

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999
4

As Engrossed: H2/23/99

A Bill

Act 427 of 1999
HOUSE BILL 1464

5 By: *Joint Budget Committee*
6
7

For An Act To Be Entitled

9 "AN ACT TO MAKE AN APPROPRIATION TO THE DEPARTMENT OF
10 HIGHER EDUCATION FOR ASSISTING INSTITUTIONS OF HIGHER
11 EDUCATION IN MEETING ENDOWMENT REQUIREMENTS OF CERTAIN
12 CONSTRUCTION/RENOVATION GRANTS; AND FOR OTHER
13 PURPOSES. "
14

Subtitle

15 "AN ACT FOR THE DEPARTMENT OF HIGHER
16 EDUCATION - MATCHING FUNDS TO MEET
17 ENDOWMENT REQUIREMENTS CAPITAL
18 IMPROVEMENT APPROPRIATION.
19
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21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 SECTION 1. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE
25 NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CENTRAL
26 PURPOSE. (a) Whereas, grants from private entities to Arkansas public colleges
27 and universities for the construction of a campus facility and which require
28 the creation of an endowment to support the maintenance and upkeep of the
29 facility provide an opportunity for the State of Arkansas to improve the
30 infrastructure of its higher educational institutions and to leverage private
31 dollars to strengthen said institutions;
32 (b) Be it resolved that the Arkansas General Assembly appropriates sufficient
33 funds from the General Improvement Fund to provide state support for the
34 development of the endowment by matching locally-generated funds for that
35 purpose on a basis of one General Improvement Fund dollar per one locally-
36 generated dollar, provided that locally-generated funds include private

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1 donations and other funds clearly dedicated to the endowment by the
2 institution.

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4 SECTION 2. APPROPRIATIONS - MATCHING FUNDS - ENDOWMENT REQUIREMENTS. There
5 is hereby appropriated, to the Department of Higher Education, to be payable
6 from the General Improvement Fund or its successor fund or fund accounts, the
7 following:

8 (A) For assisting institutions of higher education in meeting endowment
9 requirements of certain construction/renovation grants as set out in this Act,
10 the sum of \$8,960,203.

11
12 SECTION 3. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE
13 NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. RESTRICTIONS
14 AND ALLOCATIONS. (a) The appropriation provided in Section 2 herein shall:

15 (1) Be restricted to grants of \$2 million or more for construction/renovation;

16 (2) Be restricted to grants which specifically require the creation of an
17 endowment to support the new or renovated facility;

18 (3) Provide dollar-for-dollar matching for an institution which is required to
19 develop an endowment for that purpose;

20 (4) Not apply to grants for other purposes which simply require an
21 institutional match; and

22 (5) Be made available to eligible institutions only once during each four-year
23 period.

24 (b) Certification of the grant awards and required endowments shall made on an
25 annual basis on June 30 of each year by the Arkansas Department of Higher
26 Education, with the release of funds to be placed in the institutions'
27 endowment for the building on a semi-annual basis, upon certification that
28 locally generated endowment funds have been collected or dedicated to the
29 endowment by the institution.

30 (c) Provided, that the intent of the General Assembly is to fully accomodate
31 all certified requests; however, in the event that funds are insufficient to
32 meet all certified requests for state matching funds, the Arkansas Department
33 of Higher Education may prorate available funds among institutions until
34 sufficient funds are provided by the General Assembly.

35 (d) The intent of the General Assembly is to ensure that all public colleges
36 and universities which have received such grants prior to the passage of this

1 Act are eligible to receive state matching funds for the purposes of this
2 program.

3 (e) The appropriation provided in Section 2 herein shall be allocated as
4 follows:

5	<u>Arkansas Tech University</u>	<u>\$1,246,200</u>
6	<u>University of Arkansas at Fayetteville</u>	<u>\$755,752</u>
7	<u>UA-Medical Sciences</u>	<u>\$1,840,260</u>
8	<u>Henderson State University</u>	<u>\$756,332</u>
9	<u>Mid-South Community College</u>	<u>\$800,000</u>
10	<u>University of Central Arkansas</u>	<u>\$561,659</u>
11	<u>Other Approved Programs, 1998-2001</u>	<u>\$3,000,000</u>
12	<u>TOTAL ALLOCATED</u>	<u>\$8,960,203</u>

13
14 In addition, any subsequent funds provided by the grantor for the project
15 requiring additional endowment funds will also be matched on a one-for-one
16 basis as outlined in Section 1(b). In no case shall the additional funding
17 exceed five percent (5%) of any of the amounts allocated herein for specific
18 institutions. The allocation for "Other Approved Programs, 1998-2001" shall be
19 reduced by any additional amounts authorized herein.

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

33 (B) The restrictions of any applicable provisions of the State Purchasing
34 Law, the General Accounting and Budgetary Procedures Law, the Revenue
35 Stabilization Law and any other applicable fiscal control laws of this State
36 and regulations promulgated by the Department of Finance and Administration,

1 as authorized by law, shall be strictly complied with in disbursement of any
2 funds provided by this act unless specifically provided otherwise by law.

3
4 SECTION 5. LEGISLATIVE INTENT. It is the intent of the General Assembly
5 that any funds disbursed under the authority of the appropriations contained
6 in this act shall be in compliance with the stated reasons for which this act
7 was adopted, as evidenced by the Agency Requests, Executive Recommendations
8 and Legislative Recommendations contained in the budget manuals prepared by
9 the Department of Finance and Administration, letters, or summarized oral
10 testimony in the official minutes of the Arkansas Legislative Council or Joint
11 Budget Committee which relate to its passage and adoption.

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13 SECTION 6. CODE. All provisions of this Act of a general and permanent
14 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
15 Code Revision Commission shall incorporate the same in the Code.

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17 SECTION 7. SEVERABILITY. If any provision of this act or the application
18 thereof to any person or circumstance is held invalid, such invalidity shall
19 not affect other provisions or applications of the act which can be given
20 effect without the invalid provision or application, and to this end the
21 provisions of this act are declared to be severable.

22
23 SECTION 8. GENERAL REPEALER. All laws and parts of laws in conflict with
24 this act are hereby repealed.

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26 SECTION 9. EMERGENCY CLAUSE. It is hereby found and determined by the
27 Eighty-second General Assembly, that the Constitution of the State of Arkansas
28 prohibits the appropriation of funds for more than a two (2) year period; that
29 the effectiveness of this Act on July 1, 1999 is essential to the operation of
30 the agency for which the appropriations in this Act are provided, and that in
31 the event of an extension of the Regular Session, the delay in the effective
32 date of this Act beyond July 1, 1999 could work irreparable harm upon the
33 proper administration and provision of essential governmental programs.
34 Therefore, an emergency is hereby declared to exist and this Act being
35 necessary for the immediate preservation of the public peace, health and
36 safety shall be in full force and effect from and after July 1, 1999.

/s/ Joint Budget Committee

APPROVED: 3/4/1999

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