

REFERENCE TITLE: state board; community colleges

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

HB 2317

Introduced by
Representatives Burns J, Hershberger, Senator O'Halleran: Representative
Konopnicki

AN ACT

AMENDING SECTIONS 5-222, 11-600, 11-704, 13-3990, 15-701.01, 15-702, 15-784, 15-789, 15-1401, 15-1403, 15-1404, 15-1405 AND 15-1409, ARIZONA REVISED STATUTES; REPEALING SECTION 15-1427, ARIZONA REVISED STATUTES; AMENDING TITLE 15, CHAPTER 12, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 15-1421, 15-1422, 15-1423, 15-1424, 15-1425 AND 15-1426, A NEW SECTION 15-1427 AND SECTIONS 15-1428 AND 15-1429; AMENDING SECTIONS 15-1444 AND 15-1446, ARIZONA REVISED STATUTES; REPEALING SECTIONS 15-1445 AND 15-1447, ARIZONA REVISED STATUTES; AMENDING TITLE 15, CHAPTER 12, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING NEW SECTIONS 15-1445 AND 15-1447; AMENDING SECTION 15-1449, ARIZONA REVISED STATUTES; REPEALING SECTION 15-1452, ARIZONA REVISED STATUTES; AMENDING SECTIONS 15-1461, 15-1463 AND 15-1464, ARIZONA REVISED STATUTES; AMENDING SECTION 15-1465, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2006, CHAPTER 354, SECTION 18; AMENDING SECTIONS 15-1466, 15-1467, 15-1469, 15-1470 AND 15-1472, ARIZONA REVISED STATUTES; REPEALING SECTION 15-1473, ARIZONA REVISED STATUTES; AMENDING SECTIONS 15-1481, 15-1483, 15-1802, 15-1802.01, 15-1804, 15-1805, 15-1806, 15-1808, 15-1821 AND 15-1822, ARIZONA REVISED STATUTES; AMENDING SECTION 15-1823, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2006, CHAPTER 100, SECTION 1; AMENDING SECTIONS 15-1824, 15-1831, 15-1851, 15-1854, 23-391, 32-3001, 35-101, 41-790.01, 41-1005, 41-1057, 41-1829.01, 41-1862, 41-2751, 41-2752 AND 41-2753, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 27, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-3017.01; AMENDING SECTIONS 41-3501, 42-5029, 42-5029.01, 44-7002 AND 49-550, ARIZONA REVISED STATUTES; REPEALING LAWS 2002, CHAPTER 330, SECTIONS 58, 59, 60 AND 62; REPEALING LAWS 2003, CHAPTER 264, SECTION 38; 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 5-222, Arizona Revised Statutes, is amended to
3 read:

4 5-222. Application of this chapter; definition

5 This chapter does not apply to any amateur boxing contest conducted by
6 or participated in by the following institutions or organizations:

7 1. Any school, community college, college or university or an
8 association or organization composed exclusively of schools, community
9 colleges, colleges or universities when each contestant is a student enrolled
10 in a school, community college, college or university. As used in this
11 section, "school, community college, college or university" means every
12 school, community college, college or university and every other school,
13 community college, college or university determined by the state board of
14 education, ~~community college districts as defined in section 15-1401~~ THE
15 STATE BOARD OF DIRECTORS FOR COMMUNITY COLLEGES or the Arizona board of
16 regents to be maintained primarily for the giving of general academic
17 education.

18 2. A government unit or agency of the United States or this state and
19 its subdivisions.

20 3. A nonprofit interstate association or intrastate association in
21 this state which has standards and regulations for the physical safety of the
22 participants at least equal to the requirements of this chapter, including
23 such bona fide amateur associations or organizations.

24 4. A fraternal benefit society as defined in section 20-861.

25 5. Any bona fide private school whose primary purpose is instruction
26 in the martial arts, provided that the contests held in conjunction with such
27 instruction are amateur.

28 Sec. 2. Section 11-600, Arizona Revised Statutes, is amended to read:

29 11-600. Burial of indigent deceased; disposal of property

30 A. When an examination has been completed by the county medical
31 examiner or the person performing the duties of a county medical examiner and
32 no other person takes charge of the body of the deceased, the medical
33 examiner shall cause the body to be delivered to the funeral establishment,
34 licensed pursuant to title 32, chapter 12, article 4, closest geographically
35 to the place where the body is pronounced dead, for preservation,
36 disinfection and final disposition. The medical examiner or person
37 performing the duties of a county medical examiner may establish geographical
38 areas within the county and a rotation system whereby the bodies are
39 delivered equally in sequence to all licensed funeral establishments in each
40 geographical area. All licensed funeral establishments in any incorporated
41 city or town shall be in the same geographical area. Area boundaries in
42 unincorporated areas shall be drawn so as to approximate equal distances
43 between incorporated cities or towns in which a licensed funeral
44 establishment or establishments exist. Upon request of any licensed funeral
45 establishment, in writing, they shall be removed from participation in the

1 receipt of medical examiner cases until they rescind their request. If there
2 is not sufficient property in the estate of the deceased to pay the necessary
3 expenses of the burial, the expenses shall be a legal charge against the
4 county. Upon determination of indigency the funeral establishment shall
5 perform the normal county indigent burial, in the manner and for the fee then
6 being paid by the county, or release the body, upon county request, without
7 fee, to the funeral establishment designated by the county for other indigent
8 burials.

9 B. Notwithstanding subsection A of this section, the county medical
10 examiner may cause the body to be delivered to a community college under the
11 jurisdiction of ~~a community college district as defined in section 15-1401~~
12 **THE STATE BOARD OF DIRECTORS FOR COMMUNITY COLLEGES**, if the community college
13 has an accredited mortuary science program. On acceptance of the body and
14 with proper authorization, the community college mortuary science program
15 shall preserve and disinfect the body, prepare it for final disposition and
16 deliver the body to a licensed funeral establishment pursuant to subsection A
17 of this section for final disposition. For the purposes of this subsection,
18 proper authorization may be provided by the next of kin pursuant to section
19 36-831, subsection A or the public fiduciary of the county.

20 C. Within thirty days after the examination, the medical examiner or
21 person performing the duties of the county medical examiner shall deliver to
22 the public fiduciary of the county or the legal representative of the
23 deceased any money or property found upon the body.

24 Sec. 3. Section 11-704, Arizona Revised Statutes, is amended to read:
25 **11-704. County sports authority fund**

26 A. The authority treasurer shall maintain a county sports authority
27 fund consisting of all monies received by the authority, including:

- 28 1. Payments received from leasing, subleasing or renting facilities.
- 29 2. Revenues received by the authority from admissions and concessions
30 and other proceeds from events held at facilities leased by the authority.
- 31 3. Monies received from issuing and selling bonds under article 2 of
32 this chapter.
- 33 4. Interest and other income received from investing monies in the
34 fund.
- 35 5. Gifts, grants and donations received for that purpose from any
36 private source.

37 B. Monies in the fund may be used only for the following purposes:

- 38 1. Ordinary and necessary administration and operation expenses of the
39 authority, including:
 - 40 (a) Reasonable salaries and employee related expenses of employees of
41 the authority.
 - 42 (b) Reasonable reimbursement of expenses of members of the board of
43 directors.
- 44 2. Making all payments required under any lease or sublease of
45 facilities by the authority.

1 3. Repaying and redeeming bonds issued by the authority, including
2 interest and redemption charges.

3 4. Academic scholarships, established by the board of directors at the
4 end of the fiscal year, to any college or university under the jurisdiction
5 of the ~~Arizona community college board~~ STATE BOARD OF DIRECTORS FOR COMMUNITY
6 COLLEGES or the Arizona board of regents. These scholarships shall be funded
7 from unexpended and unencumbered monies remaining in the fund at the end of
8 the fiscal year which are not otherwise required as reserves.

9 C. The treasurer of the authority may invest any unexpended monies in
10 the fund as provided in title 35, chapter 2, including in the local
11 government investment pool, if authorized by the state treasurer. Interest
12 and other income from investments shall be credited to the fund. The
13 treasurer of the authority shall invest the monies so as to mature at the
14 times when the fund assets will be required for the purposes of this article.
15 If the liquid assets in the fund become insufficient to meet the authority's
16 obligations, the board of directors shall direct the treasurer of the
17 authority to liquidate sufficient securities to meet all of the current
18 obligations and immediately notify the board of supervisors, the attorney
19 general and the auditor general of the insufficiency, and the attorney
20 general and auditor general shall investigate and audit the circumstances
21 surrounding the depletion of the fund and report their findings to the board
22 of supervisors.

23 D. The board of directors shall cause an annual audit to be conducted
24 of the fund by an independent certified public accountant within thirty days
25 after the end of the fiscal year. The board shall immediately file a
26 certified copy of the audit with the auditor general. The auditor general
27 may make such further audits and examinations as he deems necessary, but if
28 he takes no official action within thirty days after the audit is filed, the
29 audit is deemed sufficient. The board of directors shall pay all fees and
30 costs of the certified public accountant and auditor general under this
31 subsection from the fund.

32 Sec. 4. Section 13-3990, Arizona Revised Statutes, is amended to read:
33 13-3990. Notice of conviction of teachers

34 On the conviction of a person of an offense in this title or of any
35 felony, if the person is certified to teach by the state board of education
36 OR THE STATE BOARD OF DIRECTORS FOR COMMUNITY COLLEGES, or is teaching in a
37 ~~community college district or~~ charter school, a copy of the judgment and
38 sentence, and of the opinion of the court or magistrate, if any opinion is
39 filed, shall be sent by the clerk of the court, or by the magistrate, to the
40 ~~state CERTIFYING board of education, to the community college district~~ or to
41 the charter school.

1 Sec. 5. Section 15-701.01, Arizona Revised Statutes, is amended to
2 read:

3 15-701.01. High school; graduation; requirements; community
4 college or university courses; transfer from
5 private schools; academic credit

6 A. The state board of education shall:

7 1. Prescribe a minimum course of study, as defined in section 15-101
8 and incorporating the academic standards adopted by the state board of
9 education, for the graduation of pupils from high school.

10 2. Prescribe competency requirements for the graduation of pupils from
11 high school incorporating the academic standards in at least the areas of
12 reading, writing, mathematics, science and social studies.

13 3. Develop and adopt competency tests pursuant to section 15-741 for
14 the graduation of pupils from high school in at least the areas of reading,
15 writing and mathematics and shall establish passing scores for each such
16 test. A pupil not successfully passing the required competency test shall
17 graduate from high school with a recognized diploma if the pupil meets the
18 alternative graduation requirements established by section 15-701.02. A
19 pupil shall not be required to pass the competency test required in this
20 paragraph to graduate from high school if the pupil transfers into the
21 district from out-of-state and has successfully passed a statewide assessment
22 test on state adopted standards that are substantially equivalent to the
23 state board adopted academic standards.

24 B. If the state board of education adopts a competency test as a
25 graduation requirement for a child with a disability as defined in section
26 15-761 or a child who receives special education pursuant to section 15-763,
27 pupils with individualized education programs shall not be required to
28 achieve passing scores on competency tests in order to graduate from high
29 school unless the pupil is learning at a level appropriate for the pupil's
30 grade level in a specific academic area and unless passing scores on a
31 competency test ~~is~~ ARE specifically required in a specific academic area by
32 the pupil's individualized education program as mutually agreed on by the
33 pupil's parents and the pupil's individualized education program team or the
34 pupil, if the pupil is at least eighteen years of age. These competency
35 tests shall be administered to pupils in a manner prescribed in the pupil's
36 individualized education program and school districts and charter schools
37 shall make specific and appropriate accommodations for pupils with
38 individualized education programs. Pupils with section 504 plans as defined
39 in section 15-731 shall not be required to achieve passing scores on
40 competency tests in order to graduate from high school unless the pupil is
41 learning at a level appropriate for the pupil's grade level in a specific
42 academic area and unless passing scores on a competency test ~~is~~ ARE
43 specifically required in a specific academic area by the pupil's section 504
44 plan that is developed in consultation with the pupil's parents. These
45 competency tests shall be administered to pupils in a manner prescribed in

1 the pupil's section 504 plan and school districts and charter schools shall
2 make specific and appropriate accommodations for pupils with a section 504
3 plan. A pupil with an individualized education program or a section 504 plan
4 who graduates from high school but who is not required to achieve a passing
5 score on a competency test in order to graduate from high school shall
6 receive the standard diploma issued by the school district or charter school.

7 ~~B.~~ C. The governing board of a school district shall:

8 1. Prescribe curricula that include the academic standards in the
9 required subject areas pursuant to subsection A, paragraph 1 of this section.

10 2. Prescribe criteria for the graduation of pupils from the high
11 schools in the school district. These criteria shall include accomplishment
12 of the academic standards in at least reading, writing, mathematics, science
13 and social studies, as determined by district assessment. Other criteria may
14 include additional measures of academic achievement and attendance.

15 ~~C.~~ D. The governing board may prescribe the course of study and
16 competency requirements for the graduation of pupils from high school which
17 are in addition to or higher than the course of study and competency
18 requirements which the state board prescribes.

19 ~~D.~~ E. The governing board may prescribe competency requirements for
20 the passage of pupils in courses which are required for graduation from high
21 school.

22 ~~E.~~ F. A teacher shall determine whether to pass or fail a pupil in a
23 course in high school as provided in section 15-521, paragraph 3 on the basis
24 of the competency requirements, if any have been prescribed. The governing
25 board, if it reviews the decision of a teacher to pass or fail a pupil in a
26 course in high school as provided in section 15-342, paragraph 11, shall base
27 its decision on the competency requirements, if any have been prescribed.

28 ~~F.~~ G. Graduation requirements established by the governing board may
29 be met by a pupil who passes courses in the required or elective subjects at
30 a community college or university, if the course is at a higher level than
31 the course taught in the high school attended by the pupil or, if the course
32 is not taught in the high school, the level of the course is equal to or
33 higher than the level of a high school course. The governing board shall
34 determine if the subject matter of the community college or university course
35 is appropriate to the specific requirement the pupil intends it to fulfill
36 and if the level of the community college or university course is less than,
37 equal to or higher than a high school course, and the governing board shall
38 award one-half of a carnegie unit for each three semester hours of credit the
39 pupil earns in an appropriate community college or university course. If a
40 pupil is not satisfied with the decision of the governing board regarding the
41 amount of credit granted or the subjects for which credit is granted, the
42 pupil may request that the state board of education review the decision of
43 the governing board, and the state board shall make the final determination
44 of the amount of credit to be given the pupil and for which subjects. The
45 governing board shall not limit the number of credits that is required for

1 high school graduation and that may be met by taking community college or
2 university courses. For the purposes of this subsection:

3 1. "Community college" means ~~an educational institution that is~~
4 ~~operated by~~ a community college district ~~as defined in section 15-1401~~ UNDER
5 THE JURISDICTION OF THE STATE BOARD OF DIRECTORS FOR COMMUNITY COLLEGES or a
6 postsecondary educational institution under the jurisdiction of an Indian
7 tribe recognized by the United States department of the interior.

8 2. "University" means a university under the jurisdiction of the
9 Arizona board of regents.

10 ~~G.~~ H. A pupil who transfers from a private school shall be provided
11 with a list that indicates those credits that have been accepted and denied
12 by the school district. A pupil may request to take an examination in each
13 particular course in which credit has been denied. The school district shall
14 accept the credit for each particular course in which the pupil takes an
15 examination and receives a passing score on a test designed and evaluated by
16 a teacher in the school district who teaches the subject matter on which the
17 examination is based. In addition to the above requirements, the governing
18 board of a school district may prescribe requirements for the acceptance of
19 the credits of pupils who transfer from a private school.

20 ~~H.~~ I. The state board of education shall adopt rules to allow high
21 school pupils who can demonstrate competency in a particular academic course
22 or subject to obtain academic credit for the course or subject without
23 enrolling in the course or subject.

24 Sec. 6. Section 15-702, Arizona Revised Statutes, is amended to read:
25 15-702. High school equivalency diploma; fees; rules

26 A. Any person who is sixteen years of age or older and who passes a
27 general educational development test shall be awarded an Arizona high school
28 equivalency diploma by the state board of education and the state
29 superintendent of public instruction. The state board of education may
30 establish eligibility requirements for persons wishing to take a general
31 educational development test, except that the minimum age required to take
32 the test may not be older than sixteen nor shall the board require the
33 completion of any high school credits.

34 B. A person who meets the minimum course of study and competency
35 requirements prescribed by the state board of education for graduation from
36 high school through a combination of high school credits and community
37 college and university credits, which are converted to high school credits in
38 the same manner as provided in section 15-701.01, subsection ~~F~~ G by the
39 governing board or the state board of education, shall be awarded an Arizona
40 high school equivalency diploma.

41 C. The state board of education may establish and collect fees for the
42 issuance and reissuance of the following:

- 43 1. A general equivalency diploma.
- 44 2. A general equivalency transcript.

1 D. The state board of education shall ~~develop~~ ADOPT rules for fee
2 waivers for the general equivalency diploma and general equivalency
3 transcripts.

4 Sec. 7. Section 15-784, Arizona Revised Statutes, is amended to read:
5 15-784. Vocational education; acceptance of congressional acts;
6 appropriation; distribution of federal monies

7 A. The state assents to the provisions and accepts the benefits of the
8 vocational education act of 1917, as amended, and the Carl D. Perkins
9 vocational education act of 1984, as amended by the Carl D. Perkins
10 vocational and applied technological education act amendments of 1990, as
11 amended by the Carl D. Perkins vocational and applied technology act of 1998.

12 B. The state board of education is the state board of vocational
13 education for the purposes of the acts. The state treasurer is designated
14 custodian for vocational education for the purposes of the acts. The state
15 treasurer shall receive and provide for the custody and disbursement of all
16 monies paid to the state for the purposes of vocational education.

17 C. There is appropriated from the general fund of the state sufficient
18 monies to meet the requirements of the acts of Congress.

19 D. The state board of education may distribute the monies it receives
20 as provided in subsection A OF THIS SECTION to any eligible recipient of the
21 monies under the federal law.

22 E. The state board of education shall distribute to the ~~community~~
23 ~~college districts in this state~~ STATE BOARD OF DIRECTORS FOR COMMUNITY
24 COLLEGES at least fifteen per cent of the monies received as provided in
25 subsection A OF THIS SECTION. Provisional community college districts are
26 not eligible to receive monies pursuant to this section. THE STATE BOARD OF
27 DIRECTORS FOR COMMUNITY COLLEGES HAS SOLE RESPONSIBILITY FOR THE
28 ADMINISTRATION AND SUPERVISION OF THE COMMUNITY COLLEGE VOCATIONAL AND
29 TECHNOLOGICAL PROGRAMS THAT THE DISTRICTS OFFER FOR PURPOSES OF THE ACTS AND
30 USE OF THE MONIES RECEIVED AS PROVIDED IN THIS SECTION. THE STATE BOARD OF
31 DIRECTORS FOR COMMUNITY COLLEGES MAY ENTER INTO INTERGOVERNMENTAL AGREEMENTS
32 AS PROVIDED IN SECTION 11-952 FOR THE PURPOSES OF THIS SUBSECTION.

33 Sec. 8. Section 15-789, Arizona Revised Statutes, is amended to read:
34 15-789. Contracting and cooperative arrangements for career and
35 technical education and vocational education;
36 advisory committee

37 A. The governing board of a school district may contract with any
38 public body or with any private person for the purpose of providing career
39 and technical education and vocational education. For the purposes of this
40 subsection, school districts are exempt from section 15-213.

41 B. School districts or community college districts may independently
42 or jointly make application for career and technical education and vocational
43 education monies.

44 C. School districts and community college districts may provide for
45 joint cooperation among themselves and with each other and with any

1 educational institution eligible to receive career and technical education
2 and vocational education monies as provided in section 15-784 for the
3 purposes of providing career and technical education and vocational education
4 and for the use of each other's facilities and personnel.

5 D. School districts, among themselves or with community college
6 districts, may jointly purchase, sell, lease or lease-purchase land,
7 buildings or other real or personal property for the purposes of providing
8 career and technical education and vocational education, including
9 establishing a jointly owned and operated vocational and technical center,
10 if:

11 1. The districts enter into an intergovernmental agreement or other
12 written contract pursuant to section 11-952.

13 2. The state board of education and, if a community college district
14 is a party to the agreement, ~~the governing board of the community college~~
15 ~~district~~ THE STATE BOARD OF DIRECTORS FOR COMMUNITY COLLEGES approve the
16 intergovernmental agreement or other written contract.

17 E. If one or more school districts, among themselves or with a
18 community college district, enter into an intergovernmental agreement or
19 other written contract to establish a jointly owned and operated vocational
20 and technical center, the governing boards of the districts shall establish a
21 joint advisory committee for the vocational and technical center consisting
22 of:

23 1. At least one member of each school district governing board or a
24 designated district staff representative appointed by the respective school
25 district governing board.

26 2. If a community college is a party to the agreement, members of the
27 community college district board or designated district staff representatives
28 appointed by the community college district board equal in number to the
29 total number of persons appointed pursuant to paragraph 1 of this subsection.

30 3. Members engaged in commerce or industry in this state equal in
31 number to the total number of persons appointed pursuant to paragraph 1 of
32 this subsection, jointly appointed by the district governing boards.

33 F. A school district and a community college district may jointly
34 accept gifts or grants of monies, land or other real or personal property for
35 the purpose of providing career and technical education and vocational
36 education and may administer or dispose of the property in accordance with
37 the purpose of the gift or grant.

