State of Arizona
House of Representatives
Fifty-fourth Legislature
Second Regular Session
2020

HOUSE BILL 2790

AN ACT

AMENDING SECTIONS 15-1401 AND 15-1444, ARIZONA REVISED STATUTES; RELATING TO COMMUNITY COLLEGES.

(TEXT OF BILLbegins on next page)
Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 15-1401, Arizona Revised Statutes, is amended to read:

15-1401. Definitions
In this chapter, unless the context otherwise requires:
1. "Accredited" means accredited by a regional accrediting agency recognized by the United States department of education or by the council on postsecondary accreditation.
2. "Additional short-term classes" means those classes that are not in session on the forty-fifth day of the fall or spring semester, that commence at various times during the fiscal year and that are offered over a period of less than sixteen weeks.
3. "Budget year" means the fiscal year for which the community college district is budgeting and that immediately follows the current year.
4. "Community college" means an educational institution that is operated by a district board and that provides a program not exceeding two years' training in the arts, sciences and humanities beyond the twelfth grade of the public or private high school course of study or vocational education, including terminal courses of a technical and vocational nature and basic adult education courses.
5. "Community college tuition financing district" means a district that is organized pursuant to section 15-1409.
6. "Current year" means the fiscal year in which the community college district is operating.
7. "District" means a community college district that is established pursuant to sections 15-1402 and 15-1403 or section 15-1402.01 and that is a political subdivision of this state and, unless otherwise specified, includes community college tuition financing districts established pursuant to section 15-1409.
8. "District board" means the community college district governing board.
9. "Full-time equivalent student" means student enrollment for fifteen community college semester credit units per semester.
10. "Open entry, open exit classes" means those classes in which students enter or exit based on mastery of specified competencies and that commence at various times during the fiscal year.
11. "Operational expense budget" means the budget as adopted by the district board pursuant to section 15-1461.
12. "Operational expenses" means the administration, instruction, operation of community college plant, maintenance of community college plant, fixed charges and contingencies incurred in the operation of a district, exclusive of EXCLUDING all capital outlay items, special levies, auxiliary enterprise funds, restricted funds and bond service items.
13. "Provisional community college district" means a community college district THAT WAS organized pursuant to section 15-1409 AND THAT BEGAN OPERATIONS BEFORE JANUARY 1, 2015.

Sec. 2. Section 15-1444, Arizona Revised Statutes, is amended to read:

15-1444. General powers and duties of district boards
A. Except as otherwise provided, the EACH district board shall:
1. Maintain each community college UNDER ITS JURISDICTION for a period of not less than AT LEAST eight months in each year and, if the funds MONIES of the district are sufficient, maintain each community college for a longer period.
2. Adopt policies in a public forum to offer programs that meet the educational needs of the population served by the community college.
3. Enforce the courses of study prescribed by the district board.
4. Visit each community college under its jurisdiction and examine carefully into its management, conditions and needs.
5. Exclude from each community college all books, publications or papers of a sectarian, partisan or denominational character intended for use as textbooks.
6. Appoint and employ a chancellor or chancellors, vice-chancellors VICE CHANCELLORS, a president or presidents, vice presidents, deans, professors, instructors, lecturers, fellows and such other officers and employees it deems necessary. The district board may enter into employment contracts with chancellors, vice-chancellors VICE CHANCELLORS and presidents for a duration of more than one year but not more than five years.
7. Determine the salaries of persons it appoints and employs. A district may not compensate an employee for work performed on behalf of an elected employee representative organization and may not provide more favorable terms and conditions of employment to any employee because that individual belongs to an elected employee representative organization.
8. Remove any officer or employee if in its judgment the interests of education in this state require the removal.
9. Award degrees, certificates and diplomas on the completion of courses and curricula as it deems appropriate.
10. Appoint or employ, if it deems necessary, police officers who shall have the authority and power of peace officers. The police officers who have received a certificate from the Arizona peace officer standards and training board are eligible for membership in and benefits under either title 38, chapter 5, article 2 or the public safety personnel retirement system under title 38, chapter 5, article 4.
11. Determine the location within the district of a community college and purchase, receive, hold, make and take leases of, sell and convey real or personal property for the benefit of the community colleges under its jurisdiction.
12. Obtain insurance or be self-insured, or a combination of
insurance and self-insurance, against loss, to the extent it is determined
necessary on community college buildings of the district. The local
district shall have an insurable interest in the buildings.

