

1 **State of Arkansas**  
2 **78th General Assembly**  
3 **Regular Session, 1991**  
4 **By: Representative Mahony**

# A Bill

**HOUSE BILL 1005**

## **For An Act To Be Entitled**

8 "AN ACT TO PROVIDE A REDUCTION IN THE USE OF *UNRESTRICTED*  
9 *EDUCATION AND GENERAL FUNDS* TO SUPPORT ATHLETIC PROGRAMS  
10 IN INSTITUTIONS OF HIGHER EDUCATION; TO REQUIRE ATHLETIC  
11 FEES TO BE ESTABLISHED FOR EACH CAMPUS; TO ESTABLISH  
12 ATHLETIC FEE COMMITTEES; AND FOR OTHER PURPOSES."

13  
14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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16 SECTION 1. (a) Each state-supported institution of higher education  
17 shall reduce by ten percent (10%) per year for the next ten (10) years the  
18 amount of *Unrestricted Education and General* funds transferred and used for  
19 athletic expenditures. The amount of *Unrestricted Education and General* funds  
20 used during the 1989-90 academic year shall be the base year for this  
21 requirement. *The plan shall not be implemented in such a way as to*  
22 *discriminate against women's athletic programs.*

23 (b) Each institution shall submit to the State Board of Higher  
24 Education a plan detailing the proposed phaseout of *Unrestricted Education and*  
25 *General Funds used for athletic expenditures* for each campus.

26 (c) As used herein, "athletic expenditures" means all direct and  
27 indirect expenses prorated if necessary, including salaries, all fringe  
28 benefits such as medical and dental insurance, workers' compensation, pension  
29 plans, tuition waivers, and any other costs associated with recruitment and  
30 retention of staff, travel, equipment, scholarships, meals, housing/dormitory,  
31 supplies, property and medical insurance, medical expenses, utilities and  
32 maintenance of facilities related to all intercollegiate teams, capital outlay  
33 for facilities and spirit groups excluding bands.

34 (d) *Nothing in this act shall be construed to limit or restrict*  
35 *expenditures for intramural activities.*

1 SECTION 2. (a) The Board of Trustees of each institution of higher  
2 education shall establish a separate athletic fee on each campus of the  
3 institution.

4 (b) The initial fee shall produce sufficient revenue to pay athletic  
5 expenditures on the campus when added to the amount of *Unrestricted Education*  
6 and *General* funds transferred in the decreasing amounts mandated in Section 1  
7 and any non-public funds.

8 (c) Each institution shall establish an athletic fee committee composed  
9 of students, faculty, parents, alumni and other interested parties. Student  
10 members shall be appointed by the elected representative of the governing  
11 student body. The remaining members shall be appointed by the chancellor or  
12 president of the institution. The number of persons to serve on the committee  
13 and their terms shall be established by rules and regulations set by the Board  
14 of Higher Education.

15 (d) Any increase in the athletic fee initially established by the Board  
16 of Trustees must be recommended by the athletic fee committee.

17 (e) The athletic fee committee shall adopt a set of bylaws to control  
18 their meetings.

19 (f) An increase in the athletic fee may occur only once each fiscal  
20 year and must be implemented beginning with the fall term.

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22 SECTION 3. The State Board of Higher Education shall promulgate any  
23 rules or regulations necessary for the implementation of this act.

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25 SECTION 4. All provisions of this act of a general and permanent nature  
26 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
27 Revision Commission shall incorporate the same in the Code.

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29 SECTION 5. If any provision of this Act or the application thereof to  
30 any person or circumstance is held invalid, such invalidity shall not affect  
31 other provisions or applications of the Act which can be given effect without  
32 the invalid provision or application, and to this end the provisions of this  
33 Act are declared to be severable.

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35 SECTION 6. All laws and parts of laws in conflict with this act are  
36 hereby repealed.

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/s/ J. Mahony