

State of Arizona  
House of Representatives  
Forty-ninth Legislature  
Second Regular Session  
2010

# HOUSE BILL 2114

AN ACT

AMENDING SECTION 15-1409, ARIZONA REVISED STATUTES; RELATING TO COMMUNITY COLLEGES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 15-1409, Arizona Revised Statutes, is amended to  
3 read:

4 15-1409. Provisional community college districts; formation;  
5 governing board; powers and duties; issuance and  
6 sale of bonds for capital outlay

7 A. A provisional community college district shall contract with an  
8 existing community college district to provide instructional and student  
9 services within the provisional community college district.

10 B. The minimum assessed valuation and population requirements  
11 prescribed in section 15-1402 do not apply to provisional community college  
12 districts.

13 C. A provisional community college district shall be formed and a  
14 provisional community college district GOVERNING board shall be elected in  
15 the same manner prescribed in sections 15-1403, 15-1404 and 15-1441, except  
16 that the county board of supervisors by majority vote may adopt a resolution  
17 to submit the question of the formation of a provisional community college  
18 district and the approval of a proposed tax rate to fund the provisional  
19 community college district directly to the qualified electors of the county  
20 at a special or general election called for that purpose as prescribed in  
21 section 16-204 and title 35, chapter 3, article 3. The resolution adopted by  
22 the county board of supervisors shall include a statement that the primary  
23 property tax levy limit for the provisional community college district shall  
24 be no less than the levy limit of the most recently formed community college  
25 district in this state.

26 D. Except as provided in this section, a provisional community college  
27 district governing board has the same powers and duties specified in section  
28 15-1444 for community college districts.

29 E. A provisional community college district shall not award degrees,  
30 certificates or diplomas.

31 F. A provisional community college district is not eligible to receive  
32 equalization aid pursuant to section 15-1468 or state contribution for  
33 capital outlay for initial or additional campuses pursuant to section  
34 15-1463.

35 G. The state aid eligibility requirements prescribed in section  
36 15-1466, subsection G, paragraphs 1 and 2 do not apply to provisional  
37 community college districts.

38 H. Notwithstanding any other law, the same student shall not be  
39 counted twice as a full-time equivalent student in both a provisional  
40 community college district and a community college district. Notwithstanding  
41 any other law, beginning with the fiscal year after the year in which the  
42 provisional community college district is formed and has established its  
43 primary tax rate, a district that provides services in a provisional district  
44 pursuant to section 15-1470 shall no longer count these students in the  
45 district's full-time equivalent student count.

1 I. If a provisional community college district is converted into a  
2 community college district by the formation of a community college district  
3 pursuant to section 15-1402, the provisional community college district is  
4 dissolved and any equipment, property, personnel, liabilities and assets are  
5 transferred to the community college district.

6 J. If a provisional community college district is formed in a county  
7 that provides reimbursement for the attendance of nonresident state students  
8 pursuant to section 15-1469, that county shall continue to provide  
9 reimbursement payments to community college districts for the remainder of  
10 the fiscal year in which the provisional community college district is  
11 formed, provided that the county board of supervisors adopts a levy that is  
12 at least equal to the sum of the reimbursement payments and the amount of the  
13 community college services provided in the fiscal year immediately before the  
14 formation of the provisional community college district.

15 K. The board of supervisors of a county that has formed a provisional  
16 community college district ~~may~~ by majority vote **MAY** enter into an  
17 intergovernmental agreement to loan monies to the governing board of the  
18 provisional community college district in an amount that does not exceed two  
19 hundred thousand dollars. Any loan pursuant to this subsection shall be  
20 repaid from the next scheduled collection of property taxes to fund the  
21 provisional community college district. The annual interest charges on any  
22 loan pursuant to this subsection shall not exceed five per cent.

23 **L. A PROVISIONAL COMMUNITY COLLEGE DISTRICT MAY ISSUE BONDS FOR**  
24 **CAPITAL OUTLAY PURPOSES IN THE SAME MANNER PRESCRIBED IN SECTION 15-1465 FOR**  
25 **COMMUNITY COLLEGE DISTRICTS.**