

1 **State of Arkansas**  
2 **79th General Assembly**  
3 **Regular Session, 1993**  
4 **By: *Joint Budget Committee***

# **A Bill**

**ACT 152 OF 1993**  
**HOUSE BILL 1082**

## **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, 1995; AND FOR  
15 OTHER PURPOSES."

## **Subtitle**

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18 **"AN ACT TO APPROPRIATE FUNDS FOR THE ARKANSAS**  
19 **MUSEUM OF AVIATION HISTORY AND AN OUTDOOR AIR**  
20 **PARK."**

21  
22 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:**

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

1 **determines that the development of an Arkansas Museum of Aviation History and the**  
 2 **development of the Outdoor Air Park at the Little Rock Air Force Base would make available**  
 3 **to this and future generations a living memorial to the history and development of the aviation**  
 4 **industry in this state, and the providing of the aforementioned facilities would serve a public**  
 5 **purpose. Therefore, the funds appropriated in this act are intended to assist in the**  
 6 **development of such facilities for the benefit of the people of this state and to contribute to**  
 7 **tourism and the economic development of the state that would result therefrom.**

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 9 **SECTION 2. APPROPRIATIONS. There is hereby appropriated, to the Department of**  
 10 **Finance and Administration, to be payable from the State General Improvement Fund, or**  
 11 **successor fund or account, for providing construction grants, on a matching basis, in the**  
 12 **manner provided in this act for an Arkansas Museum of Aviation History and for an Arkansas**  
 13 **Air Park for the preservation and display of aircraft of historical and military significance, to**  
 14 **be dispensed in the manner provided in this act, for the biennial period ending June 30, 1995,**  
 15 **the following:**

<b>Item</b>	<b>BIENNIAL PERIOD</b>
<b><u>No.</u></b>	<b><u>ENDING JUNE 30, 1995</u></b>
19 <b>(01) Grant to the Arkansas Aviation Historical</b>	
20 <b>Society, Inc., a private non-profit corporation,</b>	
21 <b>on a dollar per dollar matching basis, to be</b>	
22 <b>used for the construction of an Arkansas Museum</b>	
23 <b>of Aviation History, as provided herein to be</b>	
24 <b>open to the public, the sum of .....</b>	<b>\$1,500,000.00</b>
25 <b>(02) Grant to the Little Rock Air Force Base Historical</b>	
26 <b>Foundation, Inc., a private non-profit corporation,</b>	
27 <b>on a dollar per dollar matching basis, to be used</b>	
28 <b>for the construction of an Outdoor Air Park for the</b>	
29 <b>preservation and display of military aircraft of</b>	
30 <b>historical and military significance, as provided</b>	
31 <b>herein, to be open to the public, the sum of .....</b>	<b><u>300,000.00</u></b>
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33 <b>TOTAL APPROPRIATION</b>	<b>\$1,800,000.00</b>

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 35 **SECTION 3. AIR MUSEUM RESTRICTIONS. The funds appropriated under Item**

1 **(01) of Section 2 of this act shall not be disbursed until all of the following conditions are met:**

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

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

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

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

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

30 **(b) Funds in the amount of three hundred thousand dollars (\$300,000.00) have been**  
31 **raised by the Foundation from private, local or other sources, and monies appropriated in this**  
32 **act shall not be made available to the Foundation for the purposes of this act except on a dollar**  
33 **per dollar matching basis**  
34 **after the entire three hundred thousand dollars (\$300,000.00) has been raised by the**  
35 **Foundation.**

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

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

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

22           **(B) The restrictions of any applicable provisions of the State Purchasing Law, the**  
23 **General Accounting and Budgetary Procedures Law, the Revenue Stabilization Law and any**  
24 **other applicable fiscal control laws of this State and regulations promulgated by the**  
25 **Department of Finance and Administration, as authorized by law, shall be strictly complied**  
26 **with in disbursement of any funds provided by this Act unless specifically provided otherwise**  
27 **by law.**

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

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

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

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

**SECTION 10. EMERGENCY CLAUSE.** It is hereby found and determined by the Seventy-Ninth General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a two (2) year period; that the effectiveness of this Act on July 1, 1993 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 1993 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 1993.

*/s/John E. Miller*

**APPROVED: 2/17/93**

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