

As Engrossed: 1/29/91

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**

A BILL ACT 168 OF 1991
SENATE BILL 64

4 **By: JOINT BUDGET COMMITTEE**

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For An Act To Be Entitled

8 "AN ACT TO MAKE AN APPROPRIATION TO THE DEPARTMENT OF
9 FINANCE AND ADMINISTRATION TO BE USED IN MAKING GRANTS, ON
10 A MATCHING BASIS, FOR THE CONSTRUCTION OF AN ARKANSAS
11 MUSEUM OF AVIATION HISTORY, AND FOR THE CONSTRUCTION OF AN
12 OUTDOOR AIR PARK FOR THE PRESERVATION AND DISPLAY OF
13 MILITARY AIRCRAFT OF HISTORICAL AND MILITARY SIGNIFICANCE,
14 FOR THE BIENNIAL PERIOD ENDING JUNE 30, 1993; AND FOR
15 OTHER PURPOSES."

16

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

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19 SECTION 1. PURPOSE. The General Assembly is cognizant of the
20 significant role aviation has played in the economic development and growth of
21 this state and of the many contributions that citizens of Arkansas have made
22 to aviation. The Arkansas Aviation Historical Society, Inc., a non-profit
23 corporation, has been established to engage in the preservation and public
24 display of a significant number of aircraft that have played an important role
25 in the aviation history in this state, and proposes to develop an Arkansas
26 Museum of Aviation History for such purpose, including the maintenance of
27 archival materials of major events and circumstances that exemplify Arkansas'
28 contribution to aviation history. In addition, the Little Rock Air Force Base
29 Historical Foundation, Inc., a private non-profit corporation, has been
30 founded to provide for the construction and operation, at a site on the Little
31 Rock Air Force Base, of an Outdoor Air park for the preservation and display
32 of military aircraft of historical and military significance, and of the role
33 that Arkansas has played in the aviation efforts for the national defense.
34 The General Assembly hereby determines that the development of an Arkansas
35 Museum of Aviation History and the development of the Outdoor Air Park at the
36 Little Rock Air Force Base would make available to this and future generations

1 a living memorial to the history and development of the aviation industry in
2 this state, and the providing of the aforementioned facilities would serve a
3 public purpose. Therefore, the funds appropriated in this act are intended to
4 assist in the development of such facilities for the benefit of the people of
5 this state and to contribute to tourism and the economic development of the
6 state that would result therefrom.

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8 SECTION 2. APPROPRIATIONS. There is hereby appropriated, to the
9 Department of Finance and Administration, to be payable from the General
10 Improvement Fund or its successor fund or fund accounts, for providing
11 construction grants, on a matching basis, in the manner provided in this act
12 for an Arkansas Museum of Aviation History and for an Arkansas Air Park for
13 the preservation and display of aircraft of historical and military
14 significance, to be dispensed in the manner provided in this act, for the
15 biennial period ending June 30, 1993, the following:

16 ITEM	BIENNIAL PERIOD
17 <u>NO.</u>	<u>ENDING JUNE 30, 1993</u>
18 (01) Grant to the Arkansas Aviation Historical 19 Society, Inc., a private non-profit corporation, 20 on a dollar per dollar matching basis, to be 21 used for the construction of an Arkansas Museum 22 of Aviation History, as provided herein to be 23 open to the public, the sum of	\$1,500,000.00
24 (02) Grant to the Little Rock Air Force Base Historical 25 Foundation, Inc., a private non-profit corporation, 26 on a dollar per dollar matching basis, to be used 27 for the construction of an Outdoor Air Park for the 28 preservation and display of military aircraft of 29 historical and military significance, as provided 30 herein, to be open to the public, the sum of	<u>300,000.00</u>
31 32 TOTAL APPROPRIATION	\$1,800,000.00

33
34 SECTION 3. AIR MUSEUM RESTRICTIONS. The funds appropriated under Item
35 (01) of Section 2 of this act shall not be disbursed until all of the
36 following conditions are met:

1 (a) The Arkansas Aviation Historical Society, Inc. has submitted to the
2 Governor, and the Governor has reviewed and endorsed his approval thereon, of
3 plans for the construction and operation of an Arkansas Museum of Aviation
4 History as a facility designed for the storage and display of historically
5 significant aircraft and archival materials relating to aviation, with
6 specific emphasis on Arkansas' role in aviation history. Said facility shall
7 be called the Arkansas Museum of Aviation History and shall be open to the
8 public at regular business hours. Such Museum shall be located on land
9 belonging to, or made available by, a municipal airport in central Arkansas in
10 order that said Museum may be operated in the atmosphere and setting of a
11 public airport. The lands for such Museum shall be provided either by
12 donation or long-term lease, and none of the funds appropriated in this act
13 may be used in payment thereof.

