

1 State of Arkansas  
2 88th General Assembly  
3 Regular Session, 2011  
4

# A Bill

SENATE BILL 635

5 By: Senator Files  
6

## For An Act To Be Entitled

8 AN ACT TO MAKE AN APPROPRIATION FOR A GRANT  
9 PROGRAM FOR THE UNITED STATES MARSHALS MUSEUM FOR  
10 THE DEPARTMENT OF PARKS AND TOURISM FOR THE  
11 FISCAL YEAR ENDING JUNE 30, 2012; AND FOR OTHER  
12 PURPOSES.  
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## Subtitle

15 AN ACT FOR THE DEPARTMENT OF PARKS AND  
16 TOURISM - UNITED STATES MARSHALS MUSEUM  
17 GRANT PROGRAM APPROPRIATION FOR THE 2011-  
18 2012 FISCAL YEAR.  
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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### SECTION 1. APPROPRIATION - UNITED STATES MARSHALS MUSEUM GRANT PROGRAM.

24 There is hereby appropriated, to the Department of Parks and Tourism, to be  
25 payable from the General Improvement Fund or its successor fund or fund  
26 accounts, the following:  
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28 (A) To develop, implement, and administer a grant program that provides  
29 funding to assist with the development, construction, and maintenance of a  
30 United States Marshals Museum, in a sum not to exceed.....\$25,000,000.  
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32 SECTION 2. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
33 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. GRANT  
34 ELIGIBILITY. To be eligible for a grant under this act, an entity must  
35 establish that it is a nonprofit non-governmental 501(c)(3) organization with  
36 a mission to form a national center of heritage and legacy within the State



1 of Arkansas dedicated to United States Marshals.

2 The provisions of this section shall be in effect only from July 1,  
 3 2011 through June 30, 2012.

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 5 SECTION 3. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 6 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FINDINGS,  
 7 PURPOSE, AND LEGISLATIVE INTENT.

8 (a) The General Assembly finds that:

9 (1) The United States Marshals have played a significant role in  
 10 the settlement of the State of Arkansas and the United States;

11 (2) The United States Marshals Service, established on September  
 12 24, 1789, as part of the Judiciary Act that was the first bill passed in  
 13 Congress and signed into law by George Washington, is the oldest federal law  
 14 enforcement agency in the nation;

15 (3) Although originally established to protect the judiciary,  
 16 the United States Marshals were often called the other duties as assigned  
 17 agency because of their broad powers as evidenced by their call in 1794 to  
 18 protect tax collectors during the Whiskey Rebellion and responsibility for  
 19 enforcing the Fugitive Slave Act in 1850;

20 (4) Today, there are 94 United States Marshals, one for each  
 21 federal district, who continue to be appointed by and serve at the pleasure  
 22 of the President of the United States, and numerous Deputy Marshals  
 23 responsible for carrying out the day-to-day duties of the United States  
 24 Marshals Service as civil servants;

25 (5) Because of the over two hundred (200) year honorable history  
 26 of the United States Marshals Service, the cultural and economic development  
 27 of this state would benefit by the construction, operation, and maintenance  
 28 of a museum honoring the United States Marshals Service; and

29 (6) Since there currently is not a museum in the country  
 30 honoring the United States Marshals Service, having the only museum dedicated  
 31 to the oldest federal law enforcement agency in the nation would bring  
 32 national and regional attention to the state, increase tourism, create jobs,  
 33 promote economic and cultural development, and promote the planning and  
 34 development of infrastructure and resources to support the increased  
 35 activity, all of which would have a substantial positive impact on the state  
 36 as a whole.

1           (b) The General Assembly further finds and determines that:

2                   (1) The construction, development, and maintenance of museums  
 3 devoted to honoring the historical significance of the United States Marshals  
 4 Service are noble, public purposes that will provide educational  
 5 opportunities for all citizens in the State of Arkansas, promote industry and  
 6 tourism, and provide economic development to cities and towns within the  
 7 state;

8                   (2) Any funds obtained from a state or local government, a  
 9 public, private, or nonprofit entity, or an individual intended to assist in  
 10 the construction, development, or maintenance of a United States Marshals  
 11 museum or exhibit would inure to the benefit of the people of this State by  
 12 defraying development and operational costs and expenses; and

13                  (3) All funding provided for the construction, development, or  
 14 maintenance of a United States Marshals museum or exhibit is found to be for  
 15 a public purpose benefitting the public good and that any funds given,  
 16 allocated, or loaned to a United States Marshals museum or exhibit by any  
 17 state or local government is conclusively presumed to be for public uses and  
 18 purposes.

19           The provisions of this section shall be in effect only from July 1,  
 20 2011 through June 30, 2012.

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 22           SECTION 4. DISBURSEMENT CONTROLS. (A) No contract may be awarded nor  
 23 obligations otherwise incurred in relation to the project or projects  
 24 described herein in excess of the State Treasury funds actually available  
 25 therefor as provided by law. Provided, however, that institutions and  
 26 agencies listed herein shall have the authority to accept and use grants and  
 27 donations including Federal funds, and to use its unobligated cash income or  
 28 funds, or both available to it, for the purpose of supplementing the State  
 29 Treasury funds for financing the entire costs of the project or projects  
 30 enumerated herein. Provided further, that the appropriations and funds  
 31 otherwise provided by the General Assembly for Maintenance and General  
 32 Operations of the agency or institutions receiving appropriation herein shall  
 33 not be used for any of the purposes as appropriated in this act.

34           (B) The restrictions of any applicable provisions of the State  
 35 Purchasing Law, the General Accounting and Budgetary Procedures Law, the  
 36 Revenue Stabilization Law and any other applicable fiscal control laws of

1 this State and regulations promulgated by the Department of Finance and  
2 Administration, as authorized by law, shall be strictly complied with in  
3 disbursement of any funds provided by this act unless specifically provided  
4 otherwise by law.

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6 SECTION 5. LEGISLATIVE INTENT. It is the intent of the General  
7 Assembly that any funds disbursed under the authority of the appropriations  
8 contained in this act shall be in compliance with the stated reasons for  
9 which this act was adopted, as evidenced by the Agency Requests, Executive  
10 Recommendations and Legislative Recommendations contained in the budget  
11 manuals prepared by the Department of Finance and Administration, letters, or  
12 summarized oral testimony in the official minutes of the Arkansas Legislative  
13 Council or Joint Budget Committee which relate to its passage and adoption.  
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15 SECTION 6. EMERGENCY CLAUSE. It is found and determined by the General  
16 Assembly, that the Constitution of the State of Arkansas prohibits the  
17 appropriation of funds for more than a one (1) year period; that the  
18 effectiveness of this Act on July 1, 2011 is essential to the operation of  
19 the agency for which the appropriations in this Act are provided, and that in  
20 the event of an extension of the legislative session, the delay in the  
21 effective date of this Act beyond July 1, 2011 could work irreparable harm  
22 upon the proper administration and provision of essential governmental  
23 programs. Therefore, an emergency is hereby declared to exist and this Act  
24 being necessary for the immediate preservation of the public peace, health  
25 and safety shall be in full force and effect from and after July 1, 2011.  
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