House Engrossed

FILED

JANICE K. BREWER
SECRETARY OF STATE

State of Arizona
House of Representatives
Forty-eighth Legislature
First Regular Session
2007

CHAPTER 13

HOUSE BILL 2193

AN ACT

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

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

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

15-1409. Provisional community college districts; formation; provisional community college district governing board; powers and duties

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

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

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

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

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

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

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

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

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

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

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

~~L. The provisional community college district program established by this section ends on July 1, 2009 pursuant to section 41-3102.~~

APPROVED BY THE GOVERNOR APRIL 10, 2007.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 11, 2007.