38 Sec. 9. Section 15-1401, Arizona Revised Statutes, is amended to read:
39 15-1401. Definitions

40 In this chapter, unless the context otherwise requires:

41 1. "Accredited" means accredited by a regional accrediting agency
42 recognized by the United States department of education or by the council on
43 postsecondary accreditation.

44 2. "Additional short-term classes" means those classes which are not
45 in session on the forty-fifth day of the fall or spring semester, which

1 commence at various times during the fiscal year and which are offered over a
2 period of less than sixteen weeks.

3 3. "Budget year" means the fiscal year for which the community college
4 district is budgeting and which immediately follows the current year.

5 4. "Community college" means an educational institution that is
6 ~~operated by a district board~~ UNDER THE JURISDICTION OF THE STATE BOARD and
7 that provides a program not exceeding two years' training in the arts,
8 sciences and humanities beyond the twelfth grade of the public or private
9 high school course of study or vocational education, including terminal
10 courses of a technical and vocational nature and basic adult education
11 courses.

12 5. "Current year" means the fiscal year in which the community college
13 district is operating.

14 6. "District" means a community college district that is established
15 pursuant to sections 15-1402 and 15-1403 and that is a political subdivision
16 of this state and, unless otherwise specified, includes provisional community
17 college districts established pursuant to section 15-1409.

18 7. "District board" means the community college district governing
19 board.

20 8. "Full-time equivalent student" means student enrollment for fifteen
21 community college semester credit units per semester.

22 9. "Open entry, open exit classes" means those classes in which
23 students enter or exit based on mastery of specified competencies and which
24 commence at various times during the fiscal year.

25 10. "Operational expense budget" means the budget as adopted by the
26 district board pursuant to section 15-1461.

27 11. "Operational expenses" means the administration, instruction,
28 operation of community college plant, maintenance of community college plant,
29 fixed charges and contingencies incurred in the operation of a district
30 exclusive of all capital outlay items, special levies, auxiliary enterprise
31 funds, restricted funds and bond service items.

32 12. "Provisional community college district" means a community college
33 district organized pursuant to section 15-1409.

34 13. "STATE BOARD" MEANS THE STATE BOARD OF DIRECTORS FOR COMMUNITY
35 COLLEGES.

36 Sec. 10. Section 15-1403, Arizona Revised Statutes, is amended to
37 read:

38 15-1403. Procedure to form a district

39 A. For the purpose of forming a district, not less than ten per cent
40 of the qualified electors in the territory included in the proposed district,
41 or where a district consists of more than one county not less than ten per
42 cent of the qualified electors in each county, shall petition the county
43 school superintendent for the establishment of the district. Where a
44 district consists of more than one county, the signatures of the qualified
45 electors on the petition shall be submitted to the county school

1 superintendent of the county of which the qualified electors are residents,
2 provided that the county school superintendent of the county with the larger
3 population, as determined by the most recent federal census, shall be the
4 custodian of the completed petition. The petition shall set forth the name
5 of the proposed district and its boundaries. The county school
6 superintendent shall verify the signatures thereon, provided that whenever a
7 proposed district consists of more than one county the county school
8 superintendent of the county with the least population shall verify the
9 signatures on the petition from his county prior to submitting the petition
10 to the county school superintendent of the county with the larger population.

11 B. The county school superintendent who is the custodian of the
12 completed petition shall transmit the petition to the ~~county board of~~
13 ~~supervisors~~ STATE BOARD, ~~or if the district consists of more than one county,~~
14 ~~to the county board of supervisors of the county with the largest population,~~
15 which shall CONDUCT A SURVEY OF THE PROPOSED DISTRICT TO determine whether
16 the proposed district meets the minimum standards of assessed valuation and
17 population as provided in section 15-1402.

18 C. If the ~~county board of supervisors determines that the proposed~~
19 ~~district meets the minimum standards of assessed valuation and population~~
20 ~~prescribed in subsection B of this section~~ STATE BOARD APPROVES THE PETITION,
21 the county, or counties, shall call and conduct an election, as prescribed in
22 this article. If the majority of the votes cast in the proposed district,
23 consisting of one county, favors FAVOR the formation of the district, such a
24 district is deemed to be formed, as provided in section 15-1404. Where the
25 proposed district consists of more than one county there shall be a majority
26 of the votes cast in each county favoring the formation of the district
27 before the district is deemed to be formed, as provided in section 15-1404.

28 Sec. 11. Section 15-1404, Arizona Revised Statutes, is amended to
29 read:

30 15-1404. Election to determine formation of district; notice;
31 canvass

32 A. Upon approval of the proposed district, the ~~county board of~~
33 ~~supervisors~~ STATE BOARD shall return the petition with its approval to the
34 county school superintendent, or if the proposed district consists of more
35 than one county, to the county school superintendent of the county with the
36 larger population, as determined by the most recent federal census. The
37 county school superintendent shall transmit notification of approval for
38 formation of the proposed district to the board of supervisors, which shall
39 submit the question to the qualified electors of the county at the next
40 general election or at a special election called for that purpose. If a
41 special election is called, notice thereof shall be given by publication for
42 at least two weeks in a newspaper of general circulation published in the
43 county or counties of the proposed district. The election shall be conducted
44 and returns shall be made in the manner provided by law for special
45 elections.

1 B. A special election conducted pursuant to this section shall be held
2 on a date prescribed by section 16-204.

3 Sec. 12. Section 15-1405, Arizona Revised Statutes, is amended to
4 read:

5 15-1405. Presentation of plan to legislature

6 The ~~county board of supervisors~~ STATE BOARD shall present a plan to the
7 legislature for formation and establishment of a community college district
8 no later than January 15 subsequent to the election held as provided in
9 section 15-1404.

10 Sec. 13. Section 15-1409, Arizona Revised Statutes, is amended to
11 read:

12 15-1409. Provisional community college districts; formation;
13 provisional community college district governing
14 board; powers and duties; program termination

15 A. A provisional community college district shall contract with an
16 existing community college district to provide instructional and student
17 services within the provisional community college district **IN ACCORDANCE WITH**
18 **RULES ADOPTED BY THE STATE BOARD.**

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

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

35 D. Except as provided in this section, a provisional community college
36 district governing board has the same powers and duties specified in section
37 15-1444 for community college districts.

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

40 F. A provisional community college district is not eligible to receive
41 equalization aid pursuant to section 15-1468 or state contribution for
42 capital outlay for initial or additional campuses pursuant to section
43 15-1463.

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

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

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

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

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

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

36 Sec. 14. Repeal

37 Section 15-1427, Arizona Revised Statutes, is repealed.

38 Sec. 15. Title 15, chapter 12, article 2, Arizona Revised Statutes, is
39 amended by adding sections 15-1421, 15-1422, 15-1423, 15-1424, 15-1425 and
40 15-1426, a new section 15-1427 and sections 15-1428 and 15-1429, to read:

41 15-1421. Members; appointment; terms; vacancy; oath

42 A. THE STATE BOARD OF DIRECTORS FOR COMMUNITY COLLEGES IS ESTABLISHED
43 CONSISTING OF FIFTEEN MEMBERS, ONE FROM EACH COUNTY, WHO ARE APPOINTED BY THE
44 GOVERNOR PURSUANT TO SECTION 38-211, AND A REPRESENTATIVE OF THE ARIZONA
45 BOARD OF REGENTS AND THE SUPERINTENDENT OF PUBLIC INSTRUCTION OR THE

1 SUPERINTENDENT'S DESIGNEE. THE DESIGNEE SHALL HAVE THE SAME POWERS ON THE
2 BOARD, INCLUDING VOTING POWERS, AS THE SUPERINTENDENT OF PUBLIC INSTRUCTION.
3 THE DESIGNEE SHALL SERVE AT THE DISCRETION OF THE SUPERINTENDENT OF PUBLIC
4 INSTRUCTION.

5 B. THE TERM OF EACH MEMBER APPOINTED BY THE GOVERNOR SHALL BE SEVEN
6 YEARS, TO BEGIN AND END ON THE THIRD MONDAY IN JANUARY.

7 C. NOTWITHSTANDING SECTION 38-291, THE OFFICE OF A MEMBER OF THE STATE
8 BOARD OF DIRECTORS FOR COMMUNITY COLLEGES IS DEEMED VACANT IF THE PERSON
9 HOLDING THE OFFICE CEASES TO BE A RESIDENT OF THE COUNTY FOR WHICH THE PERSON
10 WAS APPOINTED.

11 D. EACH APPOINTIVE MEMBER OF THE STATE BOARD, BEFORE ENTERING ON THE
12 DUTIES OF OFFICE, SHALL TAKE THE OATH OF OFFICE.

13 15-1422. Officers; organization; meetings; immunity

14 A. THE STATE BOARD SHALL APPOINT AN EXECUTIVE DIRECTOR WHO IS NOT A
15 MEMBER OF THE STATE BOARD AND SHALL SELECT FROM ITS MEMBERSHIP A CHAIRPERSON,
16 A TREASURER AND ANY OTHER OFFICERS IT DEEMS NECESSARY. THE STATE BOARD SHALL
17 HOLD AT LEAST EIGHT MEETINGS ANNUALLY AND MAY HOLD SUCH SPECIAL MEETINGS, AT
18 THE CALL OF THE CHAIRPERSON, AS MAY BE DEEMED NECESSARY OR ADVISABLE.

19 B. A MAJORITY OF THE MEMBERSHIP OF THE STATE BOARD CONSTITUTES A
20 QUORUM FOR THE TRANSACTION OF BUSINESS AT ANY MEETING REGULARLY CALLED, BUT A
21 NUMBER LESS THAN A QUORUM MAY ADJOURN FROM TIME TO TIME.

22 C. MEMBERS OF THE STATE BOARD ARE IMMUNE FROM PERSONAL LIABILITY WITH
23 RESPECT TO ALL ACTS DONE AND ACTIONS TAKEN IN GOOD FAITH WITHIN THE SCOPE OF
24 THEIR AUTHORITY DURING DULY CONSTITUTED REGULAR AND SPECIAL MEETINGS.

25 15-1423. Compensation of executive director and board members

26 A. THE EXECUTIVE DIRECTOR OF THE STATE BOARD SHALL RECEIVE
27 COMPENSATION AS DETERMINED PURSUANT TO SECTION 38-611.

28 B. ALL MEMBERS OF THE STATE BOARD EXCEPT THE SUPERINTENDENT OF PUBLIC
29 INSTRUCTION OR THE SUPERINTENDENT'S DESIGNEE SHALL RECEIVE COMPENSATION AS
30 DETERMINED PURSUANT TO SECTION 38-611 FOR EACH DAY OF ATTENDANCE AT BOARD
31 MEETINGS.

32 15-1424. General powers of state board as body corporate;
33 definitions

34 A. THE STATE BOARD IS A BODY CORPORATE WITH PERPETUAL SUCCESSION AND
35 SHALL HAVE THE NAME "STATE BOARD OF DIRECTORS FOR COMMUNITY COLLEGES OF
36 ARIZONA".

37 B. THE STATE BOARD MAY:

38 1. ADOPT A CORPORATE SEAL.

39 2. CONTRACT WITH ANY PERSON.

40 3. SUE AND BE SUED.

41 4. ADOPT RULES CONCERNING AND PRESCRIBE LIMITATIONS ON CONTRACTING BY
42 THE COMMUNITY COLLEGE DISTRICT GOVERNING BOARDS.

43 5. CONDUCT PILOT PROJECTS FOR IMPLEMENTING COOPERATIVE AGREEMENTS
44 BETWEEN COMMUNITY COLLEGE DISTRICTS AND HIGH SCHOOL DISTRICTS AND OTHER
45 VOCATIONAL AND TECHNOLOGICAL EDUCATION AND EMPLOYMENT TRAINING PROVIDERS.

1 6. ADOPT RULES REGARDING THE CONSTRUCTION, REMODELING AND REPAIR OF
2 BUILDINGS THAT PERMIT DISTRICT BOARDS TO ACCOMPLISH MINOR CONSTRUCTION,
3 REMODELING AND REPAIR PROJECTS WITHOUT PRIOR APPROVAL OF THE STATE BOARD.

4 7. ON THE REQUEST OF A DISTRICT BOARD, WAIVE TUITIONS AND FEES AND
5 GRADUATE THE TUITION AND FEE WAIVERS FOR A STUDENT IN ANY OF THE INSTITUTIONS
6 UNDER THE DISTRICT BOARD'S JURISDICTION IF THE STUDENT IS ONE OF THE
7 FOLLOWING:

8 (a) AN EMPLOYEE OR THE SPOUSE OR DEPENDENT CHILD OF AN EMPLOYEE OF THE
9 COMMUNITY COLLEGE DISTRICT.

10 (b) A NONRESIDENT STUDENT ENROLLED IN THE COMMUNITY COLLEGE DISTRICT,
11 IF THE STATE BOARD AND DISTRICT BOARD DETERMINE THE WAIVER IS IN THE BEST
12 INTERESTS OF THIS STATE AND THE STUDENT.

13 C. THE STATE BOARD SHALL DETERMINE THE LOCATION WITHIN THE DISTRICT OF
14 A COMMUNITY COLLEGE AND PURCHASE, RECEIVE, HOLD, MAKE AND TAKE LEASES OF AND
15 SELL REAL PROPERTY FOR THE BENEFIT OF THIS STATE AND FOR THE USE OF THE
16 COMMUNITY COLLEGES UNDER ITS JURISDICTION. NOTWITHSTANDING THIS SUBSECTION,
17 THE STATE BOARD MAY DELEGATE TO COMMUNITY COLLEGE DISTRICT GOVERNING BOARDS
18 THE POWER TO LEASE OR LEASE-PURCHASE REAL PROPERTY, INCLUDING BUILDINGS AND
19 IMPROVEMENTS TO THE PROPERTY, AS LESSOR OR AS LESSEE.

20 D. THE STATE BOARD MAY ENTER INTO LEASE OR LEASE-PURCHASE AGREEMENTS
21 FOR REAL PROPERTY, INCLUDING BUILDINGS AND IMPROVEMENTS TO THE PROPERTY.

22 E. LEASE OR LEASE-PURCHASE AGREEMENTS AUTHORIZED BY SUBSECTION C OR D
23 OF THIS SECTION SHALL NOT CREATE AN OBLIGATION OF PAYMENT BY THE DISTRICT
24 UNDER THE TERMS OF THE LEASE OR LEASE-PURCHASE AGREEMENT FOR PERIODS LONGER
25 THAN FIFTEEN YEARS.

26 F. THE AMOUNT OF OUTSTANDING INDEBTEDNESS DUE TO ACQUISITION OF REAL
27 PROPERTY BY LEASE-PURCHASE PER COMMUNITY COLLEGE DISTRICT SHALL NOT EXCEED
28 TWO MILLION FIVE HUNDRED THOUSAND DOLLARS IN ANY ONE YEAR AND FIFTEEN MILLION
29 DOLLARS IN THE AGGREGATE. AT THE REQUEST OF A DISTRICT BOARD, THE STATE
30 BOARD MAY PLEDGE TUITIONS, FEES, RENTALS AND OTHER CHARGES TO ANY PAYMENTS
31 DUE UNDER LEASE-PURCHASE AGREEMENTS.

32 G. NOTWITHSTANDING SUBSECTION F OF THIS SECTION, PERIODIC PAYMENTS AND
33 ANY OPTION PAYMENTS FOR ACQUISITION OF REAL PROPERTY BY LEASE-PURCHASE ARE
34 RESTRICTED TO PAYMENT FROM CAPITAL OUTLAY FUNDS.

35 H. DISTRICTS THAT ACQUIRE REAL PROPERTY BY LEASE-PURCHASE ARE NOT
36 ENTITLED TO RECEIVE FUNDS PURSUANT TO SECTION 15-1463 PERTAINING TO THE
37 SPECIFIC REAL PROPERTY ACQUIRED BY LEASE-PURCHASE.

38 I. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, PAYMENTS ON LEASE OR
39 LEASE-PURCHASE AGREEMENTS ENTERED INTO PURSUANT TO SUBSECTION C OR D OF THIS
40 SECTION ARE AN OBLIGATION OF THE DISTRICT WITHIN THE MEANING OF THE
41 CONSTITUTIONAL LIMIT AGAINST INDEBTEDNESS SET OUT IN ARTICLE IX, SECTION 8,
42 CONSTITUTION OF ARIZONA.

43 J. IF THE STATE BOARD OR, UNDER AUTHORITY OF THE STATE BOARD, A
44 DISTRICT ACQUIRES REAL OR PERSONAL PROPERTY, WHETHER BY PURCHASE, EXCHANGE,
45 CONDEMNATION, GIFT OR OTHERWISE, THE STATE BOARD OR DISTRICT SHALL PAY TO THE

1 COUNTY TREASURER ANY TAXES ON THE PROPERTY THAT WERE UNPAID AS OF THE DATE OF
2 ACQUISITION, INCLUDING PENALTIES AND INTEREST. THE LIEN FOR UNPAID
3 DELINQUENT TAXES, PENALTIES AND INTEREST ON PROPERTY ACQUIRED BY THE STATE
4 BOARD OR A DISTRICT:

5 1. IS NOT ABATED, EXTINGUISHED, DISCHARGED OR MERGED IN THE TITLE TO
6 THE PROPERTY.

7 2. IS ENFORCEABLE IN THE SAME MANNER AS OTHER DELINQUENT TAX LIENS.

8 K. THE STATE BOARD MAY ACCEPT GRANTS OR DONATIONS OF MONIES FROM THE
9 UNITED STATES, OR FROM ANY OF ITS AGENCIES, DEPARTMENTS OR OFFICERS, OR FROM
10 ANY PERSONS, CORPORATIONS, FOUNDATIONS OR ASSOCIATIONS. THE STATE BOARD
11 SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND 35-147, THE MONIES IN A
12 SPECIFIC FUND OR ACCOUNT, AND THE STATE BOARD SHALL ADMINISTER THE MONIES IN
13 ACCORDANCE WITH THE PURPOSE OF THE GRANT OR DONATION WITH SPECIFIC RULES OR
14 RESTRICTIONS AS DESCRIBED OR STIPULATED IN THE GRANT OR DONATION. IF
15 PERSONAL PROPERTY IS GRANTED OR DONATED TO OR FOR THE BENEFIT OF A COMMUNITY
16 COLLEGE DISTRICT, THE STATE BOARD SHALL IMMEDIATELY TRANSFER POSSESSION AND
17 OWNERSHIP OF THE PROPERTY TO THE DESIGNATED DISTRICT.

18 L. THE STATE BOARD MAY ESTABLISH A PROGRAM FOR THE EXCHANGE OF
19 STUDENTS BETWEEN THE COMMUNITY COLLEGES UNDER THE STATE BOARD'S JURISDICTION
20 AND COLLEGES AND UNIVERSITIES LOCATED IN SONORA, MEXICO. NOTWITHSTANDING
21 SECTION 15-1425, PARAGRAPH 4, THE PROGRAM MAY PROVIDE FOR IN-STATE TUITION
22 FOR UP TO FIFTY SONORA STUDENTS AT THE COMMUNITY COLLEGES UNDER THE STATE
23 BOARD'S JURISDICTION IN EXCHANGE FOR SIMILAR TUITION PROVISIONS FOR UP TO
24 FIFTY ARIZONA STUDENTS ENROLLED OR SEEKING ENROLLMENT IN SONORA COLLEGES AND
25 UNIVERSITIES. THE STATE BOARD AND THE COMMUNITY COLLEGES MAY WORK IN
26 CONJUNCTION WITH THE ARIZONA-MEXICO COMMISSION IN THE GOVERNOR'S OFFICE TO
27 COORDINATE RECRUITMENT AND ADMISSIONS ACTIVITIES.

28 M. FOR THE PURPOSES OF THIS SECTION:

29 1. "MINOR CONSTRUCTION, REMODELING AND REPAIR PROJECTS" MEANS THOSE
30 PROJECTS THAT COST NO MORE THAN THE AMOUNT FOR THE PREVIOUS FISCAL YEAR
31 ADJUSTED BY THE GROWTH RATE PRESCRIBED BY LAW, SUBJECT TO APPROPRIATION.

32 2. "PERSON" INCLUDES AN ASSOCIATION, A COMPANY, A CORPORATION, A FIRM,
33 A GOVERNMENTAL BODY, AN ORGANIZATION, A PARTNERSHIP OR A SOCIETY, AS WELL AS
34 A NATURAL PERSON.

35 15-1425. General administrative duties of the state board

36 THE STATE BOARD SHALL:

37 1. ENACT ORDINANCES FOR THE GOVERNMENT OF THE INSTITUTIONS UNDER ITS
38 JURISDICTION.

39 2. SET STANDARDS FOR THE ESTABLISHMENT, DEVELOPMENT, ADMINISTRATION,
40 OPERATION AND ACCREDITATION OF COMMUNITY COLLEGES.

41 3. ESTABLISH QUALIFICATIONS OF THE INSTRUCTIONAL STAFF AND ESTABLISH
42 STANDARDS OF VOCATIONAL AND TECHNOLOGICAL COMPETENCE REQUIRED TO INSTRUCT IN
43 OCCUPATIONAL AS WELL AS ACADEMIC SUBJECTS.

1 4. FIX TUITIONS AND FEES THE COMMUNITY COLLEGE DISTRICTS SHALL CHARGE
2 AND GRADUATE THE TUITIONS AND FEES BETWEEN INSTITUTIONS AND BETWEEN
3 RESIDENTS, NONRESIDENTS AND STUDENTS FROM FOREIGN COUNTRIES.

