

1 State of Arkansas  
2 89th General Assembly  
3 Regular Session, 2013  
4

As Engrossed: H1/23/13

# A Bill

SENATE BILL 4

5 By: Senator B. Sample  
6 By: Representative Vines  
7

## For An Act To Be Entitled

9 AN ACT TO ASSIST COMMUNITY COLLEGES IN ACQUIRING  
10 FUNDING FOR CAPITAL IMPROVEMENTS; TO SPECIFY THE  
11 PROCEDURE FOR INSTITUTING MILLAGE ELECTIONS; TO MAKE  
12 TECHNICAL CHANGES TO CLARIFY THE LAW; TO DECLARE AN  
13 EMERGENCY; AND FOR OTHER PURPOSES.  
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## 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.  
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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

28 6-61-602. General operations – Millage taxes.

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

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

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

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



1 the community college;

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

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

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

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

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

12 (3) A general elections election.

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

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

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

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

36 ~~(3)(5)~~ The local board of the community college shall request

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

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

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

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

14 (C) ~~set~~ Set the date of the election, ~~which shall be not~~  
 15 ~~more than ninety (90) days after the date of the proclamation required by §~~  
 16 ~~7-11-201 et seq.~~

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

19 (A) ~~prepare~~ Prepare the ballots;<sub>i</sub>

20 (B) ~~furnish~~ Furnish the election supplies;<sub>i</sub>

21 (C) ~~select~~ Select the election judges and clerks;<sub>i</sub> and

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

24 (3) Special elections under this section shall follow the All  
 25 laws applicable to the conduct of general elections, counting of ballots, and  
 26 certification of the results thereof and other matters relating to the  
 27 holding of general elections, so far as the laws are appropriate, shall apply  
 28 to special elections held under this section, §§ 6-61-101—6-61-103, 6-61-  
 29 201—6-61-209, 6-61-212—6-61-216, 6-61-301—6-61-305, 6-61-401, 6-61-402,  
 30 6-61-501—6-61-524, 6-61-601, and 6-61-603.

31 (4) All The community college district requesting the special  
 32 election shall pay the expenses of conducting a special elections election  
 33 held under this section, §§ 6-61-101—6-61-103, 6-61-201—6-61-209, 6-61-  
 34 212—6-61-216, 6-61-301—6-61-305, 6-61-401, 6-61-402, 6-61-501—6-61-524,  
 35 6-61-601, and 6-61-603 shall be paid from funds of the respective community  
 36 college districts in which the elections are held.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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23 */s/B. Sample*

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26 **APPROVED: 02/01/2013**