14 (b) Funds in the amount of one million five hundred thousand dollars
15 (\$1,500,000.00) have been raised whereupon the state funds may be paid on a
16 dollar per dollar matching basis to the Society.

17 (c) An Agreement has been entered into by the Arkansas Aviation
18 Historical Society, Inc., and governing body of the municipal airport setting
19 out the conditions and restrictions governing the operations of the proposed
20 Museum which made ample provision for access thereto by the public.

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22 SECTION 4. AIR PARK RESTRICTIONS. The funds appropriated under Item
23 (02) of Section 2 of this act shall not be disbursed until all of the
24 following conditions are met:

25 (a) The Little Rock Air Force Base Historical Foundation, Inc. has
26 submitted plans to the Governor for the construction and operation of an
27 Outdoor Air Park to be used for the preservation and display of military
28 aircraft of historical and military significance, to be open to the public,
29 and to be located on land provided by the Little Rock Air Force Base. Such
30 facility shall be called the Little Rock Air Force Base Outdoor Air Park, and
31 the lands therefor shall be donated or provided to the Foundation by the
32 appropriate authorities of the Little Rock Air Force Base, and no state funds
33 appropriated in this act shall be used for payment thereof.

34 (b) Funds in the amount of three hundred thousand dollars (\$300,000.00)
35 have been raised by the Foundation from private, local or other sources, and
36 monies appropriated in this act shall not be made available to the Foundation

1 for the purposes of this act except on a dollar per dollar matching basis
2 after the entire three hundred thousand dollars (\$300,000.00) has been raised
3 by the Foundation.

4 (c) An agreement has been entered into between the Little Rock Air Force
5 Base Historical Foundation, Inc. and the appropriate officials of the Little
6 Rock Air Force Base setting out provisions governing the operations of the
7 proposed park and providing access for the public for review of the aircraft
8 displayed.

9 (d) the Governor has reviewed and approved the aforementioned plans and
10 has certified to the Director of the Department of Finance and Administration
11 his approval, whereupon, the Director of the Department of Finance and
12 Administration shall, upon certification of the Society and the Foundation
13 that all of the aforementioned conditions have been met, disburse the funds
14 provided in this act whenever the same become available, in the manner
15 provided by law.

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17 SECTION 5. DISBURSEMENT CONTROLS. (A) No contract may be awarded nor
18 obligations otherwise incurred in relation to the project or projects
19 described herein in excess of the State Treasury funds actually available
20 therefor as provided by law. Provided, however, that institutions and
21 agencies listed herein shall have the authority to accept and use grants and
22 donations including Federal funds, and to use its unobligated cash income or
23 funds, or both available to it, for the purpose of supplementing the State
24 Treasury funds for financing the entire costs of the project or projects
25 enumerated herein. Provided further, that the appropriations and funds
26 otherwise provided by the General Assembly for Maintenance and General
27 Operations of the agency or institutions receiving appropriation herein shall
28 not be used for any of the purposes as appropriated in this Act.

29 (B) The restrictions of any applicable provisions of the State
30 Purchasing Law, the General Accounting and Budgetary Procedures Law, the
31 Revenue Stabilization Law and any other applicable fiscal control laws of this
32 State and regulations promulgated by the Department of Finance and
33 Administration, as authorized by law, shall be strictly complied with in
34 disbursement of any funds provided by this Act unless specifically provided
35 otherwise by law.

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1 SECTION 6. LEGISLATIVE INTENT. It is the intent of the General
2 Assembly that any funds disbursed under the authority of the appropriations
3 contained in this Act shall be in compliance with the stated reasons for which
4 this Act was adopted, as evidenced by the Agency Requests, Executive
5 Recommendations and Legislative Recommendations contained in the budget
6 manuals prepared by the Department of Finance and Administration, letters, or
7 summarized oral testimony in the official minutes of the Arkansas Legislative
8 Council or Joint Budget Committee which relate to its passage and adoption.

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

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

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

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23 SECTION 10. EMERGENCY CLAUSE. It is hereby found and determined by the
24 Seventy-Eighth General Assembly, that the Constitution of the State of
25 Arkansas prohibits the appropriation of funds for more than a two (2) year
26 period; that the effectiveness of this Act on July 1, 1991 is essential to the
27 operation of the agency for which the appropriations in this Act are provided,
28 and that in the event of an extension of the Regular Session, the delay in the
29 effective date of this Act beyond July 1, 1991 could work irreparable harm
30 upon the proper administration and provision of essential governmental
31 programs. Therefore, an emergency is hereby declared to exist and this Act
32 being necessary for the immediate preservation of the public peace, health and
33 safety shall be in full force and effect from and after July 1, 1991.

34
35 */s/ Joint Budget Committee*
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APPROVED: 2-18-91

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