4 5. ESTABLISH CURRICULA AND DESIGNATE COURSES AT THE SEVERAL
5 INSTITUTIONS THAT IN ITS JUDGMENT WILL BEST SERVE THE INTERESTS OF THIS
6 STATE.

7 6. PRESCRIBE QUALIFICATIONS FOR ADMISSION TO COMMUNITY COLLEGES FOR
8 VETERANS WHO WERE HONORABLY DISCHARGED, WHO SERVED ON ACTIVE DUTY IN THE
9 ARMED FORCES FOR A MINIMUM OF ONE YEAR AND WHO WERE PREVIOUSLY ENROLLED AT A
10 COMMUNITY COLLEGE OR UNIVERSITY IN THIS STATE. FOR THE PURPOSE OF
11 DETERMINING THE QUALIFICATIONS, THE STATE BOARD MAY NOT CONSIDER PRIOR
12 FAILING GRADES RECEIVED BY THE VETERAN AT A COMMUNITY COLLEGE OR UNIVERSITY
13 IN THIS STATE.

14 7. IN CONJUNCTION WITH THE STATE BOARD FOR VOCATIONAL AND
15 TECHNOLOGICAL EDUCATION, REVIEW AND ADOPT, WITHIN THE SCOPE OF THE STATUTORY
16 DEFINITIONS OF VOCATIONAL AND TECHNOLOGICAL EDUCATION, PROGRAM AND STAFF
17 STANDARDS WITH MODIFICATIONS AS NECESSARY FOR COURSES TAUGHT IN COMMUNITY
18 COLLEGES. THE STATE BOARD OF DIRECTORS FOR COMMUNITY COLLEGES SHALL BASE THE
19 STANDARDS ON VOCATIONAL AND TECHNOLOGICAL COMPETENCE.

20 8. IN CONJUNCTION WITH THE STATE BOARD FOR VOCATIONAL AND
21 TECHNOLOGICAL EDUCATION, PREPARE, PUBLISH AND DISTRIBUTE AN ANNUAL STATE PLAN
22 AND A COMPREHENSIVE FIVE YEAR STATE PLAN.

23 9. PRESCRIBE THE MANNER IN WHICH THE SELF-EVALUATION OF VOCATIONAL AND
24 TECHNOLOGICAL EDUCATION PROGRAMS AS PROVIDED IN SECTION 15-1447 IS CONDUCTED.

25 10. PRESCRIBE GUIDELINES PROVIDING FOR THE TRANSFERABILITY BETWEEN
26 COMMUNITY COLLEGE DISTRICT VOCATIONAL AND TECHNOLOGICAL EDUCATION PROGRAMS
27 AND, IN CONJUNCTION WITH THE STATE BOARD FOR VOCATIONAL AND TECHNOLOGICAL
28 EDUCATION, PRESCRIBE GUIDELINES FOR THE INTERRELATIONSHIP OF SECONDARY
29 PROGRAMS AND POSTSECONDARY PROGRAMS.

30 11. IN CONJUNCTION WITH THE STATE BOARD FOR VOCATIONAL AND
31 TECHNOLOGICAL EDUCATION, DEVELOP A PROCESS TO DETERMINE PROGRAM FUNDING
32 PRIORITIES FOR STATE AID PURPOSES. THE STATE BOARD OF DIRECTORS FOR
33 COMMUNITY COLLEGES SHALL SUBMIT STATE AID RECOMMENDATIONS TO THE LEGISLATURE.
34 THE RECOMMENDATIONS SHALL BE BASED ON THE PROCESS AND ON EXISTING COST
35 STUDIES OF VOCATIONAL AND TECHNOLOGICAL EDUCATION IN THIS STATE.

36 12. BEFORE JANUARY 10 OF EACH YEAR, SUBMIT TO THE ECONOMIC ESTIMATES
37 COMMISSION THE ESTIMATED NUMBER OF FULL-TIME EQUIVALENT STUDENTS FOR EACH
38 COMMUNITY COLLEGE DISTRICT AS PRESCRIBED IN SECTION 15-1466.01.

39 13. DETERMINE ACADEMIC CLASSES THAT QUALIFY AS OPEN ENTRY, OPEN EXIT
40 CLASSES AS DEFINED IN SECTION 15-1401 AND PRESCRIBE RULES FOR THE OPERATION
41 OF OPEN ENTRY, OPEN EXIT CLASSES.

42 14. REQUIRE THE PUBLISHER OF EACH LITERARY AND NONLITERARY TEXTBOOK
43 USED IN THE COMMUNITY COLLEGES OF THIS STATE TO FURNISH TO THE STATE BOARD
44 COMPUTER SOFTWARE IN A STANDARDIZED FORMAT WHEN SOFTWARE BECOMES AVAILABLE

1 FOR NONLITERARY TEXTBOOKS, FROM WHICH BRAILLE VERSIONS OF THE TEXTBOOK MAY BE
2 PRODUCED.

3 15-1426. Employment of legal counsel to procure federal loans

4 THE STATE BOARD MAY EMPLOY LEGAL ASSISTANCE IN PROCURING LOANS FOR
5 COMMUNITY COLLEGES FROM THE UNITED STATES GOVERNMENT. FEES OR COMPENSATION
6 PAID FOR SUCH LEGAL ASSISTANCE SHALL NOT BE A CLAIM ON THE STATE GENERAL
7 FUND, BUT SHALL BE PAID FROM MONIES APPROPRIATED TO THE STATE COMMUNITY
8 COLLEGE SYSTEM.

9 15-1427. Annual report

10 ON OR BEFORE NOVEMBER 1 OF EACH YEAR, THE STATE BOARD SHALL MAKE A
11 REPORT FOR THE PRECEDING FISCAL YEAR TO THE GOVERNOR. THE REPORT SHALL SET
12 FORTH THE STATE OF PROGRESS OF THE COMMUNITY COLLEGES OPERATED UNDER THIS
13 CHAPTER, THE COURSES OF STUDY INCLUDED IN THE CURRICULA, THE NUMBER OF
14 PROFESSORS AND OTHER INSTRUCTIONAL STAFF MEMBERS EMPLOYED, THE NUMBER OF
15 STUDENTS REGISTERED AND ATTENDING CLASSES, THE AMOUNT OF RECEIPTS AND
16 EXPENDITURES AND SUCH OTHER INFORMATION AS THE STATE BOARD DEEMS PROPER.

17 15-1428. Uniform system of accounting for community college
18 districts; duties of state board and auditor general

19 A. THE AUDITOR GENERAL SHALL DETERMINE THE ACCOUNTING SYSTEMS,
20 ACCOUNTING METHODS AND ACCOUNTING PROCEDURES FOR USE BY COMMUNITY COLLEGE
21 DISTRICTS.

22 B. THE AUDITOR GENERAL IN CONJUNCTION WITH THE STATE BOARD SHALL
23 PRESCRIBE A UNIFORM SYSTEM OF ACCOUNTING AS PROVIDED IN SECTION 41-1279.21
24 FOR USE BY ALL COMMUNITY COLLEGE DISTRICTS.

25 15-1429. Services outside district boundaries; rules

26 EXCEPT AS PROVIDED IN SECTION 15-1470, A DISTRICT MAY OFFER CREDIT AND
27 NONCREDIT COURSES AND SERVICES OUTSIDE OF THE DISTRICT. DISTRICT COURSES AND
28 SERVICES MAY BE OFFERED THROUGH THE USE OF PROVISIONAL COMMUNITY COLLEGE
29 DISTRICTS. THE STATE BOARD SHALL ADOPT RULES CONCERNING THE OFFERING OF
30 CREDIT COURSES OUTSIDE A DISTRICT, INCLUDING DISTANCE LEARNING COURSES. A
31 COMMUNITY COLLEGE DISTRICT IS NOT ENTITLED TO STATE AID PAYMENTS FOR STUDENTS
32 WHO ARE PROVIDED COURSES AND SERVICES OUTSIDE OF THIS STATE.

33 Sec. 16. Section 15-1444, Arizona Revised Statutes, is amended to
34 read:

35 15-1444. General powers and duties of district governing boards

36 A. Except as otherwise provided, the district board shall:

37 1. Maintain each community college for a period of not less than eight
38 months in each year and, if the funds of the district are sufficient,
39 maintain each community college for a longer period.

40 ~~2. Adopt policies in a public forum to offer programs that meet the~~
41 ~~educational needs of the population served by the community college.~~

42 ~~3.~~ 2. Enforce the courses of study prescribed by the ~~district~~ STATE
43 board.

44 ~~4.~~ 3. Visit each community college ~~under its jurisdiction~~ and examine
45 carefully into its management, conditions and needs.

1 ~~5.~~ 4. Exclude from each community college all books, publications or
2 papers of a sectarian, partisan or denominational character intended for use
3 as textbooks.

4 ~~6.~~ 5. Appoint and employ a chancellor or chancellors,
5 vice-chancellors, a president or presidents, vice-presidents, deans,
6 professors, instructors, lecturers, fellows and such other officers and
7 employees it deems necessary. **NOTWITHSTANDING SUBSECTION B, PARAGRAPH 3 OF**
8 **THIS SECTION AND SECTION 15-1424, SUBSECTION B, PARAGRAPH 4,** the district
9 board may enter into employment contracts with chancellors, vice-chancellors
10 and presidents for a duration of more than one year but not more than five
11 years.

12 ~~7.~~ 6. Determine the salaries of persons it appoints and employs.

13 ~~8.~~ 7. Remove any officer or employee if in its judgment the interests
14 of education in this state require the removal.

15 ~~9.~~ 8. Award degrees, certificates and diplomas upon the completion of
16 courses and curriculum as it deems appropriate.

17 ~~10.~~ 9. Appoint or employ, if it deems necessary, police officers who
18 shall have the authority and power of peace officers. The police officers
19 who have received a certificate from the Arizona peace officer standards and
20 training board are eligible for membership in and benefits under either title
21 38, chapter 5, article 2 or the public safety personnel retirement system
22 under title 38, chapter 5, article 4.

23 ~~11.~~ 10. ~~Determine the location within the district of a community~~
24 ~~college and purchase,~~ Receive, hold, make and take leases of, ~~AND sell and~~
25 ~~convey real or~~ personal property for the benefit of the community colleges
26 under its jurisdiction.

27 ~~12.~~ 11. Obtain insurance ~~or be self-insured, or a combination of~~
28 ~~insurance and self insurance,~~ against loss, to the extent it is determined
29 necessary on community college buildings of the district, **WHETHER FINANCED IN**
30 **WHOLE OR IN PART BY STATE MONIES.** The local district shall have an insurable
31 interest in the buildings.

32 12. **IDENTIFY STUDENTS SIMULTANEOUSLY ENROLLED IN A COURSE FOR BOTH HIGH**
33 **SCHOOL AND COLLEGE CREDIT BY USING THE SAME STUDENT LEVEL DATA ELEMENT**
34 **REQUIRED BY SECTION 15-1042, SUBSECTION A. THE AUDITOR GENERAL SHALL HAVE**
35 **ACCESS TO THIS INFORMATION WHEN CERTIFYING THE FULL-TIME STUDENT ENROLLMENT**
36 **PURSUANT TO SECTION 15-1466.01, PARAGRAPH 4.**

37 13. **ACQUIRE UNITED STATES FLAGS THAT ARE MANUFACTURED IN THE UNITED**
38 **STATES AND THAT ARE AT LEAST TWO FEET BY THREE FEET AND HARDWARE TO**
39 **APPROPRIATELY DISPLAY THE UNITED STATES FLAGS, ACQUIRE A LEGIBLE COPY OF THE**
40 **CONSTITUTION OF THE UNITED STATES AND THE BILL OF RIGHTS THAT IS MANUFACTURED**
41 **IN THE UNITED STATES, DISPLAY THE FLAGS IN EACH CLASSROOM IN ACCORDANCE WITH**
42 **TITLE 4 OF THE UNITED STATES CODE AND DISPLAY A LEGIBLE COPY OF THE**
43 **CONSTITUTION OF THE UNITED STATES AND THE BILL OF RIGHTS ADJACENT TO THE**
44 **FLAG.**

1 B. The district board may:

2 1. Administer trusts declared or created for the district and receive
3 by gift or devise and hold in trust or otherwise property wheresoever
4 located, and if not otherwise provided, dispose of the property for the
5 benefit of the district, **IF, WITH RESPECT TO REAL PROPERTY, THE STATE BOARD**
6 **HAS CONSENTED TO THE DISPOSITION OF THE REAL PROPERTY.**

7 2. Lease real property, as lessor or as lessee, **IF AUTHORIZED BY THE**
8 **STATE BOARD AS PROVIDED IN SECTION 15-1424.** If a district is the lessee, the
9 lease may contain an option to purchase the property. The district board may
10 adopt policies as are deemed necessary and may delegate in writing to the
11 chancellor or president of the district, or their designees, all or any part
12 of its authority to lease property under this paragraph. A district board
13 shall not delegate the authority to execute a lease that exceeds one hundred
14 thousand dollars per year. Any delegation by the district board pursuant to
15 this paragraph may be rescinded in whole or in part at any time by the
16 district board.

17 ~~3. Sue and be sued.~~

18 ~~4.~~ 3. Contract, **SUBJECT TO THE RULES AND LIMITATIONS PRESCRIBED BY**
19 **THE STATE BOARD AS PROVIDED IN SECTION 15-1424.** The district board may adopt
20 such policies as are deemed necessary and may delegate in writing to the
21 chancellor or president of the district, or their designees, all or any part
22 of its authority to contract under this paragraph. Any delegation of
23 authority under this paragraph may be rescinded by the district board at any
24 time in whole or in part.

25 ~~5.~~ 4. Construct, remodel and repair buildings **SUBJECT TO THE RULES**
26 **PRESCRIBED BY THE STATE BOARD AS PROVIDED IN SECTION 15-1424.**

27 ~~6. In conjunction with other districts, establish policies for~~
28 ~~procurement of goods and services.~~

29 ~~7.~~ 5. Provide a plan or plans for employee benefits, which may
30 include optional retirement programs pursuant to section 15-1451, subsection
31 A, which allow for participation in a cafeteria plan that meets the
32 requirements of the United States internal revenue code of 1986.

33 ~~8. Accept grants or donations of monies from the United States, or~~
34 ~~from any of its agencies, departments or officers, or from persons,~~
35 ~~corporations, foundations or associations. A district board shall deposit~~
36 ~~the monies into a specific fund or account and a district board shall~~
37 ~~administer the monies in accordance with the purpose of the grant or donation~~
38 ~~with specific policies or restrictions as described or stipulated in the~~
39 ~~grant or donation. In the case of personal property granted or donated to or~~
40 ~~for the benefit of a community college district, a district board shall~~
41 ~~immediately transfer possession and ownership of the property to the~~
42 ~~designated district.~~

1 ~~9.~~ 6. Enter into intergovernmental agreements or contracts pursuant
2 to section 11-952.01 for participation in programs offered by public agency
3 pools or separately contract with a trustee or board of trustees that
4 provides a common self-insurance program with pooled funds and risks pursuant
5 to section 15-382, subsection B, paragraph 2. The district board is not
6 required to engage in competitive procurement in order to make the decision
7 to participate in these programs.

8 ~~C. If a district acquires real or personal property, whether by~~
9 ~~purchase, exchange, condemnation, gift or otherwise, the district shall pay~~
10 ~~to the county treasurer any taxes on the property that were unpaid as of the~~
11 ~~date of acquisition, including penalties and interest. The lien for unpaid~~
12 ~~delinquent taxes, penalties and interest on property acquired by the~~
13 ~~district.~~

14 ~~1. Is not abated, extinguished, discharged or merged in the title to~~
15 ~~the property.~~

16 ~~2. Is enforceable in the same manner as other delinquent tax liens.~~

17 ~~D.~~ C. From and after December 31, 1988, in a district whose
18 boundaries encompass a vehicle emissions control area as defined in section
19 49-541, the district board shall require all out-of-county and out-of-state
20 students to sign an affidavit at the time of course registration that the
21 student's vehicle meets the requirements of section 49-542. From and after
22 December 31, 1988, the district board on property under its jurisdiction
23 within a vehicle emissions control area shall prohibit the parking of those
24 vehicles which fail to comply with section 49-542.

25 ~~E.~~ D. A community college district and a joint technological
26 education district governing board may enter into agreements for the
27 provision of administrative, operational and educational services and
28 facilities.

29 ~~F. Each district may establish a program for the exchange of students~~
30 ~~between the community colleges under its jurisdiction and colleges and~~
31 ~~universities located in Sonora, Mexico. The program may provide for in state~~
32 ~~tuition for Sonora students at the community colleges under its jurisdiction~~
33 ~~in exchange for similar tuition provisions for Arizona students enrolled or~~
34 ~~seeking enrollment in Sonora colleges and universities. The community~~
35 ~~colleges may work in conjunction with the Arizona-Mexico commission in the~~
36 ~~governor's office to coordinate recruitment and admissions activities to~~
37 ~~provide for in state tuition for up to fifty Sonora students at the community~~
38 ~~colleges under its jurisdiction in exchange for similar tuition provisions~~
39 ~~for up to fifty total Arizona students enrolled or seeking enrollment in~~
40 ~~Sonora colleges and universities.~~

41 ~~G. Each district shall facilitate transfer articulation coordination~~
42 ~~pursuant to section 15-1824.~~

43 Sec. 17. Repeal

44 Section 15-1445, Arizona Revised Statutes, is repealed.

1 Sec. 18. Title 15, chapter 12, article 3, Arizona Revised Statutes, is
2 amended by adding a new section 15-1445, to read:

3 15-1445. Annual report by president or chancellor

4 THE PRESIDENT OR CHANCELLOR OF EVERY COMMUNITY COLLEGE DISTRICT, AT THE
5 CLOSE OF EACH FISCAL YEAR, BEFORE AND AS A PREREQUISITE TO RECEIVING THE
6 PRESIDENT'S OR CHANCELLOR'S LAST MONTH'S SALARY, SHALL MAKE AND SUBSCRIBE
7 UNDER OATH A COMPLETE REPORT OF THE DISTRICT AND EACH COLLEGE OR CAMPUS IN
8 THE DISTRICT FOR THE ENTIRE SCHOOL YEAR AND SHALL DELIVER THE REPORT TO THE
9 STATE BOARD AND A COPY OF THE REPORT TO THE DISTRICT BOARD. THE REPORT SHALL
10 SHOW THE TOTAL NUMBER OF FULL-TIME EQUIVALENT STUDENTS ENROLLED DURING THE
11 YEAR, THE ACTUAL TOTAL NUMBER OF STUDENTS, THE NUMBER OF TEACHERS REGULARLY
12 EMPLOYED, THE TOTAL NUMBER OF STUDENTS NOT RESIDING IN THE DISTRICT AND SUCH
13 OTHER INFORMATION AS MAY BE REQUIRED BY THE STATE BOARD.

14 Sec. 19. Section 15-1446, Arizona Revised Statutes, is amended to
15 read:

16 15-1446. Lease-purchase agreements

17 A. A district board may enter into lease or lease-purchase agreements
18 for real property, including buildings and improvements to the property.

19 B. Lease or lease-purchase agreements authorized by subsection A of
20 this section or section 15-1444, subsection A, paragraph ~~11~~ 10 shall not
21 create an obligation of payment by the district under the terms of the lease
22 or lease-purchase agreement for periods longer than fifteen years.

23 C. Notwithstanding subsection B of this section, a district board may
24 enter into lease agreements for real property, including buildings and
25 improvements to the property, that obligate the district for more than
26 fifteen years if such agreements are with an Indian tribe, involve land owned
27 or controlled by the federal government or by a joint powers airport
28 authority organized under title 28, chapter 25, article 8 or involve real
29 property that is owned by a nongovernmental nonprofit corporation and that is
30 offered for lease in an amount not to exceed one thousand dollars per year to
31 a community college district for purposes of expanding health care education
32 programs.

33 D. The amount of outstanding indebtedness due to acquisition of real
34 property by lease-purchase for each district shall not exceed two million
35 five hundred thousand dollars in any one year and fifteen million dollars in
36 the aggregate. A district board may pledge tuitions, fees, rentals and other
37 charges to any payments due under lease-purchase agreements.

38 E. Notwithstanding subsection D of this section, periodic payments and
39 any option payments for acquisition of real property by lease-purchase are
40 restricted to payment from capital outlay funds.

41 F. Districts that acquire real property by lease-purchase are not
42 entitled to receive monies pursuant to section 15-1463 pertaining to the
43 specific real property acquired by lease-purchase.

1 G. Notwithstanding any other law, payments on lease or lease-purchase
2 agreements entered into pursuant to subsection A of this section or section
3 15-1444, subsection A, paragraph ~~10~~ 10 are obligations of the district within
4 the meaning of the constitutional limit against indebtedness set out in
5 article IX, section 8, Constitution of Arizona.

6 Sec. 20. Repeal

7 Section 15-1447, Arizona Revised Statutes, is repealed.

8 Sec. 21. Title 15, chapter 12, article 3, Arizona Revised Statutes, is
9 amended by adding a new section 15-1447, to read:

10 15-1447. Evaluation of vocational and technical education
11 programs

12 A DISTRICT BOARD SHALL PROVIDE FOR THE EVALUATION OF VOCATIONAL AND
13 TECHNICAL EDUCATION PROGRAMS ONCE EVERY FIVE YEARS. THE ASSESSMENT SHALL BE
14 CONDUCTED IN COOPERATION WITH AND WITH ASSISTANCE FROM BUSINESS, INDUSTRY AND
15 LABOR REPRESENTATIVES. THE DISTRICT BOARD MAY CONDUCT A SELF-EVALUATION OR
16 USE THE SERVICES OF THE STATE BOARD FOR VOCATIONAL AND TECHNICAL EDUCATION.
17 THE SELF-EVALUATION SHALL BE CONDUCTED IN THE MANNER PRESCRIBED BY THE STATE
18 BOARD OF DIRECTORS FOR COMMUNITY COLLEGES PURSUANT TO SECTION 15-1425,
19 PARAGRAPH 9.

