

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4
5 By: Senator B. Sample

A Bill

SENATE BILL 4

For An Act To Be Entitled

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

Subtitle

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

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

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

27 6-61-602. General operations – Millage taxes.

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

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

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

35 ~~(A) provide~~ Provide additional ~~operation~~ funds to acquire,
36 construct, reconstruct, repair, expand, operate, or maintain facilities of



1 the community college; or

2 (B) Retire bonded indebtedness issued to finance
3 facilities for the community college.

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

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

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

10 (3) A general elections election.

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

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

19 ~~(2)(3)~~ If the amount of the budget to be supported from taxes
20 levied by the district is in excess of local board of the community college
21 determines that the amount to be produced from taxes then authorized levied
22 for the district, after allowing for minus the tax proceeds pledged for
23 bonded indebtedness purposes, is insufficient to support the budget of the
24 district, the local board of the community college shall certify, at least
25 sixty (60) days before any election upon which the millage may be voted,
26 state in the resolution required under subsection (d) of this section the
27 additional millage required to the county board of election commissioners of
28 each county of which any portion is in the community college district
29 requested by the local board of the community college.

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

33 ~~(3)(5)~~ The local board of the community college shall request
34 that the question of the levy shall be placed on the ballot at the next
35 following general election or a special election called for that purpose
36 pursuant to § 7-11-201 et seq. as determined by the local board.

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

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

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

11 (C) ~~set~~ Set the date of the election, ~~which shall be not~~
12 ~~more than ninety (90) days after the date of the proclamation required by §~~
13 ~~7-11-201 et seq.~~

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

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

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

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

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

21 (3) Special elections under this section shall follow the All
22 laws applicable to the conduct of general elections, counting of ballots, and
23 certification of the results thereof and other matters relating to the
24 holding of general elections, so far as the laws are appropriate, shall apply
25 to special elections held under this section, §§ 6-61-101—6-61-103, 6-61-
26 201—6-61-209, 6-61-212—6-61-216, 6-61-301—6-61-305, 6-61-401, 6-61-402,
27 6-61-501—6-61-524, 6-61-601, and 6-61-603.

28 (4) All The community college district requesting the special
29 election shall pay the expenses of conducting a special elections election
30 held under this section, §§ 6-61-101—6-61-103, 6-61-201—6-61-209, 6-61-
31 212—6-61-216, 6-61-301—6-61-305, 6-61-401, 6-61-402, 6-61-501—6-61-524,
32 6-61-601, and 6-61-603 shall be paid from funds of the respective community
33 college districts in which the elections are held.

34 (e) If the proposed additional millage is approved by the majority of
35 the qualified electors of the voting district ~~voting on such issue at a~~
36 ~~general or special~~ at an election, the additional millage shall be a

1 continuing levy until reduced as ~~provided in~~ under subsection (f) of this
2 section.

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

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

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

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

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

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

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

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

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

33
34 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General
35 Assembly of the State of Arkansas that increasing the number of Arkansans
36 obtaining postsecondary education is critical to the educational and economic

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

- 14 (1) The date of its approval by the Governor;
- 15 (2) If the bill is neither approved nor vetoed by the Governor,
16 the expiration of the period of time during which the Governor may veto the
17 bill; or
- 18 (3) If the bill is vetoed by the Governor and the veto is
19 overridden, the date the last house overrides the veto.

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