

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; AMENDING TITLE 15, CHAPTER 12, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-1475; 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. THE GOVERNING BOARD OF THE PROVISIONAL
26 COMMUNITY COLLEGE DISTRICT IS SOLELY RESPONSIBLE FOR DETERMINING THE
27 ENCUMBRANCE AND APPROVAL OF THE EXPENDITURE OF THE PROCEEDS OF THE BONDS
28 ISSUED PURSUANT TO THIS SUBSECTION AND SHALL NOT DELEGATE OR TRANSFER THIS
29 AUTHORITY TO ANY OTHER ENTITY.

30 Sec. 2. Title 15, chapter 12, article 4, Arizona Revised Statutes, is
31 amended by adding section 15-1475, to read:

32 15-1475. Community college districts; prohibited expenditures
33 COMMUNITY COLLEGE DISTRICTS SHALL NOT SPEND PUBLIC MONIES FOR STUDENT
34 TRAVEL COSTS IF THE TRAVEL IS FOR THE PURPOSE OF LOBBYING THE UNITED STATES
35 SENATE, THE UNITED STATES HOUSE OF REPRESENTATIVES, THE PRESIDENT OF THE
36 UNITED STATES OR ANY BRANCH, OFFICE, DIVISION OR DEPARTMENT OF THE FEDERAL
37 GOVERNMENT.