20 Sec. 22. Section 15-1449, Arizona Revised Statutes, is amended to
21 read:

22 15-1449. Control of vehicles and nonpedestrian devices on
23 community college property by district board;
24 sanctions; compliance with emissions inspection;
25 definition

26 A. The district board may adopt policies, SUBJECT TO THE APPROVAL OF
27 THE STATE BOARD, for the control of vehicles and nonpedestrian devices on
28 property of the institutions under the district board's jurisdiction with
29 respect to the following only:

- 30 1. Maximum speed of vehicles and nonpedestrian devices.
- 31 2. Direction of travel.
- 32 3. Authorized hours of travel.
- 33 4. Required stops in traffic.
- 34 5. Place, method and time of parking.
- 35 6. Nonparking areas and restricted areas.
- 36 7. Prohibition of parking in vehicle emissions control areas as
37 defined in section 49-541 of those vehicles which fail to comply with section
38 49-542.
- 39 8. Designation of special parking areas for students, faculty, staff
40 and the general public.

41 B. The district board may prescribe and collect reasonable fees for
42 specially designated parking areas. The district board shall cause signs and
43 notices to be posted on the property for the regulation of vehicles and
44 nonpedestrian devices.

1 C. The policies adopted by the district board pursuant to subsection A
2 of this section shall be enforced administratively under procedures approved
3 by the district board for each institution under its jurisdiction. As to
4 students, faculty and staff, these procedures may involve both student and
5 faculty adjudicating bodies if all procedures give the individual notice and
6 an opportunity to be heard concerning the alleged infractions and any
7 sanction to be imposed on the individual. Administrative and disciplinary
8 sanctions may be imposed on students, faculty and staff for a violation of
9 the policies, including a reasonable monetary penalty, impoundment, regular
10 institutional discipline, withdrawal or suspension of campus parking
11 privileges, encumbrances of records or grades, or both, and oral or written
12 reprimand. Habitual or flagrant disregard of policies is a ground for
13 suspension or expulsion from the institution for a student and may be taken
14 into consideration as to faculty and staff in regard to amount of salary and
15 continuation of employment.

16 D. Members of the general public who park their vehicles in an
17 unauthorized manner on the property of an institution under the jurisdiction
18 of the district board shall be warned concerning their unauthorized parking,
19 and if they continue to or habitually park in an unauthorized manner, the
20 vehicles parked in an unauthorized manner may be impounded by the institution
21 and a reasonable fee may be exacted for the cost of impoundment and storage.

22 E. Members of the general public who violate a policy adopted by the
23 district board pursuant to subsection A of this section regarding the use of
24 nonpedestrian devices on the property of an institution under the
25 jurisdiction of the district board shall be warned of a violation. A
26 nonpedestrian device may be impounded by the institution, and a reasonable
27 fee may be exacted for the cost of impoundment and storage.

28 F. Except as provided in section 41-1092.08, subsection H, a person
29 who has received a final administrative ruling concerning a sanction imposed
30 on the person as a result of a violation of a policy adopted pursuant to
31 subsection A of this section has the right to have that ruling reviewed by
32 the superior court in the county in which the institution involved is
33 situated pursuant to title 12, chapter 7, article 6.

34 G. An institution that is under the jurisdiction of the district board
35 and that is located in a vehicle emissions control area as defined in section
36 49-541 shall prohibit the issuance of annual permits to park on property
37 under its jurisdiction until the applicant submits an affidavit or shows
38 proof that the applicant's vehicle meets the requirements of section 49-542.

39 H. ~~It~~ FOR THE PURPOSES OF this section, "nonpedestrian devices"
40 includes bicycles, tricycles, unicycles, skateboards, roller skates and
41 equines.

42 Sec. 23. Repeal

43 Section 15-1452, Arizona Revised Statutes, is repealed.

1 Sec. 24. Section 15-1461, Arizona Revised Statutes, is amended to
2 read:

3 15-1461. District budget; annual estimate; computation; notice;
4 hearing; adoption

5 A. Not later than June 5, each district established pursuant to this
6 chapter, and any other community college established prior to the enactment
7 of this chapter, shall prepare a proposed budget for the budget year on a
8 form which the auditor general prescribes to be transmitted **TO THE STATE**
9 **BOARD WITH A COPY** to the district board. The proposed budget shall be
10 accompanied by an estimate of the amount of funds needed for the ensuing year
11 as determined by the district based on the proposed budget prepared by it.

12 B. The district shall establish and set forth in the proposed budget
13 the per capita expenditure per full-time equivalent student, which shall be
14 the total operational expenses.

15 C. The district shall establish and set forth in the proposed budget
16 the per capita expenditure per full-time equivalent student, which shall be
17 the total capital outlay expenses.

18 D. The number of basic full-time equivalent students shall be computed
19 by dividing the total community college credit units by fifteen per semester
20 and shall be based on regular day enrollment. The number of additional
21 short-term full-time equivalent students shall be computed by dividing the
22 total community college credit units from additional short-term classes by
23 thirty. The number of skill center full-time equivalent students shall be
24 computed by dividing the total number of clock hours in approved vocational
25 training programs by six hundred forty.

26 E. The governing board of each district shall prepare a notice fixing
27 a time not later than June 20 and designating a public place within each
28 district at which a public hearing and special board meeting shall be held.
29 The governing board shall present the proposed budget for consideration of
30 the residents and the taxpayers of the district at such meeting.

31 F. The governing board of each district shall publish a copy of the
32 proposed budget prior to the meeting and, in addition, a notice of the public
33 hearing and special board meeting not later than fifteen days prior to the
34 meeting. The proposed budget shall contain but need not be limited to the
35 following information:

36 1. The estimated cost of all operational, capital outlay and debt
37 service expenses.

38 2. The percentage of increase or decrease in each budget category as
39 compared to each category of the budget for the current year.

40 3. The total amount of revenues by source that was necessary to meet
41 the district's budget for the current year.

42 4. The total amount of revenues by source that will be necessary to
43 meet the proposed district budget.

44 5. The total property tax levy of the district for the current year.

- 1 6. The levy for primary property taxes and the levy for secondary
2 property taxes for the current year.
- 3 7. The primary property tax rate and secondary property tax rate for
4 the current year.
- 5 8. The estimated amount of total property tax levies for the district
6 and the primary property tax and secondary property tax components thereof
7 necessary for the budget year.
- 8 9. The maximum amount of primary property tax dollars which the
9 district is permitted to levy pursuant to title 42, chapter 17, article 2 for
10 the budget year.
- 11 10. The amount of secondary property tax dollars which the district
12 will levy for the budget year.
- 13 11. The amount of monies received from primary property taxation in the
14 previous fiscal year in excess of the maximum allowable amount as calculated
15 pursuant to title 42, chapter 17, article 2.
- 16 G. The governing board shall publish the proposed budget and the
17 notice of the public hearing and special board meeting a second time not
18 later than five days prior to the meeting. Publication shall be made in a
19 newspaper of general circulation within the district. The cost of
20 publication shall be a charge against the district. **THE PUBLISHER'S**
21 **AFFIDAVIT OF PUBLICATION SHALL BE FILED BY THE GOVERNING BOARD WITH THE STATE**
22 **BOARD WITHIN THIRTY DAYS AFTER PUBLICATION.** If a truth in taxation notice
23 and hearing is required under section 15-1461.01, the district may combine
24 the notice and hearing under this section with the truth in taxation notice
25 and hearing.
- 26 H. If the district fails to publish the proposed budget, notice and
27 statements required by subsection F of this section, the board of supervisors
28 shall levy on the property in the district the lesser of the amount of
29 primary property taxes which were levied for the district in the current year
30 or the amount which would be produced by the primary property tax rate which
31 was levied for the district in the current year.
- 32 I. At the time and place fixed in the notice, the members of the
33 governing board shall hold the public hearing and present the proposed budget
34 to the persons attending the hearing. Upon request of any person, the
35 governing board shall explain the budget and any resident or taxpayer of the
36 district may protest the inclusion of any item in the proposed budget.
- 37 J. Immediately following the public hearing the chairman shall call to
38 order the special board meeting for the purpose of adopting the budget. The
39 governing board shall adopt the budget making deductions from the budget as
40 it sees fit but making no additions to the budget and shall enter the budget
41 as adopted in its minutes. The governing board shall not adopt the budget if
42 the property tax requirements of the budget, excluding amounts budgeted and
43 levied for secondary property taxes, exceed the amounts authorized pursuant
44 to title 42, chapter 17, article 2.

1 Sec. 25. Section 15-1463, Arizona Revised Statutes, is amended to
2 read:

3 15-1463. State contribution for capital outlay for initial or
4 additional campus

5 A. This state, by legislative appropriation, shall pay to the district
6 a sum equal to fifty per cent of the total cost for capital outlay for an
7 initial campus in a newly formed district or in a county entering into an
8 intergovernmental agreement for providing courses pursuant to section
9 15-1470, not to exceed one million dollars.

10 B. If a district board in an existing district determines the need for
11 an additional campus or campuses, it shall ~~submit a request to the joint~~
12 ~~legislative budget committee for review~~ CERTIFY THE NEED TO THE STATE BOARD.
13 IF THE STATE BOARD APPROVES THE INCREASE IN THE NUMBER OF CAMPUSES, this
14 state, by legislative appropriation, shall pay a sum equal to fifty per cent
15 of the total cost for capital outlay for each approved campus within the
16 district, but not to exceed one million dollars at any one campus, including
17 the purchase, erection, remodeling or completion of buildings and the
18 purchase of equipment and facilities for educational or auxiliary purposes of
19 the community college, excluding the cost of any land granted to the district
20 and dormitories erected for the use of students or faculty members.

21 Sec. 26. Section 15-1464, Arizona Revised Statutes, is amended to
22 read:

23 15-1464. State aid per capita distribution for capital outlay;
24 capital outlay fund; appropriation

25 A. In addition to the appropriation prescribed in section 15-1463,
26 subsection A, this state shall pay to each community college district state
27 aid for capital outlay in the following manner:

28 1. For fiscal year 1992-1993 for a community college district which
29 had less than five thousand actual full-time equivalent students according to
30 the most recent fiscal year actual full-time equivalent student count, the
31 amount determined by multiplying the number of actual full-time equivalent
32 students according to the most recent fiscal year actual full-time equivalent
33 student count by two hundred seven dollars.

34 2. For fiscal year 1992-1993 for a community college district which
35 had five thousand or more actual full-time equivalent students according to
36 the most recent fiscal year actual full-time equivalent student count, the
37 amount determined by multiplying the number of actual full-time equivalent
38 students according to the most recent fiscal year actual full-time equivalent
39 student count by one hundred fifty-eight dollars.

40 3. Beginning with fiscal year 1993-1994 the legislature shall adjust
41 by the growth rate for common and high school districts as provided by law,
42 subject to appropriation, the amount of state aid to community college
43 districts as provided in paragraphs 1 and 2.

1 B. The basis for computing full-time equivalent students for the
2 capital outlay per capita distribution shall be on the same basis as the
3 computation prescribed in section 15-1466.01.

4 C. In addition to the formula to determine the appropriations
5 prescribed in section 15-1463, subsection A and subsection A of this section,
6 this state may pay additional amounts for capital outlay to a community
7 college district based on requests from the district.

8 D. Appropriations for capital outlay made pursuant to subsections A
9 and C of this section and section 15-1463 shall be made to an account
10 designated as the capital outlay fund. ~~THE STATE BOARD SHALL INCLUDE THESE~~
11 ~~ADDITIONAL AMOUNTS FOR CAPITAL OUTLAY IN THE BUDGET ESTIMATES SUBMISSION~~
12 ~~PRESCRIBED IN SECTION 35-113.~~

13 E. At the beginning of each fiscal year, the ~~district~~ STATE board
14 shall present to the department of administration a claim for the annual
15 amount appropriated by the legislature and assigned to the district for
16 capital outlay purposes. The department of administration shall draw a
17 warrant in payment of the claim and shall transmit the warrant to the state
18 treasurer who shall disburse the funds to the ~~district~~ DISTRICTS for capital
19 outlay purposes, to be expended as provided by law. If no community college
20 exists, the department shall establish a fund for new future community
21 college districts to be disbursed as needed.

22 F. Notwithstanding subsection E of this section, a community college
23 district may request the state treasurer to disburse the monies to the local
24 government investment pool for deposit into the district's account as
25 established in section 35-326.

26 G. Each district has the option of using up to twenty per cent of its
27 total capital outlay aid appropriation for operating aid purposes or taking
28 this same amount out of the district's total operating state aid
29 appropriation and using it for capital outlay purposes.

30 Sec. 27. Section 15-1465, Arizona Revised Statutes, as amended by Laws
31 2006, chapter 354, section 18, is amended to read:

32 15-1465. Election; issuance and sale of bonds for capital
33 outlay; disposition of proceeds; proration of
34 expenditures by counties

35 A. A district, ~~WITH THE CONSENT OF THE STATE BOARD~~, may conduct an
36 election to determine whether or not bonds shall be issued and sold for the
37 purpose of paying its share of the expenditures incurred for capital
38 outlay. The election shall be originated and conducted, the bonds issued,
39 sold and redeemed and a tax levy imposed for payment of interest on such
40 bonds and redemption of bonds in accordance with ~~the provisions of~~ title 35,
41 chapter 3, article 3 and the limitations imposed on school districts by
42 article IX, section 8, Constitution of Arizona, insofar as those provisions
43 are applicable. The election shall be held on the first Tuesday following
44 the first Monday in November as prescribed by section 16-204, subsection B,
45 paragraph 1, subdivision (d). Bond counsel fees, financial advisory fees,

1 printing costs and paying agent and registrar fees shall be paid from either
2 the amount authorized by the qualified electors of the community college
3 district or current operating funds. Bond election expenses shall be paid
4 from current operating funds only.

5 B. The proceeds of all bonds sold as provided in subsection A of this
6 section shall be used only for capital outlay, including the purchase of
7 land, the purchase, erection, remodeling or completion of buildings and the
8 purchase of equipment and facilities for educational or auxiliary purposes of
9 the community college district.

10 C. Where a district contains more than one county, subsections A and B
11 of this section shall be applicable separately to each of the counties as to
12 its portion of the expenditures to be paid for capital outlay in setting up
13 the physical plant of the district even though the proposed plant is to be
14 established, wholly or partly, in one county of the district.

15 D. The portion of the expenditures for capital outlay to be prorated
16 by each county of a district shall be determined BY THE STATE BOARD in the
17 ratio that the assessed valuation of each county within the district bears to
18 the total assessed valuation of all counties within the district.

19 E. If a majority of the qualified electors voting at an election held
20 as provided in this chapter disapproves the issuance of bonds for any
21 purpose, the governing board of the community college district shall not
22 authorize the expenditure of funds from any source for such purpose without
23 subsequent approval of a majority of the qualified electors voting at an
24 election held as provided in this chapter, except that a subsequent vote of
25 the district electors shall not be necessary to:

- 26 1. Construct buildings and site improvements on existing campuses.
- 27 2. Repair and remodel existing facilities and to purchase equipment.
- 28 3. Purchase land adjacent to an existing campus.

29 Sec. 28. Section 15-1466, Arizona Revised Statutes, is amended to
30 read:

31 15-1466. State aid; eligibility; limitations

32 A. Subject to legislative appropriation, the legislature shall
33 determine and appropriate the amount of state aid each fiscal year to each
34 district possessing the qualifications as prescribed in this chapter.

35 B. The state shall determine the amount of state aid, as prescribed in
36 subsection F of this section, appropriated to each district for the fiscal
37 year prior to the fiscal year for which the state aid is being calculated.

38 C. The state shall adjust the amount of state aid appropriated to each
39 district as determined in subsection B of this section by the growth rate
40 referenced by section 15-901, subsection B, paragraph 2. This amount shall
41 be appropriated to the district except as provided in subsection D of this
42 section.

43 D. In addition to the state aid appropriated in subsection C of this
44 section, each district qualified under this chapter shall have its state aid

1 adjusted in an amount that reflects the growth in the full-time equivalent
2 student count of the district calculated as follows:

3 1. Calculate the growth in the actual, audited full-time equivalent
4 student count between the second and third most recent fiscal years prior to
5 the fiscal year for which the state aid is being calculated for each
6 district.

7 2. Calculate the average appropriation per full-time equivalent
8 student for all districts by dividing the amount determined in subsection B
9 of this section by the actual, audited full-time equivalent student count for
10 all districts in the most recent fiscal year.

11 3. Multiply the amount calculated in paragraph 1 of this subsection by
12 the average appropriation calculated in paragraph 2 of this subsection. This
13 amount shall be appropriated to the district for growth.

14 E. State aid appropriated to each district shall be allocated and paid
15 in accordance with subsection C of this section before any funding is
16 allocated and paid in accordance with subsection D of this section.

17 F. The total amount appropriated to each district each fiscal year in
18 accordance with subsections C and D of this section shall serve as the amount
19 of state aid to be adjusted in the next fiscal year. A district is not
20 eligible for growth funding pursuant to this section unless the most recent
21 audited full-time student equivalent count exceeds the highest audited
22 full-time student equivalent count recorded from and after fiscal year
23 2003-2004.

24 G. To be eligible for state aid, a district shall:

25 1. Be equipped with suitable buildings, equipment and campus **APPROVED**
26 **BY THE STATE BOARD**.

27 2. Have at least three hundred twenty full-time equivalent students
28 attending in the district.

29 3. Have complied with all of the requirements of the ~~district~~ **STATE**
30 board including budgets and curriculum.

31 H. Notwithstanding subsection E of this section, the legislature may
32 allocate funding for growth in the full-time equivalent student count prior
33 to or in combination with funding of the growth rate.

34 I. The total amount of state monies that may be spent in any fiscal
35 year by a district for operating state aid shall not exceed the amount
36 appropriated or authorized by section 35-173 for that purpose.
37 Notwithstanding section 15-1444, this section shall not be construed to
38 impose a duty on an officer, agent or employee of this state to discharge a
39 responsibility or to create any right in a person or group if the discharge
40 or right would require an expenditure of state monies in excess of the
41 expenditure authorized by legislative appropriation for that specific
42 purpose, including any duties prescribed in an employment contract entered
43 into pursuant to section 15-1444, subsection A, paragraph ~~6~~ 5.

1 J. In addition to the formula to determine the state aid
2 appropriations prescribed in this section, the state may pay additional
3 amounts for state aid to a district based on requests included in the
4 district's budget request. **THE STATE BOARD SHALL INCLUDE THESE ADDITIONAL**
5 **AMOUNTS FOR STATE AID IN THE BUDGET ESTIMATES SUBMISSION PRESCRIBED IN**
6 **SECTION 35-113.**

7 K. This section does not entitle a community college operated by a
8 qualified Indian tribe to state aid for community colleges pursuant to this
9 chapter.

10 Sec. 29. Section 15-1467, Arizona Revised Statutes, is amended to
11 read:

12 **15-1467. State aid appropriations; disbursement procedure;**
13 **district fund**

14 A. Appropriations for state aid to districts shall be ~~distributed~~ **MADE**
15 **TO THE STATE BOARD FOR DISTRIBUTION** to each community college district in
16 accordance with section 15-1466.

17 B. On July 15, October 15, January 15 and April 15 **OF EACH YEAR, each**
18 ~~district~~ **THE STATE BOARD** shall present to the department of administration,
19 **ON BEHALF OF EACH DISTRICT FOR WHICH AN APPROPRIATION IS MADE,** a claim for
20 one-fourth of the annual amount appropriated to the district. The department
21 of administration shall draw a warrant in payment of the claim and transmit
22 the warrant to the state treasurer who shall disburse the funds to each
23 district for the support and maintenance of the district, to be expended as
24 provided by law. If no community college exists, the department shall
25 establish a fund for new future districts to be disbursed as needed.

26 C. Notwithstanding subsection B of this section, a district may
27 request the state treasurer to disburse the monies to the local government
28 investment pool for deposit into the district's account as established in
29 section 35-326.

30 Sec. 30. Section 15-1469, Arizona Revised Statutes, is amended to
31 read:

32 **15-1469. Attendance of nonresident state students; payment of**
33 **cost by county of residence**

34 A. The district may admit students from any part of this state which
35 is not a part of an established community college district on the same
36 conditions as residents.

37 B. It shall be the obligation of the county of the student's residence
38 to reimburse the district as provided in this subsection. The amount of
39 reimbursement to each community college district from each county which is
40 not a part of an organized community college district shall be determined as
41 follows:

42 1. For students attending classes within the established community
43 college district:

1 (a) Determine the number of full-time equivalent students attending
2 classes within the district from the county for the year preceding the
3 current year.

4 (b) Determine the operational expenses of the district for the current
5 year excluding direct and indirect costs of noncredit courses.

6 (c) Determine the amount of state aid the district received for the
7 current year as provided in section 15-1466.

8 (d) Subtract the amount of state aid received for the current year
9 determined in subdivision (c) from the amount of operational expenses for the
10 current year determined in subdivision (b).

