

Stricken language would be deleted from and underlined language would be added to present law.  
Act 726 of the Regular Session

State of Arkansas  
94th General Assembly  
Regular Session, 2023

As Engrossed: H3/28/23

# A Bill

HOUSE BILL 1551

By: Representative McClure

## For An Act To Be Entitled

AN ACT CONCERNING COMMUNITY COLLEGES; TO REPEAL THE REQUIREMENT THAT A FEASIBILITY STUDY BE SUBMITTED IN CONJUNCTION WITH A PROPOSED COMMUNITY COLLEGE DISTRICT; TO ESTABLISH AN EXCEPTION FOR THE CREATION OF A LOCAL BOARD FOR CERTAIN POSTSECONDARY INSTITUTIONS; AND FOR OTHER PURPOSES.

## Subtitle

CONCERNING COMMUNITY COLLEGES.

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

SECTION 1. Arkansas Code § 6-61-505(c)(2)(A), concerning duties and powers of the State Community College Board, is amended to read as follows:

(2)(A) It shall set forth the criteria in conformity with, but not limited to, ~~the provisions of § 6-61-507 and §§ 6-61-510 - 6-61-519~~ for establishment of community college districts.

SECTION 2. Arkansas Code § 6-61-507 is repealed.

~~6-61-507. Formation of districts—Feasibility study.~~

~~Upon request of a citizens' group representing a proposed community college district, the State Community College Board shall assist in the study of the proposed district to determine whether its formation would meet the requirements of this section, §§ 6-61-101—6-61-103, §§ 6-61-201—6-61-209, § 6-61-211 [repealed], §§ 6-61-212—6-61-216, §§ 6-61-301—6-61-305, § 6-61-306 [repealed], § 6-61-401, § 6-61-402, §§ 6-61-501—6-61-506, §§ 6-61-508—6-61-524, §§ 6-61-601—6-61-603, and §§ 6-61-604—6-61-612 [repealed]~~



~~and the criteria established by the board for the formation of the district. As provided in § 6-61-505, the board shall make all necessary studies to determine the feasibility of the proposed district.~~

SECTION 3. Arkansas Code § 6-61-508(3), concerning certifications the State Community College Board shall make before calling an election for the establishment of a community college district, is amended to read as follows:

(3)(A) Local Income: That the assessment for ad valorem tax purposes of the proposed district, as published by the Assessment Coordination Division, at the millage rate proposed would produce sufficient income for the district to discharge its financial obligation as required ~~in~~ ~~this section, §§ 6-61-101—6-61-103, §§ 6-61-201—6-61-209, § 6-61-211 [repealed], §§ 6-61-212—6-61-216, §§ 6-61-301—6-61-305, § 6-61-306 [repealed], § 6-61-401, § 6-61-402, §§ 6-61-501—6-61-507, §§ 6-61-509—6-61-524, §§ 6-61-601—6-61-603, and §§ 6-61-604—6-61-612 [repealed]~~ by this chapter.

(B) However, a district may be created without a local millage by following all applicable provisions of the law if it is demonstrated to the board that all capital costs of the district required to provide an adequate comprehensive program will be met without a local millage, at least during the first five (5) years that instruction is offered by the district, through ~~available:~~

- (i) Available existing facilities, ~~contributions;~~
  - (ii) Contributions already secured or committed to the satisfaction of the board, ~~establishment;~~
  - (iii) Establishment of a permanent endowment fund, ~~;~~
- or ~~through~~
- (iv) any Any other method or any combination of methods; and

SECTION 4. Arkansas Code § 6-61-520, concerning the control of each community college, is amended to add an additional subsection to read as follows:

(g) The establishment of a board under this section shall not be required for an institution of higher education that:

- (1) Converts to a community college under § 6-53-401 et seq.;

and

(2) Is under the control of a board of trustees of a university system.

SECTION 5. Arkansas Code § 6-61-1002(1), concerning the definition of a "board of trustees" under the Technical College and Community College Capital Improvement Act of 1993, is amended to read as follows:

(1)(A) "Board of trustees" means the local board of trustees of a technical or a community college that is a member of the Arkansas Technical and Community College System under the coordination of the Arkansas Higher Education Coordinating Board.

(B) However, "board of trustees" means the board of trustees of the university system that controls a community college if a local board of trustees is not required to be established under § 6-61-520(g);

/s/McClure

APPROVED: 4/12/23