terminated. The
34 successor to such person shall become a director without further action by the
35 board of directors upon receipt of written notice by the president of the
36 corporation from the chairman of the board or commission of the respective

1 agency that such person has become so employed. It shall not be necessary to
2 amend the articles of incorporation of any development finance corporation
3 organized and existing prior to the enactment of this provision, and the
4 provisions of this subsection shall be applicable to all such corporations on
5 March 27, 1985."

6

7 SECTION 79. Arkansas Code 15-4-1008(a) is amended to read as follows:

8 "(a) In addition to the directors elected by the holders of common
9 stock of a capital development corporation, the Director of the Department of
10 ~~Industrial~~ Economic Development, the President of the Arkansas Development
11 Finance Authority, and the Executive Director of the Arkansas Science and
12 Technology Authority, or persons holding similar executive positions in any
13 agency or instrumentality succeeding thereto, shall be ex officio members of
14 the board of directors of each corporation created under this subchapter."

15

16 SECTION 80. Arkansas Code 15-4-1102(a) is amended to read as follows:

17 "(a) To claim the benefits of this section, a taxpayer must obtain a
18 certification from the Director of the Department of ~~Industrial~~ Economic
19 Development certifying to the Revenue Division of the Department of Finance
20 and Administration that the taxpayer:

21 (1) Operates a steel mill in Arkansas which began production
22 after February 16, 1987; and

23 (2) Has invested, after February 16, 1987, in excess of one
24 hundred twenty million dollars (\$120,000,000) in the steel mill, which
25 investment expenditure is for one (1) of the following:

26 (A) Property purchased for use in the construction of a
27 building or buildings or any addition or improvement thereon to house the
28 steel mill;

29 (B) Machinery and equipment to be located in or in
30 connection with the steel mill. Motor vehicles of a type subject to
31 registration shall not be considered as machinery and equipment;

32 (C) Project planning costs or construction labor costs,
33 including on-site direct labor and supervision, whether employed by a
34 contractor or the project owner; architectural fees, engineering fees, or
35 both; right-of-way purchases; utility extensions; site preparation; parking
36 lots; disposal or containment systems; water and sewer treatment systems; rail

1 spurs; streets and roads; purchase of mineral rights; land; buildings;
2 building renovation; production, processing, and testing equipment; freight
3 charges; building demolition; material handling equipment; drainage systems;
4 water tanks and reservoirs; storage facilities; equipment rental; contractor's
5 cost plus fees; builders' risk insurance; original spare parts; job
6 administrative expenses; office furnishings and equipment; rolling stock;
7 capitalized start-up costs as recognized by generally accepted accounting
8 principles; and other costs related to the construction."
9

10 SECTION 81. Arkansas Code 15-4-1104(b) is amended to read as follows:

11 "(b) A taxpayer who qualifies pursuant to the certification provisions
12 of ~~§~~ 26-52-902(c) shall be entitled to the benefits of this section and ~~§§~~
13 26-52-901 - 26-52-903 only if the certification is issued by the Director of
14 the Arkansas Department of ~~Industrial~~ Economic Development prior to July 1,
15 1989."
16

17 SECTION 82. Arkansas Code 15-4-1502(b) is amended to read as follows:

18 "(b) The commission shall include eight (8) members who shall be
19 appointed by the Governor, subject to confirmation by the Arkansas Senate. The
20 three (3) remaining members of the commission shall be the Director of the
21 Department of ~~Industrial~~ Economic Development, the President of the Arkansas
22 Development Finance Authority, and the Chief Fiscal Officer of the State of
23 Arkansas."
24

25 SECTION 83. Arkansas Code 15-4-1503(b) is amended to read as follows:

26 "(b) The Director of the Department of ~~Industrial~~ Economic Development
27 shall be ex officio secretary of the commission, and the Department of
28 ~~Industrial~~ Economic Development shall provide staff support as required for
29 the administration and operation of the commission."
30

31 SECTION 84. Arkansas Code 15-4-1507(c)(1) is amended to read as
32 follows:

33 "(c)(1) The Director of the Department of ~~Industrial~~ Economic Development
34 shall enter into an agreement with each successful applicant or special target
35 applicant that shall include the specific terms and conditions of the
36 financial assistance to be provided."