11 (e) Determine the number of full-time equivalent students enrolled in
12 the district for the current year.

13 (f) Divide the amount determined in subdivision (d) by the number of
14 full-time equivalent students determined in subdivision (e).

15 (g) Multiply the amount determined in subdivision (f) by the average
16 number of full-time equivalent students for the county determined as provided
17 in subdivision (a).

18 The resulting amount is the amount of reimbursement to the district from the
19 county for the budget year for students attending classes within the
20 established community college district.

21 2. For students attending classes offered by the district within the
22 county pursuant to section 15-1470, the amount specified in the
23 intergovernmental agreement is the amount of reimbursement to the district
24 from the county for the budget year for students attending classes within the
25 county.

26 C. The county school superintendent of the county of the student's
27 residence shall certify to the ~~community college district~~ STATE board and the
28 board of supervisors that the student is a resident of the county.

29 D. On or before May 15 OF EACH YEAR, the ~~staff of the joint~~
30 ~~legislative budget committee~~ STATE BOARD shall:

31 1. Determine the amount of reimbursement to each district from each
32 county pursuant to subsection B, paragraph 1 of this section.

33 2. Notify the board of supervisors of each county of the amount it
34 shall reimburse to each district pursuant to subsection B, paragraph 1 of
35 this section for the budget year.

36 3. Notify each community college district eligible to receive
37 reimbursement of the amount of reimbursement from each county pursuant to
38 subsection B, paragraph 1 of this section for the budget year.

39 E. On or before November 15 and May 15 OF EACH YEAR, the board of
40 supervisors shall draw warrants on the county treasurer in favor of the
41 community college district for half of the amount due pursuant to subsection
42 B of this section. The board of supervisors shall:

43 1. Pay monies from the county general fund or levy a community college
44 reimbursement levy pursuant to section 42-17203 for the amount of

1 reimbursement pursuant to an intergovernmental agreement for extension
2 courses as provided in section 15-1470.

3 2. Pay monies from the county general fund or levy a community college
4 reimbursement levy pursuant to section 42-17203 for the amount of
5 reimbursement pursuant to subsection B, paragraph 1 of this section.

6 F. Notwithstanding subsection E of this section, a county and a
7 community college district may specify by intergovernmental agreement that
8 the amount of reimbursement due from the county be reduced by the value of
9 in-kind contributions made by the county to the district.

10 G. For the purposes of subsection B, paragraph 1 of this section,
11 full-time equivalent students are determined in the same manner prescribed by
12 section 15-1466.01.

13 Sec. 31. Section 15-1470, Arizona Revised Statutes, is amended to
14 read:

15 15-1470. Community college courses; intergovernmental agreement

16 A. ~~A district~~ WITH THE APPROVAL OF THE STATE BOARD, DISTRICTS may
17 offer credit and noncredit courses and services outside of the district in
18 other districts within this state.

19 B. A district may offer credit and noncredit courses and services
20 outside of the district in counties within this state without an organized
21 district.

22 C. A district may offer credit and noncredit courses and services
23 outside of this state. A district is not entitled to state aid payments for
24 students who are provided courses and services outside of this state.

25 D. Before a district may offer courses pursuant to subsection A, the
26 district shall enter into an intergovernmental agreement with the district of
27 the county in which the courses will be held.

28 E. Before a district may offer courses pursuant to subsection B, the
29 district shall enter into an intergovernmental agreement with the board of
30 supervisors of the county in which the courses will be held. The district
31 and the county shall negotiate the amount of reimbursement payable by the
32 county to the district for courses conducted within the county no later than
33 July 1 OF EACH YEAR.

34 F. The intergovernmental agreement entered into as provided in
35 subsection E MUST BE APPROVED BY THE STATE BOARD AND may not require or
36 permit the county to reimburse the district for noncredit classes.

37 G. The intergovernmental agreement entered into as provided in this
38 section MUST BE APPROVED BY THE STATE BOARD AND shall include provisions for
39 an alternative dispute resolution.

40 Sec. 32. Section 15-1472, Arizona Revised Statutes, is amended to
41 read:

42 15-1472. Community college district workforce development
43 accounts; reports

44 A. Each community college district shall establish a separate
45 workforce development account to receive only tax revenues authorized

1 pursuant to section 42-5029, subsection E, paragraph 3. Each community
2 college district board shall approve the expenditure of these monies in
3 accordance with section 15-1461 and consistent with subsection B of this
4 section.

5 B. Monies received pursuant to subsection A of this section shall be
6 expended for workforce development and job training purposes. These
7 expenditures may include:

8 1. Partnerships with businesses and educational institutions.

9 2. Additional faculty for improved and expanded classroom instruction
10 and course offerings.

11 3. Technology, equipment and technology infrastructure for advanced
12 teaching and learning in classrooms or laboratories.

13 4. Student services such as assessment, advisement and counseling for
14 new and expanded job opportunities.

15 5. The purchase, lease or lease-purchase of real property, for new
16 construction, remodeling or repair of buildings or facilities on real
17 property.

18 C. The state treasurer shall transfer monies under this section into
19 each district's workforce development account by the fifteenth day of each
20 month. The state treasurer shall also allocate and distribute any pooled
21 interest earnings earned from revenues authorized in section 42-5029,
22 subsection E, paragraph 3 to each district in accordance with the method
23 prescribed in subsection D, paragraph 2 of this section.

24 D. Revenues authorized for community college districts in section
25 42-5029, subsection E, paragraph 3 shall be distributed by the state in the
26 following manner:

27 1. For thirteen fiscal years beginning in fiscal year 2001-2002 the
28 state treasurer shall allocate one million dollars per fiscal year for the
29 purpose of bringing this state into compliance with the matching capital
30 requirements prescribed in section 15-1463. The state treasurer shall
31 distribute the monies authorized in this subsection to each district in the
32 order in which each campus qualified for funding pursuant to section 15-1463.

33 2. After the monies have been paid each year to the eligible ~~district~~
34 ~~DISTRICTS~~ pursuant to paragraph 1 of this subsection, the state treasurer
35 shall distribute monies from the workforce development fund to each community
36 college district in the following manner:

37 (a) Each district shall receive the sum of two hundred thousand
38 dollars.

39 (b) After each district has received the payments prescribed in
40 subdivision (a), the remainder of monies in the fund shall be distributed to
41 each district according to each district's full-time equivalent student
42 enrollment percentage of the total ~~state-wide~~ STATEWIDE audited full-time
43 equivalent student enrollment in the preceding fiscal year prescribed in
44 section 15-1466.01. The percentage distribution under this subdivision shall
45 be adjusted annually on October 1 of each year.

1 E. Revenues received by community college districts shall not be used
2 by the legislature to supplant or reduce any state aid authorized in this
3 chapter or supplant any proceeds from the sale of bonds authorized in this
4 article and article 5 of this chapter.

5 F. Monies received under this section shall not be considered to be
6 local revenues for purposes of article IX, section 21, Constitution of
7 Arizona.

8 G. Each community college district shall submit a workforce
9 development plan by April 1 of each year to THE STATE BOARD OF DIRECTORS FOR
10 COMMUNITY COLLEGES AND the department of commerce. The plan shall outline
11 the purpose and goals for which workforce development monies are to be
12 expended by the district.

13 H. EACH COMMUNITY COLLEGE DISTRICT SHALL ANNUALLY SUBMIT A REPORT OF
14 ITS WORKFORCE DEVELOPMENT PLAN AND EXPENDITURES AUTHORIZED BY THIS SECTION
15 FOR THE PREVIOUS YEAR TO THE STATE BOARD OF DIRECTORS FOR COMMUNITY COLLEGES
16 BY DECEMBER 1. THE STATE BOARD MAY OFFER RECOMMENDATIONS REGARDING A
17 DISTRICT'S WORKFORCE DEVELOPMENT PLAN FOR FUTURE YEARS AND SHALL FORWARD THE
18 DISTRICT REPORTS TO THE JOINT LEGISLATIVE BUDGET COMMITTEE FOR REVIEW.

19 ~~H.~~ I. Each community college district or community college that is
20 owned, operated or chartered by a qualifying Indian tribe on its own Indian
21 reservation shall submit a report once every two years of its workforce
22 development plan activities and the expenditures authorized in this section
23 to the governor, president of the senate, speaker of the house of
24 representatives, joint legislative budget committee and department of
25 commerce by December 1 of every even-numbered year. The report shall include
26 the purpose and goals for which the workforce development monies were
27 expended by each district or community college together with a general
28 accounting of the expenditures authorized in subsection B of this section. A
29 copy of the final report shall also be provided to the secretary of state and
30 the director of the Arizona state library, archives and public records. For
31 the purposes of this subsection, "qualifying Indian tribe" has the same
32 meaning prescribed in section 42-5031.01.

33 Sec. 33. Repeal

34 Section 15-1473, Arizona Revised Statutes, is repealed.

35 Sec. 34. Section 15-1481, Arizona Revised Statutes, is amended to
36 read:

37 15-1481. Definitions

38 In this article, unless the context otherwise requires:

39 1. "Acquire" includes purchase, erect, build, construct, reconstruct,
40 repair, replace, extend, better, furnish, equip, develop, improve and
41 embellish.

42 2. "Board" means the ~~governing board of a community college district~~
43 ~~or its successors, but does not include provisional community college~~
44 ~~districts as prescribed in section 15-1409~~ STATE BOARD OF DIRECTORS FOR
45 COMMUNITY COLLEGES OR ITS SUCCESSORS.

1 3. "Bonds" means any bonds issued pursuant to this article.

2 4. "Federal agency" means the housing and home finance agency, the
3 United States of America or any of its officers or agencies designated or
4 created to make grants or loans of monies for public construction work.

5 5. "Institution" means any community college district that is
6 organized in this state pursuant to section 15-1402, but does not include
7 provisional community college districts as prescribed in section 15-1409.

8 6. "Project" means one or more classrooms, student or faculty
9 residence halls, dormitories, dining halls, student union buildings, field
10 houses, stadia and other revenue producing buildings located at the
11 institution, together with sites for the buildings, and ~~including~~ INCLUDES
12 equipment, furnishings, heating, lighting and other service facilities in
13 connection with the buildings.

14 Sec. 35. Section 15-1483, Arizona Revised Statutes, is amended to
15 read:

16 15-1483. Issuance of bonds

17 ~~A.~~ ON CERTIFICATION TO THE BOARD BY THE GOVERNING BODY OF THE
18 INSTITUTION OF THE NECESSITY FOR ACQUIRING A PROJECT AND AFTER APPROVAL BY
19 THE BOARD OF THE LOCATION, PRELIMINARY PLANS, SPECIFICATIONS AND COST
20 ESTIMATES FOR THE PROJECT, the board for and on behalf of ~~an~~ THE institution
21 is authorized from time to time to issue negotiable bonds for the purpose of
22 acquiring a project or projects. The bonds shall be authorized by resolution
23 of the board. The bonds may be issued in one or more series, bear such date
24 or dates, be in such denomination or denominations, mature at such time or
25 times, not exceeding forty years from the respective dates thereof, mature in
26 such amount or amounts, bear interest at such rate or rates, as determined by
27 the board, payable semiannually, be in such form either coupon or registered,
28 carry such registration privileges, be executed in such manner, be payable in
29 such medium of payment, at such place or places, and be subject to such term
30 of redemption, with or without premium, as such resolution or other
31 resolutions may provide. The bonds may be sold at not less than par at
32 either public or private sale. The bonds shall be fully negotiable within
33 the meaning and for all the purposes of title 47, chapter 3.

34 ~~B. Before the issuance of bonds, a district shall submit information~~
35 ~~regarding the planned projects that will be funded with the bond proceeds to~~
36 ~~the joint committee on capital review for review. If a bond issuance~~
37 ~~requires voter approval, the district shall submit the information to the~~
38 ~~joint committee on capital review before seeking voter approval.~~

39 Sec. 36. Section 15-1802, Arizona Revised Statutes, is amended to
40 read:

41 15-1802. In-state student status

42 A. Except as otherwise provided in this article, no person having a
43 domicile elsewhere than in this state is eligible for classification as an
44 in-state student for tuition purposes.

1 B. A person is not entitled to classification as an in-state student
2 until the person is domiciled in this state for one year, except that a
3 person whose domicile is in this state is entitled to classification as an
4 in-state student if the person meets one of the following requirements:

5 1. The person's parent's domicile is in this state and the parent is
6 entitled to claim the person as an exemption for state and federal tax
7 purposes.

8 2. The person is an employee of an employer that transferred the
9 person to this state for employment purposes or the person is the spouse of
10 such an employee.

11 3. The person is an employee of a school district in this state and is
12 under contract to teach on a full-time basis or is employed as a full-time
13 noncertified classroom aide at a school within that school district. For the
14 purposes of this paragraph, the person is eligible for classification as an
15 in-state student only for courses necessary to complete the requirements for
16 certification by the state board of education to teach in a school district
17 in this state. No member of the person's family is eligible for
18 classification as an in-state student if the person is eligible for
19 classification as an in-state student pursuant to this paragraph, unless the
20 family member is otherwise eligible for classification as an in-state student
21 pursuant to this section.

22 4. The person's spouse has established domicile in this state for at
23 least one year and has demonstrated intent and financial independence and is
24 entitled to claim the student as an exemption for state and federal tax
25 purposes or the person's spouse was temporarily out of state for educational
26 purposes, but maintained a domicile in this state. If the person is a
27 noncitizen, the person must be in an eligible visa status pursuant to federal
28 law to classify as an in-state student for tuition purposes.

29 C. The domicile of an unemancipated person is that of the person's
30 parent.

31 D. Any unemancipated person who remains in this state when the
32 person's parent, who had been domiciled in this state, removes from this
33 state is entitled to classification as an in-state student until attainment
34 of the degree for which currently enrolled, as long as the person maintains
35 continuous attendance.

36 E. A person who is a member of the armed forces of the United States
37 and who is stationed in this state pursuant to military orders or who is the
38 spouse or a dependent child as defined in section 43-1001 of a person who is
39 a member of the armed forces of the United States and who is stationed in
40 this state pursuant to military orders is entitled to classification as an
41 in-state student. A spouse or a dependent child does not lose in-state
42 student classification under this subsection if the spouse or dependent child
43 qualifies for in-state tuition classification at the time the spouse or
44 dependent child is accepted for admission to a community college under the
45 jurisdiction of a community college district governing board or a university

1 under the jurisdiction of the Arizona board of regents. The student, while
2 in continuous attendance toward the degree for which currently enrolled, does
3 not lose in-state student classification.

4 F. A person who is a member of the armed forces of the United States
5 or the spouse or a dependent as defined in section 43-1001 of a member of the
6 armed forces of the United States is entitled to classification as an
7 in-state student if the member of the armed forces has claimed this state as
8 the person's state of legal residence for at least twelve consecutive months
9 before the member of the armed forces, spouse or dependent enrolls in a
10 university under the jurisdiction of the Arizona board of regents or a
11 community college under the jurisdiction of ~~a community college district~~
12 ~~governing board~~ THE STATE BOARD OF DIRECTORS FOR COMMUNITY COLLEGES. For the
13 purposes of this subsection, the requirement that a person be domiciled in
14 this state for one year before enrollment to qualify for in-state student
15 classification does not apply.

16 G. A person who is honorably discharged from the armed forces of the
17 United States shall be granted immediate classification as an in-state
18 student on honorable discharge from the armed forces and, while in continuous
19 attendance toward the degree for which currently enrolled, does not lose
20 in-state student classification if the person has met all of the following
21 requirements:

22 1. Declared Arizona as the person's legal residence with the person's
23 branch of service at least one year prior to discharge from the armed forces.

24 2. Demonstrated objective evidence of intent to be a resident of
25 Arizona which, for the purposes of this section, includes at least one of the
26 following:

27 (a) An Arizona driver license.

28 (b) Arizona motor vehicle registration.

29 (c) Employment history in Arizona.

30 (d) Arizona voter registration.

31 (e) Transfer of major banking services to Arizona.

32 (f) Change of permanent address on all pertinent records.

33 (g) Other materials of whatever kind or source relevant to domicile or
34 residency status.

35 3. Filed an Arizona income tax return with the department of revenue
36 during the previous tax year.

37 H. A person who is a member of an Indian tribe recognized by the
38 United States department of the interior whose reservation land lies in this
39 state and extends into another state and who is a resident of the reservation
40 is entitled to classification as an in-state student.

1 C. Each community college district shall adopt a review and appeals
2 process for students contesting a domicile decision by the college.

3 D. An individual domiciled in this state, but not in a community
4 college district, shall be required to sign a notarized statement as to
5 county residency stating that the individual has resided in the county for at
6 least fifty days before the first day of classes.

7 Sec. 38. Section 15-1804, Arizona Revised Statutes, is amended to
8 read:

9 15-1804. Presumptions relating to student status; definition

10 A. Unless the contrary appears to the satisfaction of the registering
11 authority of the community college or university at which a student is
12 registering, it shall be presumed that:

13 1. No emancipated person has established a domicile in this state
14 while attending any educational institution in this state as a full-time
15 student, as such status is defined by ~~subsection B for community college~~
16 ~~students~~ THE STATE BOARD OF DIRECTORS FOR COMMUNITY COLLEGES or ~~as defined~~ by
17 the Arizona board of regents ~~for university students~~, in the absence of a
18 clear demonstration to the contrary.

19 2. Once established, a domicile is not lost by mere absence
20 unaccompanied by intention to establish a new domicile.

21 3. A person who has been domiciled in this state immediately prior to
22 becoming a member of the armed forces of the United States shall not lose
23 in-state status by reason of such person's presence in any other state or
24 country while a member of the armed forces of the United States.

25 B. For the purposes of this section, "full-time student" means a
26 community college student who registers for at least twelve semester hours
27 per semester at a community college in this state.

28 Sec. 39. Section 15-1805, Arizona Revised Statutes, is amended to
29 read:

30 15-1805. Student status guidelines

31 ~~A.~~ The Arizona board of regents AND THE STATE BOARD OF DIRECTORS FOR
32 COMMUNITY COLLEGES shall adopt guidelines applicable to all institutions
33 under their ~~jurisdiction~~ RESPECTIVE JURISDICTIONS that will ensure uniform
34 criteria to aid the institutions in determining the tuition status of any
35 student and that will establish uniform procedures for review of that status.

36 ~~B. Community college districts shall adopt policies applicable to all~~
37 ~~institutions under their jurisdiction that will ensure uniform criteria to~~
38 ~~aid the institutions in determining the tuition status of any student and~~
39 ~~that will establish uniform procedures for review of that status.~~

40 Sec. 40. Section 15-1806, Arizona Revised Statutes, is amended to
41 read:

42 15-1806. Testimony concerning student status; designation of
43 persons to administer oaths

44 The Arizona board of regents and ~~each community college district~~ THE
45 STATE BOARD OF DIRECTORS FOR COMMUNITY COLLEGES shall designate a person

1 employed at each institution under their respective jurisdictions to
2 administer oaths or affirmations in connection with the taking of testimony
3 relative to student status for tuition purposes.

4 Sec. 41. Section 15-1808, Arizona Revised Statutes, is amended to
5 read:

6 15-1808. Tuition waiver of child or spouse of peace officer,
7 correctional officer, fire fighter, emergency
8 paramedic or national guard member killed in the
9 line of duty; disabled national guard member;
10 definitions

11 A. The board of regents, after verification by the Arizona peace
12 officers memorial board, by the Arizona fire fighters and emergency
13 paramedics memorial board or by the adjutant general of the national guard
14 that a person is a child or a spouse of a peace officer, correctional
15 officer, fire fighter, emergency paramedic or national guard member who was a
16 resident of the state of Arizona and who was killed in the line of duty or
17 who died from injuries suffered in the line of duty while traveling to or
18 from duty, shall provide the person who qualifies under subsection B of this
19 section and who otherwise meets the qualifications for admission with a
20 tuition waiver scholarship at any university under the jurisdiction of the
21 board. ~~A district as defined in section 15-1401~~ THE STATE BOARD OF DIRECTORS
22 FOR COMMUNITY COLLEGES, after verification by the Arizona peace officers
23 memorial board, by the Arizona fire fighters and emergency paramedics
24 memorial board or by the adjutant general of the national guard that a person
25 is the child or the spouse of a peace officer, correctional officer, fire
26 fighter, emergency paramedic or national guard member who was a resident of
27 Arizona and who was killed in the line of duty or who died from injuries
28 suffered in the line of duty while traveling to or from duty, shall provide
29 the person who qualifies under subsection B of this section and who otherwise
30 meets the qualifications for admission with a tuition waiver scholarship at
31 any community college under the jurisdiction of the board.

32 B. The tuition waiver scholarships shall be limited to children who
33 are thirty years of age or younger or a spouse who has not remarried and
34 shall be limited for a spouse or for any one child to no more than sixty-four
35 credit hours at Arizona community colleges and a total number of credits
36 including any transfer credits from an Arizona community college equal to the
37 number of credits required for a baccalaureate degree at Arizona universities
38 for that student's initially declared course of study.

39 C. A member of the Arizona national guard who received a purple heart
40 citation on or after September 11, 2001 or a former member of the Arizona
41 national guard who was medically discharged from the Arizona national guard
42 due to an injury or disability suffered during status under title 10, United
43 States Code, in weekend training status, in annual training status or in
44 response to a state of emergency declared by the governor is eligible for a
45 tuition waiver scholarship provided for in this section.

