

1 State of Arkansas

2 80th General Assembly

3 Regular Session, 1995

4 By: Joint Budget Committee

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8

# A Bill

HOUSE BILL

1859

## For An Act To Be Entitled

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

16

17

## Subtitle

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

20

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

22

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

1 preservation and display of military aircraft of historical and military  
2 significance, and of the role that Arkansas has played in the aviation  
3 efforts for the national defense. The General Assembly hereby determines that  
4 the development of an Arkansas Museum of Aviation History and the development  
5 of the Outdoor Air Park at the Little Rock Air Force Base would make  
6 available to this and future generations a living memorial to the history and  
7 development of the aviation industry in this state, and the providing of the  
8 aforementioned facilities would serve a public purpose. Therefore, the funds  
9 appropriated in this act are intended to assist in the development of such  
10 facilities for the benefit of the people of this state and to contribute to  
11 tourism and the economic development of the state that would result  
12 therefrom.

13

14 SECTION 2. APPROPRIATIONS. There is hereby appropriated, to the  
15 Department of Finance and Administration, to be payable from the State  
16 General Improvement Fund, or successor fund or account, for providing  
17 construction grants, on a matching basis, in the manner provided in this act  
18 for an Arkansas Museum of Aviation History and for an Arkansas Air Park for  
19 the preservation and display of aircraft of historical and military  
20 significance, to be dispensed in the manner provided in this act, for the  
21 biennial period ending June 30, 1997, the following:

22

23 Item	BIENNIAL PERIOD
24 <u>No.</u>	<u>ENDING JUNE 30, 1997</u>

25

26 (01) Grant to the Arkansas Aviation Historical	
27 Society, Inc., a private non-profit corporation,	
28 on a dollar per dollar matching basis, to be	
29 used for the construction of an Arkansas Museum	
30 of Aviation History, as provided herein to be	
31 open to the public, the sum of .....	\$1,500,000.00
32 (02) Grant to the Little Rock Air Force Base Historical	
33 Foundation, Inc., a private non-profit corporation,	
34 on a dollar per dollar matching basis, to be used	
35 for the construction of an Outdoor Air Park for the	

1 preservation and display of military aircraft of  
2 historical and military significance, as provided  
3 herein, to be open to the public, the sum of ..... 300,000.00  
4 TOTAL APPROPRIATION \$1,800,000.00  
5

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

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

22 (b) Funds in the amount of one million five hundred thousand dollars  
23 (\$1,500,000.00) have been raised whereupon the state funds may be paid on a  
24 dollar per dollar matching basis to the Society.

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

29  
30 SECTION 4. AIR PARK RESTRICTIONS. The funds appropriated under Item  
31 (02) of Section 2 of this act shall not be disbursed until all of the  
32 following conditions are met:

33 (a) The Little Rock Air Force Base Historical Foundation, Inc. has  
34 submitted plans to the Governor for the construction and operation of an  
35 Outdoor Air Park to be used for the preservation and display of military

1 aircraft of historical and military significance, to be open to the public,  
2 and to be located on land provided by the Little Rock Air Force Base. Such  
3 facility shall be called the Little Rock Air Force Base Outdoor Air Park, and  
4 the lands therefor shall be donated or provided to the Foundation by the  
5 appropriate authorities of the Little Rock Air Force Base, and no state funds  
6 appropriated in this act shall be used for payment thereof.

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

13 (c) An agreement has been entered into between the Little Rock Air  
14 Force Base Historical Foundation, Inc. and the appropriate officials of the  
15 Little Rock Air Force Base setting out provisions governing the operations of  
16 the proposed park and providing access for the public for review of the  
17 aircraft displayed.

18 (d) The Governor has reviewed and approved the aforementioned plans and  
19 has certified to the Director of the Department of Finance and Administration  
20 his approval, whereupon, the Director of the Department of Finance and  
21 Administration shall, upon certification of the Society and the Foundation  
22 that all of the aforementioned conditions have been met, disburse the funds  
23 provided in this act whenever the same become available, in the manner  
24 provided by law.

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26 SECTION 5. DISBURSEMENT CONTROLS. (A) No contract may be awarded nor  
27 obligations otherwise incurred in relation to the project or projects  
28 described herein in excess of the State Treasury funds actually available  
29 therefor as provided by law. Provided, however, that institutions and  
30 agencies listed herein shall have the authority to accept and use grants and  
31 donations including Federal funds, and to use its unobligated cash income or  
32 funds, or both available to it, for the purpose of supplementing the State  
33 Treasury funds for financing the entire costs of the project or projects  
34 enumerated herein. Provided further, that the appropriations and funds  
35 otherwise provided by the General Assembly for Maintenance and General

1 Operations of the agency or institutions receiving appropriation herein shall  
2 not be used for any of the purposes as appropriated in this Act.

3 (B) The restrictions of any applicable provisions of the State  
4 Purchasing Law, the General Accounting and Budgetary Procedures Law, the  
5 Revenue Stabilization Law and any other applicable fiscal control laws of  
6 this State and regulations promulgated by the Department of Finance and  
7 Administration, as authorized by law, shall be strictly complied with in  
8 disbursement of any funds provided by this Act unless specifically provided  
9 otherwise by law.

10

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

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

23

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

29

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

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33 SECTION 10. EMERGENCY CLAUSE. It is hereby found and determined by  
34 the Eightieth General Assembly, that the Constitution of the State of  
35 Arkansas prohibits the appropriation of funds for more than a two (2) year

1 period; that the effectiveness of this Act on July 1, 1995 is essential to  
2 the operation of the agency for which the appropriations in this Act are  
3 provided, and that in the event of an extension of the Regular Session, the  
4 delay in the effective date of this Act beyond July 1, 1995 could work  
5 irreparable harm upon the proper administration and provision of essential  
6 governmental programs. Therefore, an emergency is hereby declared to exist  
7 and this Act being necessary for the immediate preservation of the public  
8 peace, health and safety shall be in full force and effect from and after  
9 July 1, 1995.