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SECTION 85. Arkansas Code 15-4-1602(3) is amended to read as follows:

"(3) Department means the Department of ~~Industrial~~ Economic Development;"

SECTION 86. Arkansas Code 15-4-1702(3) and (4) are amended to read as follows:

"(3) Department means the Department of ~~Industrial~~ Economic Development;

(4) Director is the Director of the Department of ~~Industrial~~ Economic Development;"

SECTION 87. Arkansas Code 15-4-1902(3) is amended to read as follows:

"(3) Department means the Department of ~~Industrial~~ Economic Development;"

SECTION 88. Arkansas Code 23-18-513(a) is amended to read as follows:

"(a) Each application for a certificate of environmental compatibility and public need shall be accompanied by proof of service of a copy of the application on:

(1) The mayor of each municipality;

(2) The county judge;

(3) The chairman of the county planning board, if any;

(4) Any head of a governmental agency charged with the duty of protecting the environment or of planning land use upon which the commission has by regulation or order directed service be made, in the area in which any portion of such facility is to be located, both as primarily and as alternatively proposed;

(5) Each member of the General Assembly in whose district the facility or any alternative location listed in the application is to be located;

(6) The office of the Governor; and

(7) The director or other administrative head of the following state agencies or departments:

(A) Department of Pollution Control and Ecology;

(B) Department of Health;

- 1 (C) Department of ~~Industrial~~ Economic Development;
- 2 (D) Arkansas State Highway and Transportation Department;
- 3 (E) Arkansas Game and Fish Commission;
- 4 (F) Arkansas Natural Heritage Commission;
- 5 (G) Any state agency which may have authority to assist in
- 6 financing the applicant's facility;
- 7 (H) Any other state agency or department which manages or
- 8 has jurisdiction over state-owned lands on which all or part of the proposed
- 9 utility facility is to be, or may be, located;
- 10 (I) Department of Finance and Administration;
- 11 (J) State Energy Conservation and Policy Office;
- 12 (K) Attorney General;
- 13 (L) Any other state agency or department designated by
- 14 commission regulation or order."

15
16 SECTION 89. Arkansas Code 26-51-1202(a) is amended to read as follows:

17 "(a) To claim the benefits of §§ 26-51-1201 - 26-51-1203, a taxpayer

18 must obtain a certification from the Director of the Arkansas Department of

19 ~~Industrial~~ Economic Development certifying to the Revenue Division of the

20 Department of Finance and Administration that the taxpayer:

21 (1) Operates a steel mill in Arkansas which began production

22 after February 16, 1987; and

23 (2) Has invested, after February 16, 1987, in excess of one

24 hundred twenty million dollars (\$120,000,000) in the steel mill, which

25 investment expenditure is for one (1) of the following:

26 (A) Property purchased for use in the construction of a

27 building or buildings or any addition or improvement thereon to house the

28 steel mill;

29 (B) Machinery and equipment to be located in or in

30 connection with the steel mill. Motor vehicles of a type subject to

31 registration shall not be considered as machinery and equipment; or

32 (C) Project planning costs or construction labor costs,

33 including on-site direct labor and supervision, whether employed by a

34 contractor or the project owner; architectural fees, engineering fees, or

35 both; right-of-way purchases; utility extensions; site preparation; parking

36 lots; disposal or containment systems; water and sewer treatment systems; rail

1 spurs; streets and roads; purchase of mineral rights; land; buildings;
2 building renovation; production, processing, and testing equipment; freight
3 charges; building demolition; material handling equipment; drainage systems;
4 water tanks and reservoirs; storage facilities; equipment rental; contractor's
5 cost plus fees; builders risk insurance; original spare parts; job
6 administrative expenses; office furnishings and equipment; rolling stock;
7 capitalized start-up costs as recognized by generally accepted accounting
8 principles; and other costs related to the construction."

9

10 SECTION 90. Arkansas Code 26-51-1212 is amended to read as follows:

11 "§ 26-51-1212. Certification required - Contents.

12 To claim the benefits of §§ 26-51-1211 - 26-51-1214, a taxpayer must
13 obtain certification prior to June 30, 1994, from the director of the Arkansas
14 Department of ~~Industrial~~ Economic Development certifying to the Revenue
15 Division of the Department of Finance and Administration that:

16 (1) The taxpayer is a 'qualified manufacturer of steel' as
17 defined in § 26-51-1211; or

18 (2)(A) The taxpayer operates a steel mill in Arkansas which began
19 production after February 13, 1991; and

20 (B) The taxpayer has invested, after February 13, 1991, in
21 excess of one hundred twenty million dollars (\$120,000,000) in the steel mill,
22 which investment expenditure is for one of the following:

23 (i) Property purchased for use in the construction of
24 a building or buildings or any addition or improvement thereon to house the
25 steel mill;

26 (ii) Machinery and equipment to be located in or in
27 connection with the steel mill. Motor vehicles of a type subject to
28 registration shall not be considered as machinery and equipment;

29 (iii) Project planning costs; construction labor
30 costs, including on-site direct labor and supervision, whether employed by a
31 contractor or the project owner; architectural or engineering fees;
32 right-of-way purchases; utility extensions; site preparation; parking lots;
33 disposal or containment systems; water and sewer treatment systems; rail
34 spurs; streets and roads; purchase of mineral rights; land; buildings;
35 building renovation; production, processing, and testing equipment; freight
36 charges; building demolition; material handling equipment; drainage systems;

1 water tanks and reservoirs; storage facilities; equipment rental; contractor's
2 cost plus fees; builders risk insurance; original spare parts; job
3 administration expenses; office furnishings and equipment; rolling stock;
4 capitalized start-up costs as recognized by generally accepted accounting
5 principles; and other costs related to the construction."
6

7 SECTION 91. Arkansas Code 26-52-902(c) is amended to read as follows:

8 "(c) To claim the benefits of § 26-52-903, a taxpayer must be certified
9 pursuant to subsection (a) of this section or obtain a certification from the
10 Director of the Arkansas Department of ~~Industrial~~ Economic Development
11 certifying to the Revenue Division of the Department of Finance and
12 Administration that the taxpayer meets the definition of 'qualified
13 manufacturer of steel' contained in § 26-52-901."
14

15 SECTION 92. Arkansas Code 26-52-912 is amended to read as follows:

16 "§ 26-52-912. Certification required - Contents.

17 To claim the benefits of §§ 26-52-911 - 26-52-914, a taxpayer must
18 obtain certification prior to June 30, 1994, from the Director of the Arkansas
19 Department of ~~Industrial~~ Economic Development certifying to the Revenue
20 Division of the Department of Finance and Administration that:

21 (a) The taxpayer is a 'qualified manufacturer of steel' as defined in §
22 26-52-911; or

23 (b)(1) The taxpayer operates a steel mill in Arkansas which began
24 production after February 13, 1991; and

25 (2) The taxpayer has invested, after February 13, 1991, in excess
26 of one hundred twenty million dollars (\$120,000,000) in the steel mill, which
27 investment expenditure is for one of the following:

28 (A) Property purchased for use in the construction of a
29 building or buildings or any addition or improvement thereon to house the
30 steel mill;

31 (B) Machinery and equipment to be located in or in
32 connection with the steel mill. Motor vehicles of a type subject to
33 registration shall not be considered as machinery and equipment;

34 (C) Project planning costs; construction labor costs,
35 including on-site direct labor and supervision whether employed by a
36 contractor or the project owner; architectural or engineering fees;

1 right-of-way purchases; utility extensions; site preparation; parking lots;
2 disposal or containment systems; water and sewer treatment systems; rail
3 spurs; streets and roads; purchase of mineral rights; land; buildings;
4 building renovation; production, processing, and testing equipment; freight
5 charges; building demolition; material handling equipment; drainage systems;
6 water tanks and reservoirs; storage facilities; equipment rental; contractor's
7 cost plus fees; builders risk insurance; original spare parts; job
8 administration expenses; office furnishings and equipment; rolling stock;
9 capitalized start-up costs as recognized by generally accepted accounting
10 principles; and other costs related to the construction."

11

12

13 SECTION 93. Arkansas Code 27-115-110(d) is amended to read as follows:

14 "(d) The department shall administer the funds so deposited and shall
15 use the funds for the sole purpose of building airports, civil airways, and
16 other air navigation facilities in this state in such cities or towns as the
17 department, in coordination with the Arkansas ~~Industrial~~ Economic Development
18 Commission, shall determine would attract the greatest volume of industry to
19 this state."

20

21 SECTION 94. All provisions of this act of a general and permanent
22 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
23 Code Revision Commission shall incorporate the same in the Code.

24

25 SECTION 95. If any provision of this act or the application thereof to
26 any person or circumstance is held invalid, such invalidity shall not affect
27 other provisions or applications of the act which can be given effect without
28 the invalid provision or application, and to this end the provisions of this
29 act are declared to be severable.

30

31 SECTION 96. All laws and parts of laws in conflict with this act are
32 hereby repealed.

33

/s/Chairman Tom Baker

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