1 D. For the purposes of this section:

2 1. "Correctional officer" means a person, other than an elected
3 official, who is employed by this state or a county, city or town and who is
4 responsible for the supervision, protection, care, custody or control of
5 inmates in a state, county or municipal correctional institution, including
6 counselors but excluding secretarial, clerical and professionally trained
7 personnel.

8 2. "Emergency paramedic" means a person who has been trained in an
9 emergency paramedic training program certified by the director of the
10 department of health services or in an equivalent training program and who is
11 certified by the director of the department of health services to render
12 services pursuant to section 36-2205.

13 3. "Fire fighter" means a professional fire fighter who is a member of
14 a state, federal, tribal, city, county, district or private fire department.

15 4. "Peace officers" means sheriffs of counties, constables, marshals,
16 police officers of cities and towns, commissioned personnel of the department
17 of public safety and police officers appointed by community college district
18 governing boards or the Arizona board of regents, who have received a
19 certificate from the Arizona peace officer standards and training board, and
20 other state, federal, tribal, city or county officers vested by law with a
21 duty to maintain public order and make arrests.

22 Sec. 42. Section 15-1821, Arizona Revised Statutes, is amended to
23 read:

24 15-1821. Special admission of students under age eighteen;
25 enrollment information; reports

26 A. ~~Each community college district board~~ THE STATE BOARD OF DIRECTORS
27 FOR COMMUNITY COLLEGES shall adopt ~~policies~~ RULES which require community
28 colleges under its jurisdiction to admit students WHO ARE under ~~age~~ eighteen
29 YEARS OF AGE, who have not yet attained a high school diploma or high school
30 certificate of equivalency and who meet the established requirements of the
31 courses for which they enroll. The Arizona board of regents shall adopt
32 rules which require the universities under its jurisdiction to admit students
33 WHO ARE under ~~age~~ eighteen YEARS OF AGE, who have not yet attained a high
34 school diploma or high school certificate of equivalency and who meet the
35 established requirements of the courses for which they enroll.

36 B. The ~~policies and~~ rules as provided in subsection A shall include
37 the following provisions:

38 1. No student under ~~age~~ eighteen YEARS OF AGE shall be denied
39 admission because of age, lack of a high school diploma or high school
40 certificate of equivalency, grade in school, lack of permission of school
41 officials or lack of concurrent enrollment in a public or private school, if
42 the student has achieved at least a specified score on a college entrance
43 examination.

44 2. A community college or university which admits a student pursuant
45 to paragraph 1 of this subsection may limit the number of semester credit

1 hours in which the student may enroll to no less than six semester credit
2 hours.

3 3. A student admitted to a community college or university pursuant to
4 paragraph 1 of this subsection is not guaranteed admission to a specific
5 degree program or to all courses offered by the community college or
6 university.

7 C. ~~Each community college district~~ THE STATE BOARD OF DIRECTORS FOR
8 COMMUNITY COLLEGES and the Arizona board of regents shall provide all high
9 schools in this state with information which describes the ~~policies and~~
10 rules, ~~as appropriate,~~ the types of courses available and other information
11 related to the enrollment of students under ~~the age of~~ eighteen YEARS OF
12 AGE. Each unified or high school district school shall make this information
13 available to all students in at least grades nine through twelve.

14 D. On or before November 15 OF EACH YEAR, ~~each community college~~
15 ~~district~~ THE STATE BOARD OF DIRECTORS FOR COMMUNITY COLLEGES and the Arizona
16 board of regents shall EACH submit a report to the president of the senate,
17 the speaker of the house of representatives and the state board of education
18 and shall provide a copy of this report to the secretary of state and the
19 director of the Arizona state library, archives and public records, on
20 students WHO WERE under eighteen years of age, who had not yet attained a
21 high school diploma or high school certificate of equivalency and who were
22 enrolled in a university or community college course or a program for
23 community college or university credit during the time period of September of
24 the previous fiscal year through August of the current fiscal year. The
25 annual report shall include at least the following:

- 26 1. The number of students who were enrolled.
- 27 2. A general narrative of the types of courses or programs in which
28 the students were enrolled.
- 29 3. The rules adopted pursuant to subsection A.

30 E. On or before September 30 OF EACH YEAR, each institution under the
31 jurisdiction of THE STATE BOARD OF DIRECTORS FOR COMMUNITY COLLEGES OR the
32 Arizona board of regents shall submit to the ~~Arizona~~ APPROPRIATE board of
33 ~~regents~~ in the form specified by the ~~Arizona~~ board of ~~regents~~ the information
34 that ~~the Arizona~~ board of ~~regents~~ needs to compile the report required in
35 subsection D.

36 Sec. 43. Section 15-1822, Arizona Revised Statutes, is amended to
37 read:

38 15-1822. Report; academic performance of high school graduates

39 A. On or before October 31 OF EACH YEAR, ~~each community college~~
40 ~~district~~ THE STATE BOARD OF DIRECTORS FOR COMMUNITY COLLEGES and the Arizona
41 board of regents shall EACH submit a report to the president of the senate,
42 the speaker of the house of representatives, the superintendent of public
43 instruction and the state board of education and shall provide a copy of this
44 report to the secretary of state and the director of the Arizona state
45 library, archives and public records, on the academic performance of the

1 preceding year's graduates from high schools in this state enrolled in
2 institutions under their jurisdiction during the year ending on June 30 of
3 the current calendar year. The report shall include for each school at least
4 the following:

5 1. The number of graduates of the school who were enrolled in the
6 institution during the reporting period.

7 2. Information about the academic performance of graduates of the
8 school in mathematics and English courses.

9 B. On or before September 1 ~~OF EACH YEAR~~, each institution under the
10 jurisdiction of the ~~STATE BOARD OF DIRECTORS FOR COMMUNITY COLLEGES OR THE~~
11 Arizona board of regents shall submit to the ~~Arizona~~ APPROPRIATE board ~~of~~
12 ~~regents~~ in the form specified by the ~~Arizona~~ board ~~of regents~~ the information
13 that ~~the Arizona~~ board ~~of regents~~ needs to compile the report required under
14 this section.

15 C. The superintendent of public instruction shall provide each high
16 school in this state with a copy of the portion of the report that is
17 applicable to its graduates.

18 Sec. 44. Section 15-1823, Arizona Revised Statutes, as amended by Laws
19 2006, chapter 100, section 1, is amended to read:

20 ~~15-1823.~~ Identification numbers; social security numbers

21 A. From and after June 30, 2002, if a university under the
22 jurisdiction of the Arizona board of regents assigns an individual
23 identification number to faculty, staff or students at a university, the
24 identification number shall not be identical to the individual's social
25 security number. ~~Notwithstanding subsection B of this section,~~ If a student
26 was assigned an identification number after June 30, 2006, in connection with
27 the student accountability information system established by section 15-1041,
28 the identification number assigned to that student by the university shall
29 correspond to or reference the identification number assigned to that student
30 in connection with the student accountability information system. The
31 student shall provide the student accountability information system number to
32 the university. The school district or charter school shall provide the
33 student with the student accountability information system number upon
34 request. The university shall not allow the display of the individual's
35 social security number, or any four or more consecutive numbers contained in
36 the individual's social security number, on any internet site maintained by
37 the university or other publicly accessible document for any purpose.

38 B. If a community college or community college district ~~UNDER THE~~
39 ~~JURISDICTION OF THE STATE BOARD OF DIRECTORS FOR COMMUNITY COLLEGES~~ assigns
40 an individual identification number to faculty, staff or students at a
41 community college that is identical to an individual's social security
42 number, the community college or community college district shall not allow
43 the display of an individual's social security number, or any four or more
44 consecutive numbers contained in the individual's social security number, on

1 any internet site maintained by the community college or community college
2 district or other publicly accessible document for any purpose.

3 C. Notwithstanding subsection B of this section, if a student was
4 assigned an identification number after June 30, 2006, in connection with the
5 student accountability information system established by section 15-1041, the
6 identification number assigned to that student by the community college or
7 community college district shall correspond to or reference the
8 identification number assigned to that student in connection with the student
9 accountability information system. The student shall provide the student
10 accountability information system number to the community college. The
11 school district or charter school shall provide the student with the student
12 accountability information system number upon request. A community college
13 or community college district shall assign any other student an
14 identification number that is not identical to the student's social security
15 number. Beginning January 1, 2004, if a high school student is enrolled in a
16 college course offered by a community college district pursuant to section
17 15-1821.01, the identification number assigned to that student pursuant to
18 this subsection shall correspond to the identification number assigned to
19 that student in connection with the student accountability information system
20 established by section 15-1041. A community college or community college
21 district shall notify students of the option to obtain an individual
22 identification number for no additional fee that is not identical to an
23 individual's social security number in applications for admission, through
24 telecommunications registration procedures, and in college catalogs.
25 Notification in catalogs shall occur no later than June 30, 2000, or in the
26 next printed edition of the catalog after the current one in print, whichever
27 is sooner.

28 D. On the request of a faculty or staff member, a community college or
29 community college district shall assign the faculty or staff member an
30 identification number that is not identical to the faculty or staff member's
31 social security number. A community college or community college district
32 shall provide notification to faculty and staff members of the option to
33 obtain an individual identification number that is not identical to a faculty
34 or staff member's social security number.

35 E. This section does not exempt any regulated institution from any
36 duty of compliance it may have with any federal law that may:

37 1. Regulate that institution's collection or use of social security
38 numbers.

39 2. Protect the privacy rights of faculty, staff or students.

40 F. This section does not prohibit the electronic transfer of student
41 transcripts between educational institutions.

1 Sec. 45. Section 15-1824, Arizona Revised Statutes, is amended to
2 read:

3 15-1824. Transfer articulation; annual report

4 A. The community ~~college districts~~ COLLEGES and universities shall
5 cooperate in operating a statewide articulation and transfer system,
6 including the process for transfer of lower division general education
7 credits, general elective credits and curriculum requirements for approved
8 majors, to facilitate the transfer of community college students to Arizona
9 public universities without a loss of credit toward a baccalaureate degree
10 and to ensure that the postsecondary education needs of students statewide
11 are met without unnecessary duplication of programs.

12 B. The Arizona board of regents and the ~~community college districts~~
13 STATE BOARD OF DIRECTORS FOR COMMUNITY COLLEGES shall submit an annual report
14 of their progress on both articulation and meeting statewide postsecondary
15 education needs to the joint legislative budget committee on or before
16 December 15 and shall provide a copy of this report to the secretary of state
17 and the director of the Arizona state library, archives and public records.

18 Sec. 46. Section 15-1831, Arizona Revised Statutes, is amended to
19 read:

20 15-1831. Information on persons who have completed vocational
21 programs; definitions

22 A. The center for vocational education shall:

23 1. By the end of each calendar year publish and distribute a report of
24 the placement rates and average salaries earned by persons completing
25 vocational programs in this state during the prior fiscal year. This report
26 may include information on a program which would be a vocational program
27 except that it was not completed by at least twenty-five persons during the
28 fiscal year.

29 2. Establish an advisory committee consisting of representatives of
30 both public and private institutions which offer vocational programs. The
31 advisory committee shall advise the center in the implementation of this
32 section.

33 3. Prescribe the format in which institutions which offer vocational
34 programs shall provide the information necessary to produce the report
35 prescribed in paragraph 1 of this subsection.

36 B. The governing board of each community college district shall:

37 1. Transmit to the center for vocational education the following
38 information within thirty days of the end of the fiscal year:

39 (a) The social security number of each person who completed a
40 vocational program during the previous fiscal year.

41 (b) Such information as the center may require in order to conduct a
42 follow-up survey of a sample of persons who have completed vocational
43 programs.

1 exercise planning, policy, coordinating, supervisory, budgeting or
2 administrative powers over any postsecondary institution in this state.

3 B. The commission shall also administer the applicable programs
4 identified under section 1203 of the higher education act amendments of 1998
5 (P.L. 105-244), including the leveraging educational assistance partnership
6 program, the federal family education loan program and the Paul Douglas
7 teacher scholarships program, and shall supervise the state guarantee agency
8 under the higher education act amendments of 1998.

9 C. In addition to the responsibilities prescribed in subsections A and
10 B of this section, the commission shall:

11 1. Provide a forum to public and private postsecondary education
12 institutions for discussion of issues of mutual interest, including the
13 following:

14 (a) The postsecondary needs of unserved and underserved individuals in
15 this state.

16 (b) The resources of public and private institutions, organizations
17 and agencies that are located in this state and that are capable of providing
18 postsecondary education opportunities.

19 (c) Enrollment demand and public policy options to meet statewide
20 needs for postsecondary education services.

21 (d) Cooperative comprehensive instructional and capital planning.

22 2. Provide reports pursuant to this subsection on discussions of
23 issues of mutual interest.

24 3. Coordinate and promote collaborative studies on issues of mutual
25 interest to public and private postsecondary education institutions.

26 4. Compile and disseminate information to the public regarding
27 postsecondary education opportunities in this state.

28 5. Prepare an annual report that summarizes the results of the
29 commission's activities prescribed in this section and section 15-1852. The
30 annual report shall be submitted to the speaker of the house of
31 representatives, the president of the senate, the governor and the Arizona
32 state library, archives and public records by December 28.

33 D. The commission consists of the executive director of the Arizona
34 board of regents, **THE EXECUTIVE DIRECTOR OF THE STATE BOARD OF DIRECTORS FOR**
35 **COMMUNITY COLLEGES**, the executive director of the state board for private
36 postsecondary education and the following additional members who shall be
37 appointed by the governor pursuant to section 38-211:

38 1. Two members who hold senior executive or managerial positions in a
39 university under the jurisdiction of the Arizona board of regents.

40 2. Two members who hold senior executive or managerial positions in a
41 community college district **THAT IS UNDER THE JURISDICTION OF THE STATE BOARD**
42 **OF DIRECTORS FOR COMMUNITY COLLEGES**, one representing a community college
43 district in a county with a population of five hundred thousand persons or
44 more and one representing a community college district in a county with a
45 population of less than five hundred thousand persons.

1 3. Two members who hold senior executive or managerial positions in
2 private postsecondary institutions of higher education that are licensed
3 under title 32, chapter 30, that are located in this state, that offer
4 bachelor or higher degrees and that are accredited by a regional
5 accreditation agency approved by the United States department of education.

6 4. Two members who hold senior executive or managerial positions in
7 private postsecondary institutions of higher education that are licensed
8 under title 32, chapter 30, that are located in this state, that offer
9 vocational education programs and that are accredited by a national
10 accreditation agency approved by the United States department of education.

11 5. One member who holds a senior executive or managerial position in a
12 private cosmetology school that is licensed under title 32, chapter 5, that
13 is located in this state, that offers cosmetology programs approved by the
14 board of cosmetology and that is accredited by a national accreditation
15 agency approved by the United States department of education.

16 6. One member who holds a senior executive or managerial position in
17 an institution that is licensed under title 32, chapter 23 or under ~~the~~
18 ~~provisions of~~ 14 Code of Federal Regulations part 147, that offers vocational
19 education programs at the postsecondary level, that is located in this state
20 and that is not an institution that is qualified under any other category.

21 7. One member who has held a senior executive or managerial level
22 position in commerce or industry in this state for at least three years
23 before the member's appointment and who is not qualified to serve under any
24 other category.

25 8. Two members who hold senior executive or managerial positions in
26 the high school education system in this state.

27 9. One member who is an owner, operator or administrator of a charter
28 school in this state.

29 E. Members of the commission appointed pursuant to subsection D,
30 paragraphs 1 through 9 of this section shall serve four year terms.
31 Appointed members of the commission shall be residents of this state.
32 Appointed members of the commission at all times during their terms shall
33 continue to be eligible for appointment under the category that they were
34 appointed to represent. Terms of appointed members of the commission begin
35 on the third Monday in January. No appointed member of the commission may
36 serve more than two consecutive terms.

37 F. The executive director of the Arizona board of regents, **THE**
38 **EXECUTIVE DIRECTOR OF THE STATE BOARD OF DIRECTORS FOR COMMUNITY COLLEGES** and
39 the executive director of the state board for private postsecondary education
40 serve as members of the commission during their respective terms of office
41 and are not eligible to vote with respect to the commission's review of any
42 postsecondary institution.

43 G. Members appointed pursuant to subsection D, paragraphs 1 through 9
44 of this section are eligible to receive compensation pursuant to section
45 38-611 for each day spent in the performance of commission duties and may be

1 reimbursed for expenses properly incurred in connection with the attendance
2 at meetings or hearings of the commission.

3 H. The governor shall appoint a chairman from among the members of the
4 commission who shall serve a one year term that begins on the third Monday in
5 January.

6 I. Except as provided in subsection J of this section, a majority of
7 the members of the commission constitutes a quorum for the transaction of
8 commission business. The vote of a majority of the quorum constitutes
9 authority for the commission to act.

10 J. For all purposes relating to title IV, part H, subpart one of the
11 higher education amendments of 1992 the commission membership shall consist
12 only of the members appointed pursuant to subsection D, paragraphs 1 through
13 7 of this section, and all commission actions taken pursuant to title IV,
14 part H, subpart one of the higher education ~~act~~ AMENDMENTS of 1992 require
15 the affirmative vote of at least six members.

16 K. Members of the commission are immune from personal liability with
17 respect to all actions that are taken in good faith and within the scope of
18 the commission's authority.

19 L. For the purposes of this section, "community college district"
20 means a community college district that is established pursuant to sections
21 15-1402 and 15-1403 and that is a political subdivision of this state.

22 Sec. 48. Section 15-1854, Arizona Revised Statutes, is amended to
23 read:

24 15-1854. Private postsecondary education student financial
25 assistance program; fund; definition

26 A. A private postsecondary education student financial assistance
27 program is established. The commission shall develop, implement and
28 administer the program. A student who obtains an associate degree from a
29 community college ~~district~~ UNDER THE JURISDICTION OF THE STATE BOARD OF
30 DIRECTORS FOR COMMUNITY COLLEGES or from a community college under the
31 jurisdiction of an Indian tribe in this state that meets the same
32 accreditation standards as ~~a~~ community ~~college-district~~ COLLEGES UNDER THE
33 JURISDICTION OF THE STATE BOARD OF DIRECTORS FOR COMMUNITY COLLEGES and who
34 registers for enrollment as a full-time student in a baccalaureate program at
35 a private, nationally or regionally accredited four year degree granting
36 college or university chartered in this state is eligible to submit an
37 application to the commission for participation in the program. The
38 commission shall establish eligibility criteria for the program including
39 financial need and academic merit, shall develop application forms,
40 procedures and deadlines and shall select qualifying students each year for
41 participation in the program. Participating students shall receive an award
42 in an amount of up to one thousand five hundred dollars annually for not to
43 exceed two years and three thousand dollars to be used to pay all or a
44 portion of the tuition and fees charged at the private, accredited four year
45 college or university.

1 B. A private postsecondary education student financial assistance fund
2 is established consisting of legislative appropriations. The commission
3 shall administer the fund. Monies in the fund are exempt from the provisions
4 of section 35-190, relating to lapsing of appropriations. The commission
5 shall make awards for payment of tuition at eligible colleges or universities
6 to students who are selected to participate in the private postsecondary
7 education student financial assistance program pursuant to subsection A **OF**
8 **THIS SECTION.**

9 C. The commission shall develop a program evaluation procedure in
10 order to determine the effectiveness of the private postsecondary education
11 student financial assistance program in shifting students who would have
12 otherwise attended a public four year college or university to private four
13 year degree granting colleges or universities.

14 D. A student who fails to receive a baccalaureate degree within a
15 three year period of receipt of the program award shall reimburse the private
16 postsecondary education student financial assistance fund for all awards
17 received pursuant to subsection A **OF THIS SECTION.**

18 E. For the purposes of this section, "community college district"
19 means a community college district **THAT IS** established pursuant to sections
20 15-1402 and 15-1403 **AND** that is a political subdivision of this state.

21 Sec. 49. Section 23-391, Arizona Revised Statutes, is amended to read:
22 **23-391. Overtime pay; work week**

23 A. Subject to availability of appropriated funds, an employee of the
24 state or any political subdivision, serving in a position determined by the
25 law enforcement merit system council, the director of the department of
26 administration, the Arizona board of regents, **THE STATE BOARD OF DIRECTORS**
27 **FOR COMMUNITY COLLEGES**, the board of directors for the Arizona state schools
28 for the deaf and the blind or the governing body of a political subdivision,
29 in the discretion of such board or body, to be eligible for overtime
30 compensation who is required to work in excess of such person's normal work
31 week, shall be compensated for such excess time at the following rates:

32 1. One and one-half times the regular rate at which such person is
33 employed or one and one-half hours of compensatory time off for each hour
34 worked if overtime compensation is mandated by federal law.

35 2. If federal law does not mandate overtime compensation, ~~the person~~
36 ~~shall receive~~ the regular rate of pay or compensatory leave on an hour for
37 hour basis at the discretion of the board or governing body.

38 B. Notwithstanding subsection A, the state or a political subdivision
39 may provide, by action of the law enforcement merit system council, the
40 **ARIZONA** board of regents, **THE STATE BOARD OF DIRECTORS FOR COMMUNITY**
41 **COLLEGES**, the board of directors for the Arizona state schools for the deaf
42 and the blind or the director of the department of administration in the case
43 of the state or of the governing body of the political subdivision, for a
44 work week of forty hours in less than five days for certain classes of
45 employees employed by the state or the political subdivision.

1 Sec. 50. Section 32-3001, Arizona Revised Statutes, is amended to
2 read:

3 32-3001. Definitions

4 In this chapter, unless the context otherwise requires:

5 1. "Accredited" means accredited by an accrediting agency recognized
6 by the United States department of education.

