

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

A Bill

SENATE BILL

4 **By: Senators Miles, Walters and Harriman**

5

6

7

For An Act To Be Entitled

8 "AN ACT PROVIDING FOR THE DISTRIBUTION OF STATE MATCHING
9 FUNDS FOR COMMUNITY COLLEGES AND BRANCH CAMPUSES WHICH
10 ATTRACT PRIVATELY CONTRIBUTED FUNDS INTENDED AND UTILIZED
11 FOR ACADEMIC PROGRAMS AND ACTIVITIES; CREATING THE STATE
12 COMMUNITY COLLEGE MATCHING FUND; SETTING FORTH HOW A
13 CERTAIN MATCH WILL BE DETERMINED; DESIGNATING THE STATE
14 BOARD OF HIGHER EDUCATION TO COMPUTE THE MATCHING FUNDS TO
15 WHICH INSTITUTIONS ARE ELIGIBLE; PROVIDING FOR MONIES NOT
16 DISTRIBUTED TO BE CARRIED FORWARD FOR DISTRIBUTION IN
17 FUTURE FISCAL YEARS; PROHIBITING PRIVATE CONTRIBUTIONS AND
18 STATE MATCHING FUNDS FROM BEING INCLUDED IN THE
19 COMPUTATION OF STATE GENERAL OPERATING FUNDS RECOMMENDED
20 FOR COMMUNITY COLLEGES; REQUIRING FOUNDATIONS RECEIVING
21 MATCHING FUNDS TO PROVIDE A COPY OF ANNUAL AUDITS; AND FOR
22 OTHER PURPOSES."

23

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

25

26 SECTION 1. It is the intent of the General Assembly to encourage
27 private contributions to community colleges and branch campuses and their
28 affiliated foundations so that academic programs and activities may be
29 enhanced beyond the level provided by regular state appropriations.

30

31 SECTION 2. Neither privately contributed funding eligible for matching,
32 nor state funds provided as matching monies under this Act, shall be utilized
33 for any athletic program or activity.

34

35 SECTION 3. "Private contributions" are gifts of cash or negotiable

1 instruments received from any individual, corporation, partnership, or other
2 legal entity. Funds received from a state, any subdivision of a state, the
3 federal government, or any foreign government shall not be considered private
4 contributions for the purposes of this Act.

5

6 SECTION 4. There is hereby created on the books of the State Treasurer,
7 State Auditor, and Chief Fiscal Officer of the State, a fund to be known as
8 the State Community College Matching Fund. Monies deposited into the fund
9 shall be appropriated only to the State Board of Higher Education to be
10 expended in accordance with rules and regulations it shall promulgate,
11 consistent with the intent and provisions of this Act.

12

13 SECTION 5. Privately contributed funds eligible for state matching
14 under this Act must have been received by a community college within the
15 previous calendar year.

16

17 SECTION 6. All eligible contributions, up to \$500,000 per institution,
18 shall be matched by the State on a dollar-for-dollar basis. If funding
19 provided under this Act is insufficient for such dollar-for-dollar matching,
20 available matching funds shall be distributed proportionately.

21

22 SECTION 7. If all eligible contributions totalling up to \$500,000 per
23 institution have been matched and additional funds are available under the
24 provisions of this Act, such funds shall be proportionally distributed to
25 those community colleges whose eligible contributions for the year exceeded
26 \$500,000. In no case shall the state match be greater than dollar-for-dollar.

27

28 SECTION 8. The State Board of Higher Education shall compute the amount
29 of the annual apportionment of matching funds to each community college and
30 shall transfer funds to community colleges accordingly. Applications for
31 matching funds shall be made to the State Board of Higher Education during the
32 month of January, beginning in 1992. The State Board of Higher Education
33 shall allocate matching state funds during the third quarter of each fiscal
34 year, beginning in FY92. Any funds remaining in the State Community College
35 Matching Fund at the end of a fiscal year shall be carried forward for future

1 distribution.

2

3 SECTION 9. In determining the amount of State revenues to be
4 recommended for the general operation of eligible institutions, the Arkansas
5 State Department of Higher Education and the State Board of Higher Education
6 shall not deduct any portion of the eligible private contributions or state
7 matching funds provided under the provisions of this Act, the provisions of
8 Arkansas Code 6-61-601(c) (2) notwithstanding.

9

10 SECTION 10. Any affiliated foundation of a community college that
11 receives state matching funds shall provide a copy of its annual audit to the
12 Legislative Joint Auditing Committee and to the State Board of Higher
13 Education.

14

15 SECTION 11. All provisions of this Act of a general and permanent
16 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
17 Code Revision Commission shall incorporate the same in the Code.

18

19 SECTION 12. If any provision of this Act or the application thereof to
20 any person or circumstance is held invalid, such invalidity shall not affect
21 other provisions or applications of the Act which can be given effect without
22 the invalid provision or application, and to this end the provisions of this
23 Act are declared to be severable.

24

25 SECTION 13. All laws and parts of laws in conflict with this Act are
26 hereby repealed.

27

28

29

30

31

32

33

34

35

1

2