

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
89th General Assembly
Regular Session, 2013

As Engrossed: H1/23/13
A Bill

SENATE BILL 4

By: Senator B. Sample
By: Representative Vines

For An Act To Be Entitled

AN ACT TO ASSIST COMMUNITY COLLEGES IN ACQUIRING FUNDING FOR CAPITAL IMPROVEMENTS; TO SPECIFY THE PROCEDURE FOR INSTITUTING MILLAGE ELECTIONS; TO MAKE TECHNICAL CHANGES TO CLARIFY THE LAW; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

TO ASSIST COMMUNITY COLLEGES IN ACQUIRING FUNDING FOR CAPITAL IMPROVEMENTS; TO SPECIFY THE PROCEDURE FOR INSTITUTING MILLAGE ELECTIONS; TO MAKE TECHNICAL CHANGES TO CLARIFY THE LAW; AND TO DECLARE AN EMERGENCY.

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

SECTION 1. Arkansas Code § 6-61-602 is amended to read as follows:

6-61-602. General operations – Millage taxes.

(a) ~~In the event the~~ The local board of a community college ~~wishes to~~ may:

(1) ~~spend~~ Spend larger sums of money than the state funds provided for ~~general operation of~~ the community college ~~for whatever reasons~~ consistent with the state law; and

(2) ~~it shall be lawful for~~ Levy a millage ~~to be levied from time to time to provide:~~

(A) To provide additional operation funds to acquire, construct,



the community college;

(B) To retire bonded indebtedness issued to finance facilities for the community college; or

(C) For general operating purposes of the community college.

(b) The election to approve the millage can be approved at the shall be held at:

(1) The election to create the community college district;

(2) or the question of approving the millage can be submitted to the voters of the district from time to time thereafter at A special election; or

(3) A general elections election.

(c)(1) The local board of each a community college shall certify in a timely manner, within the time provided by law, the aggregate millage to be levied for the district for the purposes stated in subsection (a) of this section to the appropriate tax levying authority of each county or city of the district the aggregate millage to be levied for the district for operating purposes and indebtedness purposes, and the.

(2) The millage shall be levied and collected in the manner provided by law.

~~(2)(3)~~ If the amount of the budget to be supported from taxes levied by the district is in excess of local board of the community college determines that the amount to be produced from taxes then authorized levied for the district, after allowing for minus the tax proceeds pledged for bonded indebtedness purposes, is less than the amount required by the local board of the community college for the purposes stated in subsection (a) of this section, the local board of the community college shall certify, at least sixty (60) days before any election upon which the millage may be voted, state in the resolution required under subsection (d) of this section the additional millage required to the county board of election commissioners of each county of which any portion is in the community college district requested by the local board of the community college.

(4) However, millage together with The sum of the rate then levied will and the additional millage requested shall not exceed ten (10) mills.

~~(3)(5)~~ The local board of the community college shall request

~~that the~~ question of the levy ~~shall~~ be placed on the ballot at the next ~~following~~ general election or a special election called for that purpose pursuant to § 7-11-201 et seq. ~~as determined by the local board.~~

(d)(1) ~~When~~ If the local board of a community college ~~determines that the question of a tax levy in the district should be submitted to the electors of the district at a special~~ requests an election, it to vote on the millage, the local board shall:

(A) ~~adopt a~~ Adopt an appropriate resolution ~~to that effect and shall;~~

(B) ~~file~~ File a certified copy of the resolution with the county board of election commissioners of each county ~~of which any portion is in the district that a special~~ in which the election shall will be held ~~in the district;~~ and shall

(C) ~~set~~ Set the date of the election, ~~which shall be not more than ninety (90) days after the date of the proclamation required by § 7-11-201 et seq.~~

(2) The county board of election commissioners in each county ~~of which any portion is included in a~~ the community college district shall:

(A) ~~prepare~~ Prepare the ballots;_i

(B) ~~furnish~~ Furnish the election supplies;_i

(C) ~~select~~ Select the election judges and clerks;_i and

(D) ~~make~~ Make all necessary arrangements for conducting ~~such elections~~ the election.

(3) Special elections under this section shall follow the All laws applicable to the conduct of general elections, ~~counting of ballots, and certification of the results thereof and other matters relating to the holding of general elections, so far as the laws are appropriate, shall apply to special elections held under this section, §§ 6-61-101—6-61-103, 6-61-201—6-61-209, 6-61-212—6-61-216, 6-61-301—6-61-305, 6-61-401, 6-61-402, 6-61-501—6-61-524, 6-61-601, and 6-61-603.~~

(4) All The community college district requesting the special election shall pay the expenses of conducting a special elections election held under this section, ~~§§ 6-61-101—6-61-103, 6-61-201—6-61-209, 6-61-212—6-61-216, 6-61-301—6-61-305, 6-61-401, 6-61-402, 6-61-501—6-61-524, 6-61-601, and 6-61-603 shall be paid from funds of the respective community college districts in which the elections are held.~~

(e) If the proposed additional millage is approved by the majority of the qualified electors of the *district voting on such issue at a general or special at an election*, the additional millage shall be a continuing levy until reduced ~~as provided in~~ under subsection (f) of this section.

(f)(1) ~~Whenever~~ If the local board of ~~any~~ a community college determines that the rate of tax levied by the district, ~~including~~ minus the amount ~~thereof~~ pledged for bonded indebtedness ~~purposes, is greater than is necessary, exceeds the amount required by the local board of the community college for the purposes stated in subsection (a) of this section,~~ the local board shall certify the reduced rate of millage to the appropriate tax levying authority of each county or city of the district~~;~~.

~~(2) and the~~ Upon certification by the local board of the community college under subdivision (f)(1) of this section, the appropriate tax levying authority of each county or city of the district shall:

~~(A) reduced~~ Reduce the rate of the millage shall be levied; and

~~(B) shall be extended~~ Extend the reduced rate of the millage on the tax books as the rate of tax due ~~that~~ to the community college district.

~~(3) The reduction of the tax rate under this subsection shall remain~~ until a greater amount of tax ~~shall be~~ is certified by the local board of the community college as authorized in this section.

(g)(1) ~~In the case of community~~ Community college districts ~~existing that are already in existence at the time this law is enacted, and have existing millages which that~~ have been approved by the voters of the district may continue ~~to be levied by the district~~ to levy the existing millages at the discretion of the local board ~~except that upon the petition of voters, as provided in § 6-61-510, or upon request of the local board, an~~ of the community college.

~~(2) However, an~~ election may be called to repeal operating millage, reduce operating millage, or authorize the transfer of operating millage to capital uses upon:

~~(A) The petition of voters under § 6-61-510; or~~

~~(B) A request by the local board of the community college.~~

SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General

Assembly of the State of Arkansas that increasing the number of Arkansans obtaining postsecondary education is critical to the educational and economic development systems of the state; that the expansion or renovation of community colleges, or both expansion and renovation of community colleges, are necessary to accommodate and educate the increasing number of Arkansans who obtain and seek to obtain postsecondary education; that many postsecondary facilities in Arkansas have an urgent need for expansion or renovation, or both expansion and renovation; that community colleges currently have inadequate funding to expand and renovate campus facilities; and that this act is immediately necessary to allow community colleges sufficient time to seek additional revenue to adequately accommodate the growing number of Arkansans seeking and obtaining postsecondary education. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.

/s/B. Sample