7 2. "Board" means the state board for private postsecondary education.

8 3. "Degree" means an academic degree or honorary degree or the title
9 of any designation, mark, appellation, series of letters or words including
10 associate, bachelor, master, doctor or fellow which signifies, purports to
11 signify or is generally taken to signify satisfactory completion of the
12 requirements of an educational program of study beyond the secondary school
13 level or which is an honorary title conferred for recognition of some
14 meritorious achievement.

15 4. "Grant" means award, bestow, confer, convey or sell.

16 5. "Operate" means to establish, keep, maintain or utilize a physical
17 facility, location or mailing address in this state where, from which or
18 through which students are procured for private vocational or private degree
19 programs, private vocational or private degree programs are offered or
20 private vocational credentials or private degrees are offered or granted and
21 includes contracting for the performance of any of these acts.

22 6. "Private vocational program" means an instructional program which
23 includes a course or group of courses as defined in section 15-101 for which
24 a student does not earn a degree and which is designed to provide or is
25 advertised as providing a student with sufficient skills for entry into a
26 paid occupation, and which is not conducted solely by a public school, public
27 community college or public university EXCEPT AS PROVIDED IN SECTION 15-1424.

28 Sec. 51. Section 35-101, Arizona Revised Statutes, is amended to read:

29 35-101. Definitions

30 In this chapter, unless the context otherwise requires:

31 1. "Allotment" means the allocation of an appropriation or other fund
32 source over a full fiscal year within a budget program or expenditure class.

33 2. "Annual budget unit" means the following agencies:

34 (a) The department of education.

35 (b) The Arizona board of regents.

36 (c) Arizona state university.

37 (d) Arizona state university west campus.

38 (e) Arizona state university east campus.

39 (f) The university of Arizona.

40 (g) Northern Arizona university.

41 (h) THE STATE BOARD OF DIRECTORS FOR COMMUNITY COLLEGES.

42 ~~(h)~~ (i) The school facilities board.

43 ~~(i)~~ (j) The department of economic security.

44 ~~(j)~~ (k) The state department of corrections.

45 ~~(k)~~ (l) The department of juvenile corrections.

- 1 ~~(l)~~ (m) The Arizona health care cost containment system.
- 2 ~~(m)~~ (n) The department of health services.
- 3 ~~(n)~~ (o) The department of administration.
- 4 ~~(o)~~ (p) The department of transportation.
- 5 ~~(p)~~ (q) The judiciary, including the supreme court, the court of
6 appeals and the superior court.
- 7 3. "Authorized agent" means a commercial enterprise contracted to
8 process transactions on behalf of a state agency.
- 9 4. "Biennial budget unit" means any department, commission, board,
10 institution or other agency of the state organization receiving, expending or
11 disbursing state funds or incurring obligations against the state that is not
12 an annual budget unit.
- 13 5. "Budget estimates" means statements with accompanying explanations,
14 as provided by this chapter, in which a budget unit states its financial
15 requirements and requests appropriations.
- 16 6. "Budget program" means functions and activities of a budget unit or
17 within a budget unit that are preplanned to fulfill a distinct mission.
- 18 7. "Budget unit" means any department, commission, board, institution
19 or other agency of the state organization receiving, expending or disbursing
20 state funds or incurring obligations against the state. Budget unit includes
21 the annual budget units and biennial budget units.
- 22 8. "Cardholder" means any person:
23 (a) Named on the face of a credit card to whom or for whose benefit
24 the credit card is issued by an issuer.
- 25 (b) In possession of a credit card with the consent of the person to
26 whom the credit card was issued.
- 27 9. "Claim" means a demand against the state for payment for either:
28 (a) Goods delivered or, in the case of highway construction, goods or
29 facilities to be delivered, by the federal government.
- 30 (b) Services performed.
- 31 10. "Convenience fee" means an additional fee that is imposed by an
32 authorized agent on a web-based portal transaction for the acceptance of a
33 credit card that would not be charged if the same transaction were completed
34 by an alternate method of payment.
- 35 11. "Credit card" means:
36 (a) Any instrument or device, whether known as a credit card, charge
37 card, credit plate, courtesy card or identification card or by any other
38 name, issued with or without a fee by an issuer for the use of the cardholder
39 in obtaining money, goods, services or anything else of value, either on
40 credit or in possession or in consideration of an undertaking or guaranty by
41 the issuer of the payment of a check drawn by the cardholder, on a promise to
42 pay in part or in full at a future time, whether or not all or any part of
43 the indebtedness represented by this promise to make deferred payment is
44 secured or unsecured.

1 (b) Any debit card, electronic benefit transfer card or other access
2 instrument or device, other than a check that is signed by the holder or
3 other authorized signatory on the deposit account, that draws monies from a
4 deposit account in order to obtain money, goods, services or anything else of
5 value.

6 (c) Any stored value card, smart card or other instrument or device
7 that enables a person to obtain goods, services or anything else of value
8 through the use of value stored on the instrument or device.

9 (d) The number assigned to an instrument or device described in
10 subdivision (a), (b) or (c) of this paragraph even if the physical instrument
11 or device is not used or presented.

12 12. "Discount fee" means the fee calculated and charged by the credit
13 card issuer or a financial institution pursuant to an agreement for the
14 processing of any credit card transaction.

15 13. "Encumbrance" means an obligation in the form of any purchase
16 order, contract or other commitment which is chargeable to an appropriation
17 or any other authorized fund source and for which a part of the fund source
18 is reserved. It ceases to be an encumbrance when paid or canceled.

19 14. "Expenditure class" means one of the kinds of expenditure denoting
20 a class of services or commodities purchased or properties acquired as
21 specified in the classification of expenditures prescribed by the director of
22 the department of administration for use in expenditure accounting, in making
23 budget estimates and in the budget reports and budgets.

24 15. "Issuer" means any business organization, state agency or financial
25 institution, or its duly authorized agent, that issues a credit card.

26 16. "Prepayment" means the payment of a claim before receiving the
27 goods or services.

28 17. "Processing fee" means a fee charged by an entity other than a
29 credit card issuer or the processing financial institution to process a
30 credit card transaction.

31 18. "Purchase order" means a document that is signed by the appropriate
32 agency authorized signatory, that requests a vendor to deliver described
33 goods or services at a specific price and that on delivery and acceptance of
34 the goods or services by this state becomes an obligation of this state.

35 19. "Transaction amount" means the total amount due to the state for
36 any goods, service or license or anything else of value.

37 Sec. 52. Section 41-790.01, Arizona Revised Statutes, is amended to
38 read:

39 41-790.01. Exemptions; exception

40 A. The following are exempt from the provisions of this article
41 relating to capital improvement plans:

42 1. Land acquisition, capital projects or building renewal by any state
43 agency if the total cost of the entire acquisition, project or building
44 renewal will not exceed twenty-five thousand dollars.

1 2. Programs, projects or improvements of the state transportation
2 board relating to the construction, reconstruction, improvement or
3 maintenance of state highways or bridges.

4 B. THE STATE BOARD OF DIRECTORS FOR COMMUNITY COLLEGES IS EXEMPT FROM
5 THIS ARTICLE.

6 ~~B.~~ C. Land acquisition, capital projects and building renewal
7 relating to buildings which serve as offices for the department of
8 transportation are not exempt.

9 Sec. 53. Section 41-1005, Arizona Revised Statutes, is amended to
10 read:

11 41-1005. Exemptions

12 A. This chapter does not apply to any:

13 1. Rule which relates to the use of public works, including streets
14 and highways, under the jurisdiction of an agency if the effect of the order
15 is indicated to the public by means of signs or signals.

16 2. Order of the Arizona game and fish commission which opens, closes
17 or alters seasons or establishes bag or possession limits for wildlife.

18 3. Rule relating to section 28-641 or to any rule regulating motor
19 vehicle operation which relates to speed, parking, standing, stopping or
20 passing enacted pursuant to title 28, chapter 3.

21 4. Rule concerning only the internal management of an agency which
22 does not directly and substantially affect the procedural or substantive
23 rights or duties of any segment of the public.

24 5. Rule that only establishes specific prices to be charged for
25 particular goods or services sold by an agency.

26 6. Rule concerning only the physical servicing, maintenance or care of
27 agency owned or operated facilities or property.

28 7. Rule or substantive policy statement concerning inmates or
29 committed youth of a correctional or detention facility in secure custody or
30 patients admitted to a hospital, if made by the state department of
31 corrections, the department of juvenile corrections, the board of executive
32 clemency or the department of health services or a facility or hospital under
33 the jurisdiction of the state department of corrections, the department of
34 juvenile corrections or the department of health services.

35 8. Form whose contents or substantive requirements are prescribed by
36 rule or statute, and instructions for the execution or use of the form.

37 9. Capped fee-for-service schedule adopted by the Arizona health care
38 cost containment system administration pursuant to title 36, chapter 29.

39 10. Fees prescribed by section 6-125.

40 11. Order of the director of water resources adopting or modifying a
41 management plan pursuant to title 45, chapter 2, article 9.

42 12. Fees established under section 3-1086.

43 13. Fee-for-service schedule adopted by the department of economic
44 security pursuant to section 8-512.

45 14. Fees established under sections 41-2144 and 41-2189.

- 1 15. Rule or other matter relating to agency contracts.
- 2 16. Fees established under section 32-2067 or 32-2132.
- 3 17. Rules made pursuant to section 5-111, subsection A.
- 4 18. Rules made by the Arizona state parks board concerning the
5 operation of the Tonto natural bridge state park, the facilities located in
6 the Tonto natural bridge state park and the entrance fees to the Tonto
7 natural bridge state park.
- 8 19. Fees or charges established under section 41-511.05.
- 9 20. Emergency medical services protocols, except as provided in section
10 36-2205, subsection C.
- 11 21. Fee schedules established pursuant to section 36-3409.
- 12 22. Procedures of the state transportation board as prescribed in
13 section 28-7048.
- 14 23. Rules made by the state department of corrections.
- 15 24. Fees prescribed pursuant to section 32-1527.
- 16 25. Rules made by the department of economic security pursuant to
17 section 46-805.
- 18 26. Schedule of fees prescribed by section 23-908.
- 19 27. FEES PRESCRIBED PURSUANT TO SECTION 15-1425.
- 20 B. Notwithstanding subsection A, paragraph ~~23~~ 22 of this section, at
21 such time as the federal highway administration authorizes the privatization
22 of rest areas, the state transportation board shall make rules governing the
23 lease or license by the department of transportation to a private entity for
24 the purposes of privatization of a rest area.
- 25 C. Coincident with the making of a rule pursuant to an exemption under
26 this section, the agency shall file a copy of the rule with the secretary of
27 state for publication pursuant to section 41-1012.
- 28 D. Unless otherwise required by law, articles 2, 3, 4 and 5 of this
29 chapter do not apply to the Arizona board of regents and the institutions
30 under its jurisdiction, except that the Arizona board of regents shall make
31 policies or rules for the board and the institutions under its jurisdiction
32 which provide, as appropriate under the circumstances, for notice of and
33 opportunity for comment on the policies or rules proposed.
- 34 E. Unless otherwise required by law, articles 2, 3, 4 and 5 of this
35 chapter do not apply to the Arizona state schools for the deaf and the blind,
36 except that the board of directors of all the state schools for the deaf and
37 the blind shall adopt policies for the board and the schools under its
38 jurisdiction that provide, as appropriate under the circumstances, for notice
39 of and opportunity for comment on the policies proposed for adoption.
- 40 F. Unless otherwise required by law, articles 2, 3, 4 and 5 of this
41 chapter do not apply to the state board of education, except that the state
42 board of education shall adopt policies or rules for the board and the
43 institutions under its jurisdiction that provide, as appropriate under the
44 circumstances, for notice of and opportunity for comment on the policies or
45 rules proposed for adoption. In order to implement or change any rule, the

1 state board of education shall provide at least two opportunities for public
2 comment.

3 Sec. 54. Section 41-1057, Arizona Revised Statutes, is amended to
4 read:

5 41-1057. Exemptions

6 In addition to the exemptions stated in section 41-1005, this article
7 does not apply to:

8 1. An agency which is a unit of state government headed by a single
9 elected official.

10 2. The corporation commission, which shall adopt substantially similar
11 rule review procedures, including the preparation of an economic impact
12 statement and a statement of the effect of the rule on small business.

13 3. THE STATE BOARD OF DIRECTORS FOR COMMUNITY COLLEGES.

14 ~~3-~~ 4. The industrial commission of Arizona when incorporating by
15 reference the federal occupational safety and health standards as published
16 in 29 Code of Federal Regulations parts 1904, 1910, 1926 and 1928.

17 ~~4-~~ 5. The Arizona state lottery if making rules that relate only to
18 the design, operation or prize structure of a lottery game.

19 Sec. 55. Section 41-1829.01, Arizona Revised Statutes, is amended to
20 read:

21 41-1829.01. Arizona peace officers memorial board; duties

22 A. The Arizona peace officers memorial board shall:

23 1. Add to the memorial at least annually the names of all members of
24 the law enforcement community in this state who have lost their lives in the
25 line of duty and provide for a dedication ceremony which commemorates the
26 addition of their names.

27 2. Plan and provide for the maintenance of the peace officers
28 memorial.

29 3. Report annually to the president of the senate and the speaker of
30 the house of representatives on the progress of the memorial and shall
31 provide a copy of this report to the secretary of state and the director of
32 the Arizona state library, archives and public records.

33 4. Determine those persons who are eligible for the tuition waiver
34 pursuant to section 15-1808 and report the determination to the Arizona board
35 of regents or to ~~each community college district governing board~~ THE STATE
36 BOARD OF DIRECTORS FOR COMMUNITY COLLEGES, as applicable.

37 B. The Arizona peace officers memorial board may:

38 1. Solicit private monetary donations for deposit in the Arizona peace
39 officers memorial fund.

40 2. Use the monies deposited in the Arizona peace officers memorial
41 fund established by section 41-1829.02 for persons who are eligible for the
42 tuition waiver pursuant to section 15-1808 to pay for tuition, if tuition has
43 not been waived, and other educational expenses incurred at a community
44 college or a publicly or privately funded college or university or technical
45 school.

1 Sec. 56. Section 41-1862, Arizona Revised Statutes, is amended to
2 read:

3 41-1862. Arizona fire fighters and emergency paramedics
4 memorial board; duties

5 The Arizona fire fighters and emergency paramedics memorial board
6 shall:

7 1. Establish a memorial for all fire fighters and emergency paramedics
8 who have lost their lives in the line of duty.

9 2. Determine those persons who are eligible to be memorialized.

10 3. Plan and provide for additions to and maintenance of the fire
11 fighters and emergency paramedics memorial.

12 4. Solicit private monetary donations or public monies from
13 municipalities for deposit in the Arizona fire fighters and emergency
14 paramedics memorial fund.

15 5. Receive property from any public source for use in establishing or
16 maintaining the memorial.

17 6. Report annually to the president of the senate and the speaker of
18 the house of representatives on the progress of the memorial and shall
19 provide a copy of this report to the secretary of state and the director of
20 the Arizona state library, archives and public records.

21 7. Determine those persons who are eligible for the tuition waiver
22 scholarship pursuant to section 15-1808 and report the determination to the
23 Arizona board of regents or to ~~each community college district governing~~
24 ~~board~~ THE STATE BOARD OF DIRECTORS FOR COMMUNITY COLLEGES, as applicable.

25 Sec. 57. Section 41-2751, Arizona Revised Statutes, is amended to
26 read:

27 41-2751. Definitions

28 In this article, unless the context otherwise requires:

29 ~~1. "Governing board" means the Arizona board of regents for the~~
30 ~~universities or any community college district governing board.~~

31 ~~2-~~ 1. "Invited guests" means persons who enter onto a campus for an
32 educational, research or public service activity and not primarily to
33 purchase or receive goods and services not related to the educational,
34 research or public service activity for which such persons enter onto the
35 campus.

36 ~~3-~~ 2. "Private enterprise" means an individual, firm, partnership,
37 joint venture, corporation, association or any other legal entity engaging in
38 the manufacturing, processing, sale, offering for sale, rental, leasing,
39 delivery, dispensing, distributing or advertising of goods or services for
40 profit.

41 ~~4-~~ 3. "Public service" means an activity that is normally and
42 generally associated with community colleges and universities in this state,
43 a purpose or significant result of which is not to engage in competition with
44 private enterprise.

1 B. ~~A~~ THE STATE governing board may adopt and implement rules ~~or~~
2 ~~policies, as appropriate,~~ to provide for the disposal by sale of products and
3 by-products which are an integral part of research or instruction conducted
4 by community colleges and universities under its jurisdiction if the products
5 and by-products are not sold to a retailer or sold at retail to the public by
6 the particular community college or university unless the sale is an integral
7 part of the particular research project or instructional program or there is
8 no other practical way of disposing by sale of the products or by-products,
9 and if the products or by-products are sold at their market value.

10 C. ~~A~~ THE STATE governing board shall adopt and implement rules ~~or~~
11 ~~policies, as appropriate,~~ to:

12 1. Regulate community college and university competition with private
13 enterprise and ensure compliance with this section.

14 2. Regulate use of community college and university facilities by
15 students, faculty, staff, invited guests and the general public.

16 3. Provide procedures for promptly hearing and resolving complaints
17 lodged under this article relating to community colleges and state
18 universities under the jurisdiction of ~~the~~ A STATE governing board. Such
19 procedures shall include provisions for an expedited hearing process if it is
20 determined the alleged competition may cause severe financial hardship on the
21 person filing the complaint.

22 D. Any person aggrieved by a violation of this section may file a
23 complaint with the STATE governing board. The STATE governing board shall
24 hear complaints made pursuant to this section within sixty days and shall
25 render its decision within thirty days after the hearing. A person does not
26 have standing to challenge violations of this section in the courts of this
27 state until the person has first made a complaint to the board and has
28 received the board's decision.

29 E. This section does not apply to:

30 1. The Arizona health sciences center operated by the university of
31 Arizona, except in those cases in which the health sciences center provides
32 prosthetic or medical devices, or services related to such devices, and a
33 surgical or medical procedure is not involved in the application of the
34 device.

35 2. The provision of free medical services or equipment to indigents in
36 association with a community service health program.

37 3. Public service radio and television stations licensed to the STATE
38 governing boards or to community colleges and universities under their
39 jurisdiction.

40 4. Skill centers operated by the community college districts.

1 Sec. 60. Title 41, chapter 27, article 2, Arizona Revised Statutes, is
2 amended by adding section 41-3017.01, to read:

3 41-3017.01. State board of directors for community colleges;
4 termination July 1, 2017

5 A. THE STATE BOARD OF DIRECTORS FOR COMMUNITY COLLEGES TERMINATES ON
6 JULY 1, 2017.

7 B. TITLE 15, CHAPTER 12, ARTICLE 2 IS REPEALED ON JANUARY 1, 2018.

8 Sec. 61. Section 41-3501, Arizona Revised Statutes, is amended to
9 read:

10 41-3501. Definitions

11 In this chapter, unless the context otherwise requires:

12 1. "Agency" means the government information technology agency.

13 2. "Budget unit" means a department, commission, board, institution or
14 other agency of the state receiving, expending or disbursing state funds or
15 incurring obligations of the state, including the Arizona board of regents
16 AND THE STATE BOARD OF DIRECTORS FOR COMMUNITY COLLEGES but excluding the
17 universities ~~under the jurisdiction of the Arizona board of regents, AND the~~
18 community ~~college districts~~ COLLEGES UNDER THEIR RESPECTIVE JURISDICTIONS and
19 the legislative or judicial branches.

20 3. "Committee" means the information technology authorization
21 committee.

22 4. "Director" means the director of the agency.

23 5. "Disaster recovery" means the measures required to mitigate the
24 loss of information technology capability.

25 6. "Information technology" means all computerized and auxiliary
26 automated information processing, telecommunications and related technology,
27 including hardware, software, vendor support and related services, equipment
28 and projects.

29 Sec. 62. Subject to the requirements of article IV, part 1, section 1,
30 Constitution of Arizona, section 42-5029, Arizona Revised Statutes, is
31 amended to read:

32 42-5029. Remission and distribution of monies; definition

33 A. The department shall deposit, pursuant to sections 35-146 and
34 35-147, all revenues collected under this article and articles 4, 5 and 8 of
35 this chapter pursuant to section 42-1116, separately accounting for:

36 1. Payments of estimated tax under section 42-5014, subsection D.

37 2. Revenues collected pursuant to section 42-5070.

38 3. Revenues collected under this article and article 5 of this chapter
39 from and after June 30, 2000 from sources located on Indian reservations in
40 this state.

41 4. Revenues collected pursuant to section 42-5010, subsection G and
42 section 42-5155, subsection D.

43 B. The department shall credit payments of estimated tax to an
44 estimated tax clearing account and each month shall transfer all monies in
45 the estimated tax clearing account to a fund designated as the transaction

1 privilege and severance tax clearing account. The department shall credit
2 all other payments to the transaction privilege and severance tax clearing
3 account, separately accounting for the monies designated as distribution base
4 under sections 42-5010, 42-5164, 42-5205 and 42-5353. Each month the
5 department shall report to the state treasurer the amount of monies collected
6 pursuant to this article and articles 4, 5 and 8 of this chapter.

7 C. On notification by the department, the state treasurer shall
8 distribute the monies deposited in the transaction privilege and severance
9 tax clearing account in the manner prescribed by this section and by sections
10 42-5164, 42-5205 and 42-5353, after deducting warrants drawn against the
11 account pursuant to sections 42-1118 and 42-1254.

12 D. Of the monies designated as distribution base the department shall:

13 1. Pay twenty-five per cent to the various incorporated municipalities
14 in this state in proportion to their population to be used by the
15 municipalities for any municipal purpose.

16 2. Pay 38.08 per cent to the counties in this state by averaging the
17 following proportions:

18 (a) The proportion that the population of each county bears to the
19 total state population.

20 (b) The proportion that the distribution base monies collected during
21 the calendar month in each county under this article, section 42-5164,
22 subsection B, section 42-5205, subsection B and section 42-5353 bear to the
23 total distribution base monies collected under this article, section 42-5164,
24 subsection B, section 42-5205, subsection B and section 42-5353 throughout
25 the state for the calendar month.

26 3. Pay an additional 2.43 per cent to the counties in this state as
27 follows:

28 (a) Average the following proportions:

29 (i) The proportion that the assessed valuation used to determine
30 secondary property taxes of each county, after deducting that part of the
31 assessed valuation that is exempt from taxation at the beginning of the month
32 for which the amount is to be paid, bears to the total assessed valuations
33 used to determine secondary property taxes of all the counties after
34 deducting that portion of the assessed valuations that is exempt from
35 taxation at the beginning of the month for which the amount is to be paid.
36 Property of a city or town that is not within or contiguous to the municipal
37 corporate boundaries and from which water is or may be withdrawn or diverted
38 and transported for use on other property is considered to be taxable
39 property in the county for purposes of determining assessed valuation in the
40 county under this item.

41 (ii) The proportion that the distribution base monies collected during
42 the calendar month in each county under this article, section 42-5164,
43 subsection B, section 42-5205, subsection B and section 42-5353 bear to the
44 total distribution base monies collected under this article, section 42-5164,

1 subsection B, section 42-5205, subsection B and section 42-5353 throughout
2 the state for the calendar month.

3 (b) If the proportion computed under subdivision (a) of this paragraph
4 for any county is greater than the proportion computed under paragraph 2 of
5 this subsection, the department shall compute the difference between the
6 amount distributed to that county under paragraph 2 of this subsection and
7 the amount that would have been distributed under paragraph 2 of this
8 subsection using the proportion computed under subdivision (a) of this
9 paragraph and shall pay that difference to the county from the amount
10 available for distribution under this paragraph. Any monies remaining after
11 all payments under this subdivision shall be distributed among the counties
12 according to the proportions computed under paragraph 2 of this subsection.

13 4. After any distributions required by sections 42-5030, 42-5030.01,
14 42-5031, 42-5032 and 42-5032.01, and after making any transfer to the water
15 quality assurance revolving fund as required by section 49-282, subsection B,
16 credit the remainder of the monies designated as distribution base to the
17 state general fund. From this amount:

18 (a) The legislature shall annually appropriate to:

19 (i) The department of revenue sufficient monies to administer and
20 enforce this article and articles 5 and 8 of this chapter.

21 (ii) The department of economic security monies to be used for the
22 purposes stated in title 46, chapter 1.

23 (iii) The firearms safety and ranges fund established by section
24 17-273, fifty thousand dollars derived from the taxes collected from the
25 retail classification pursuant to section 42-5061 for the current fiscal
26 year.

27 (b) The state treasurer shall transfer to the tourism fund an amount
28 equal to the sum of the following:

29 (i) Three and one-half per cent of the gross revenues derived from the
30 transient lodging classification pursuant to section 42-5070 during the
31 preceding fiscal year.

32 (ii) Three per cent of the gross revenues derived from the amusement
33 classification pursuant to section 42-5073 during the preceding fiscal year.

34 (iii) Two per cent of the gross revenues derived from the restaurant
35 classification pursuant to section 42-5074 during the preceding fiscal year.

36 E. If approved by the qualified electors voting at a statewide general
37 election, all monies collected pursuant to section 42-5010, subsection G and
38 section 42-5155, subsection D shall be distributed each fiscal year pursuant
39 to this subsection. The monies distributed pursuant to this subsection are
40 in addition to any other appropriation, transfer or other allocation of
41 public or private monies from any other source and shall not supplant,
42 replace or cause a reduction in other school district, charter school,
43 university or community college funding sources. The monies shall be
44 distributed as follows:

1 1. If there are outstanding state school facilities revenue bonds
2 pursuant to title 15, chapter 16, article 7, each month one-twelfth of the
3 amount that is necessary to pay the fiscal year's debt service on outstanding
4 state school improvement revenue bonds for the current fiscal year shall be
5 transferred each month to the school improvement revenue bond debt service
6 fund established by section 15-2084. The total amount of bonds for which
7 these monies may be allocated for the payment of debt service shall not
8 exceed a principal amount of eight hundred million dollars exclusive of
9 refunding bonds and other refinancing obligations.

10 2. After any transfer of monies pursuant to paragraph 1 of this
11 subsection, twelve per cent of the remaining monies collected during the
12 preceding month shall be transferred to the technology and research
13 initiative fund established by section 15-1648 to be distributed among the
14 universities for the purpose of investment in technology and research-based
15 initiatives.

16 3. After the transfer of monies pursuant to paragraph 1 of this
17 subsection, three per cent of the remaining monies collected during the
18 preceding month shall be transferred to the workforce development account
19 established in each community college district pursuant to section 15-1472
20 for the purpose of investment in workforce development programs.

21 4. After transferring monies pursuant to paragraphs 1, 2 and 3 of this
22 subsection, one-twelfth of the amount a community college that is owned,
23 operated or chartered by a qualifying Indian tribe on its own Indian
24 reservation would receive pursuant to section 15-1472, subsection D,
25 paragraph 2 if it were a community college district **UNDER THE JURISDICTION OF**
26 **THE STATE BOARD OF DIRECTORS FOR COMMUNITY COLLEGES** shall be distributed each
27 month to the treasurer or other designated depository of a qualifying Indian
28 tribe. Monies distributed pursuant to this paragraph are for the exclusive
29 purpose of providing support to one or more community colleges owned,
30 operated or chartered by a qualifying Indian tribe and shall be used in a
31 manner consistent with section 15-1472, subsection B. For **THE** purposes of
32 this paragraph, "qualifying Indian tribe" has the same meaning as defined in
33 section 42-5031.01, subsection D.

34 5. After transferring monies pursuant to paragraphs 1, 2 and 3 of this
35 subsection, one-twelfth of the following amounts shall be transferred each
36 month to the department of education for the increased cost of basic state
37 aid under section 15-971 due to added school days and associated teacher
38 salary increases enacted in 2000:

- 39 (a) In fiscal year 2001-2002, \$15,305,900.
- 40 (b) In fiscal year 2002-2003, \$31,530,100.
- 41 (c) In fiscal year 2003-2004, \$48,727,700.
- 42 (d) In fiscal year 2004-2005, \$66,957,200.
- 43 (e) In fiscal year 2005-2006 and each fiscal year thereafter,
44 \$86,280,500.

1 6. After transferring monies pursuant to paragraphs 1, 2 and 3 of this
2 subsection, seven million eight hundred thousand dollars is appropriated each
3 fiscal year, to be paid in monthly installments, to the department of
4 education to be used for school safety as provided in section 15-154 and two
5 hundred thousand dollars is appropriated each fiscal year, to be paid in
6 monthly installments to the department of education to be used for the
7 character education matching grant program as provided in section 15-154.01.

8 7. After transferring monies pursuant to paragraphs 1, 2 and 3 of this
9 subsection, no more than seven million dollars may be appropriated by the
10 legislature each fiscal year to the department of education to be used for
11 accountability purposes as described in section 15-241 and title 15, chapter
12 9, article 8.

13 8. After transferring monies pursuant to paragraphs 1, 2 and 3 of this
14 subsection, one million five hundred thousand dollars is appropriated each
15 fiscal year, to be paid in monthly installments, to the failing schools
16 tutoring fund established by section 15-241.

17 9. After transferring monies pursuant to paragraphs 1, 2 and 3 of this
18 subsection, twenty-five million dollars shall be transferred each fiscal year
19 to the state general fund to reimburse the general fund for the cost of the
20 income tax credit allowed by section 43-1072.01.

21 10. After the payment of monies pursuant to paragraphs 1 through 9 of
22 this subsection, the remaining monies collected during the preceding month
23 shall be transferred to the classroom site fund established by section
24 15-977. The monies shall be allocated as follows in the manner prescribed by
25 section 15-977:

26 (a) Forty per cent shall be allocated for teacher compensation based
27 on performance.

28 (b) Twenty per cent shall be allocated for increases in teacher base
29 compensation and employee related expenses.

30 (c) Forty per cent shall be allocated for maintenance and operation
31 purposes.

32 F. The department shall credit the remainder of the monies in the
33 transaction privilege and severance tax clearing account to the state general
34 fund, subject to any distribution required by section 42-5030.01.

35 G. Notwithstanding subsection D of this section, if a court of
36 competent jurisdiction finally determines that tax monies distributed under
37 this section were illegally collected under this article or articles 5 and 8
38 of this chapter and orders the monies to be refunded to the taxpayer, the
39 department shall compute the amount of such monies that was distributed to
40 each city, town and county under this section. The department shall notify
41 the state treasurer of that amount plus the proportionate share of additional
42 allocated costs required to be paid to the taxpayer. Each city's, town's and
43 county's proportionate share of the costs shall be based on the amount of the
44 original tax payment each municipality and county received. Each month the
45 state treasurer shall reduce the amount otherwise distributable to the city,

1 town and county under this section by one thirty-sixth of the total amount to
2 be recovered from the city, town or county until the total amount has been
3 recovered, but the monthly reduction for any city, town or county shall not
4 exceed ten per cent of the full monthly distribution to that entity. The
5 reduction shall begin for the first calendar month after the final
6 disposition of the case and shall continue until the total amount, including
7 interest and costs, has been recovered.

8 H. On receiving a certificate of default from the greater Arizona
9 development authority pursuant to section 41-1554.06 or 41-1554.07 and to the
10 extent not otherwise expressly prohibited by law, the state treasurer shall
11 withhold from the next succeeding distribution of monies pursuant to this
12 section due to the defaulting political subdivision the amount specified in
13 the certificate of default and immediately deposit the amount withheld in the
14 greater Arizona development authority revolving fund. The state treasurer
15 shall continue to withhold and deposit the monies until the greater Arizona
16 development authority certifies to the state treasurer that the default has
17 been cured. In no event may the state treasurer withhold any amount that the
18 defaulting political subdivision certifies to the state treasurer and the
19 authority as being necessary to make any required deposits then due for the
20 payment of principal and interest on bonds of the political subdivision that
21 were issued before the date of the loan repayment agreement or bonds and that
22 have been secured by a pledge of distributions made pursuant to this section.

23 I. Except as provided by sections 42-5033 and 42-5033.01, the
24 population of a county, city or town as determined by the most recent United
25 States decennial census plus any revisions to the decennial census certified
26 by the United States bureau of the census shall be used as the basis for
27 apportioning monies pursuant to subsection D of this section.

28 J. For the purposes of this section, "community college district"
29 means a community college district that is established pursuant to sections
30 15-1402 and 15-1403 and that is a political subdivision of this state.

31 Sec. 63. Section 42-5029.01, Arizona Revised Statutes, is amended to
32 read:

33 42-5029.01. Qualifying Indian tribe; report; accounting
34 procedures; definitions

35 A. To qualify for funding pursuant to section 42-5029, subsection E,
36 paragraph 4, a qualifying Indian tribe shall report its full-time equivalent
37 student enrollment, as calculated under section 15-1466.01, in the preceding
38 fiscal year to the ~~auditor-general~~ STATE BOARD OF DIRECTORS FOR COMMUNITY
39 COLLEGES by June 30 each year and shall comply with the same accounting
40 procedures and practices prescribed by the ~~auditor-general~~ STATE BOARD OF
41 DIRECTORS FOR COMMUNITY COLLEGES for calculating full-time equivalent student
42 enrollment for community ~~college-districts~~ COLLEGES UNDER ITS JURISDICTION.
43 A qualifying Indian tribe may report to the state board of education the
44 number of students simultaneously enrolled in a course for both high school
45 and community college credit.

1 B. For the purposes of this section:

2 1. "Community college" includes any college owned, operated or
3 chartered by a qualifying Indian tribe.

4 2. "Qualifying Indian tribe" has the same meaning prescribed in
5 section 42-5031.01, subsection D.

6 Sec. 64. Section 44-7002, Arizona Revised Statutes, is amended to
7 read:

8 44-7002. Definitions

9 In this chapter, unless the context otherwise requires:

10 1. "Agreement" means the bargain of the parties in fact, as found in
11 their language or inferred from other circumstances and from rules,
12 regulations and procedures that are given the effect of agreements under laws
13 otherwise applicable to a particular transaction.

14 2. "Automated transaction" means a transaction that is conducted or
15 performed, in whole or in part, by electronic means or electronic records and
16 in which the acts or records of one or both parties are not reviewed by an
17 individual in the ordinary course in forming a contract, performing under an
18 existing contract or fulfilling an obligation that is required by the
19 transaction.

20 3. "Computer program" means a set of statements or instructions to be
21 used directly or indirectly in an information processing system in order to
22 bring about a certain result.

23 4. "Contract" means the total legal obligation resulting from the
24 parties' agreement as affected by this chapter and any other applicable law.

25 5. "Electronic" means relating to technology that has electrical,
26 digital, magnetic, wireless, optical or electromagnetic capabilities or
27 similar capabilities.

28 6. "Electronic agent" means a computer program or an electronic or
29 other automated means that is used independently to initiate an action or
30 respond to electronic records or performances, in whole or in part, without
31 review or action by an individual.

32 7. "Electronic record" means a record that is created, generated,
33 sent, communicated, received or stored by electronic means.

34 8. "Electronic signature" means an electronic sound, symbol or process
35 that is attached to or logically associated with a record and that is
36 executed or adopted by an individual with the intent to sign the record.

37 9. "Governmental agency" means an executive, legislative or judicial
38 agency, department, board, commission, authority, institution or
39 instrumentality of the federal government or a state or of a county or
40 municipality or other political subdivision of a state.

41 10. "Information" means data, text, images, sounds, codes, computer
42 programs, software or databases or similar items.

43 11. "Information processing system" means an electronic system for
44 creating, generating, sending, receiving, storing, displaying or processing
45 information.

1 12. "Person" means an individual, corporation, business trust, estate,
2 trust, partnership, limited liability company, association, joint venture,
3 governmental agency or public corporation or any other legal or commercial
4 entity.

5 13. "Record" means information that is inscribed on a tangible medium
6 or that is stored in an electronic or other medium and that is retrievable in
7 perceivable form.

8 14. "Security procedure" means a procedure that is employed to verify
9 that an electronic signature, record or performance is that of a specific
10 person or to detect changes or errors in the information in an electronic
11 record. Security procedure includes a procedure that requires the use of
12 algorithms or other codes, identifying words or numbers or encryption,
13 callback or other acknowledgment procedures.

14 15. "State" means a state of the United States, the District of
15 Columbia, Puerto Rico, the United States Virgin Islands or any territory or
16 insular possession subject to the jurisdiction of the United States. State
17 includes an Indian tribe or band or Alaskan native village that is recognized
18 by federal law or formally acknowledged by another state.

19 16. "State agency" means any department, commission, board, institution
20 or other agency of the state that receives, expends or disburses state funds
21 or incurs obligations of the state, including the Arizona board of regents
22 ~~AND THE STATE BOARD OF DIRECTORS FOR COMMUNITY COLLEGES~~ but excluding the
23 universities ~~under the jurisdiction of the Arizona board of regents,~~ AND the
24 community ~~college districts~~ COLLEGES UNDER THEIR RESPECTIVE JURISDICTIONS and
25 the legislative or judicial branches.

26 17. "Transaction" means an action or set of actions occurring between
27 two or more persons relating to the conduct of business, commercial or
28 governmental affairs.

29 Sec. 65. Section 49-550, Arizona Revised Statutes, is amended to read:
30 49-550. Violations; classification; civil penalty

31 A. Except as provided in subsection B of this section, any person who
32 violates any provision of this article or any rule of the director adopted
33 under this article is guilty of a class 2 misdemeanor.

34 B. Any person who makes or issues any imitation or counterfeit of an
35 official certificate or certificates of inspection or waiver is guilty of a
36 class 5 felony.

37 C. Any person who knowingly demands or collects a fee for the
38 inspection of a vehicle other than the fee fixed by the director for the
39 inspection of vehicles of the same class is guilty of a class 2 misdemeanor.

40 D. Any person who makes or provides to the director the written
41 statement required to obtain a certificate of waiver pursuant to section
42 49-542, subsection L, knowing the statement to be false, is guilty of a class
43 2 misdemeanor.

1 E. In addition to any other criminal penalty provided by law, a person
2 who owns a vehicle and whose residence is located outside of area A or area B
3 but who commutes in that vehicle to the driver's principal place of
4 employment located within area A or area B without complying with this
5 article or who violates section 15-1444, subsection ~~B~~ C or section 15-1627
6 is subject to a civil penalty of one hundred dollars for a first violation of
7 this subsection. For a second violation of this subsection within a one year
8 period, a court shall impose a civil penalty of three hundred dollars. A
9 court shall impose a civil penalty of twenty-five dollars for a first time
10 violation of this subsection if the owner presents evidence that the vehicle
11 is in compliance with this article.

12 F. In addition to any other criminal penalty provided by law, any
13 dealer who is licensed to sell motor vehicles pursuant to title 28, chapter
14 10, whose place of business is located in area A or area B and who delivers a
15 vehicle that does not conform with this section is subject to a civil penalty
16 of one thousand dollars for a first violation of this subsection. For the
17 second violation of this subsection within a one year period, a court shall
18 impose a civil penalty of two thousand dollars and a suspension of the
19 dealer's license for a period of ninety days.

20 Sec. 66. Repeal

21 The following are repealed:

- 22 1. Laws 2002, chapter 330, sections 58, 59, 60 and 62.
- 23 2. Laws 2003, chapter 264, section 38.

24 Sec. 67. Transfer of powers; effect

25 A. This act does not alter the effect of any actions that were taken
26 by or impair the valid obligations of any community college district in this
27 state before the effective date of this act.

28 B. Administrative rules and policies that were adopted by a community
29 college district governing board before the effective date of this act
30 continue in effect after the effective date of this act, except that if the
31 state board of directors for community colleges adopts any rule that
32 conflicts with a rule or policy adopted by a community college district
33 governing board, the conflicting rule or policy adopted by a community
34 college district governing board is void.

35 C. On the effective date of this act, all real and personal property,
36 fixtures and records that are located on a community college campus in this
37 state are transferred from the community college district governing board of
38 that community college to the state board of directors for community
39 colleges.

40 Sec. 68. Assignment of interest in real property

41 A. The governing board of each community college district shall assign
42 to the state board of directors for community colleges all rights, title and
43 interest in real property situated in each community college district that it
44 has purchased, received, held and taken leases of. The executive director of

1 the state board of directors for community colleges shall take all necessary
2 steps to effect these assignments before July 1, 2008.

3 B. The governing board of each community college district shall assign
4 to the state board of directors for community colleges all rights, title and
5 interest in real property it has purchased, received, held and taken leases
6 of that is situated in an unorganized community college district and that is
7 served by a community college district. The executive director of the state
8 board of directors for community colleges shall take all necessary steps to
9 effect these assignments before July 1, 2008.

10 Sec. 69. Covenants on existing general obligation or revenue
11 bonds

12 Any and all obligations or covenants of community college districts
13 with respect to any general obligation bonds, revenue bonds, leases,
14 lease-purchase agreements or any related documents or obligations, including
15 any pledges of revenue for those bonds or leases, become the obligations and
16 covenants of the state board of directors for community colleges. The state
17 board of directors for community colleges may take any and all actions under
18 financing arrangements the governing board of the community college district
19 could have taken and shall discharge all obligations and duties of the
20 community college district thereunder.

21 Sec. 70. Vocational education; community colleges; transition

22 The state board of education shall minimize administrative costs
23 associated with vocational education and shall ensure that the state board of
24 directors for community colleges receives from this state the maximum amount
25 of federal monies available to this state under the vocational education act
26 of 1917, as amended, and the Carl D. Perkins vocational education act of
27 1984, as amended by the Carl D. Perkins vocational and applied technological
28 education act amendments of 1990.

29 Sec. 71. Initial terms of members of the state board of
30 directors for community colleges

31 A. Notwithstanding section 15-1421, Arizona Revised Statutes, as added
32 by this act, the initial terms of the appointed members of the state board of
33 directors for community colleges are:

- 34 1. Three terms ending January 1, 2008.
- 35 2. Three terms ending on the third Monday in January, 2009.
- 36 3. Three terms ending on the third Monday in January, 2010.
- 37 4. Three terms ending on the third Monday in January, 2011.
- 38 5. Three terms ending on the third Monday in January, 2012.

39 B. The governor shall make all subsequent appointments as prescribed
40 by statute.

1 Sec. 72. Purpose

2 Pursuant to section 41-2955, subsection E, Arizona Revised Statutes,
3 the legislature establishes the state board of directors for community
4 colleges to provide for the government, oversight, planning and coordination
5 of the community college system in areas of statewide concern.

6 Sec. 73. Requirements for enactment; three-fourths vote

7 Pursuant to article IV, part 1, section 1, Constitution of Arizona,
8 section 42-5029, Arizona Revised Statutes, as amended by this act, is
9 effective only on the affirmative vote of at least three-fourths of the
10 members of each house of the legislature.