B. The district board may:
1. Administer trusts declared or created for the district and
receive by gift or devise and hold in trust or otherwise property
wheresoever located, and if not otherwise provided, dispose of the
property for the benefit of the district.
2. Lease real property, as lessor or as lessee. If a district is
the lessee, the lease may contain an option to purchase the property. The
district board may adopt policies as are deemed necessary and may delegate
in writing to the chancellor or president of the district, or their
designees, all or any part of its authority to lease property under this
paragraph. Any delegation by the district board pursuant to this
paragraph may be rescinded in whole or in part at any time by the district
board.
3. Sue and be sued.
4. Contract. The district board may adopt such policies as are
deemed necessary and may delegate in writing to the chancellor or
president of the district, or their designees, all or any part of its
authority to contract under this paragraph. Any delegation of authority
under this paragraph may be rescinded by the district board at any time in
whole or in part.
5. Construct, remodel and repair buildings.
6. In conjunction with other districts, establish policies for
procurement of goods and services.
7. Provide a plan or plans for employee benefits, which may include
optional retirement programs pursuant to section 15-1451, subsection A,
which allow for participation in a cafeteria plan that meets the
requirements of the United States internal revenue code of 1986.
8. Accept grants or donations of monies from the United States or
any of its agencies, departments or officers, this state, political
subdivisions of this state, tribal governments, school districts, special
taxing districts, persons, corporations, foundations or associations. The
district board shall deposit the monies into a specific fund or account
and shall administer the monies in accordance with the purpose of the
grant or donation with specific policies or restrictions as described or
stipulated in the grant or donation. In the case of personal property
granted or donated to or for the benefit of a community college district,
the district board shall immediately transfer possession and ownership of
the property to the designated district. Monies received pursuant to this
paragraph are not considered local revenues for the purposes of article
IX, section 21, Constitution of Arizona.
9. Enter into intergovernmental agreements or contracts pursuant to section 11-952.01 for participation in programs offered by public agency pools or separately contract with a trustee or board of trustees that provides a common self-insurance program with pooled funds and risks pursuant to section 15-382, subsection B, paragraph 2. The district board is not required to engage in competitive procurement in order to make the decision to participate in these programs.

10. Name a building or a group of buildings that is located on a community college campus on behalf of a person or entity that has made a significant contribution of monies or other property to the community college or the community college district.

11. Enter into research and development agreements, royalty agreements, development agreements, licensing agreements and profit-sharing agreements concerning the research, development, production, storing or marketing of new products developed or to be developed through community college district research. Monies received pursuant to this paragraph are not considered local revenues for the purposes of article IX, section 21, Constitution of Arizona.

12. Enter into an intergovernmental agreement pursuant to section 15-1747 to participate in a reciprocity agreement subject to the terms of the reciprocity agreement.

13. Engage in entrepreneurial and commercial activities. Monies received pursuant to this paragraph are not considered local revenues for the purposes of article IX, section 21, Constitution of Arizona.

14. Collect auxiliary fees, including cafeteria fees, food service fees, bookstore fees and dormitory fees. Monies received pursuant to this paragraph are not considered local revenues for the purposes of article IX, section 21, Constitution of Arizona.

15. Provide goods and services pursuant to a contract with a political subdivision of this state or with a tribal government. Monies received pursuant to this paragraph are not considered local revenues for the purposes of article IX, section 21, Constitution of Arizona.

16. OFFER FOUR-YEAR BACCALAUREATE DEGREES THAT ARE ACCREDITED BY A REGIONAL ACCREDITATION AGENCY APPROVED BY THE UNITED STATES DEPARTMENT OF EDUCATION.

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

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

2. Is enforceable in the same manner as other delinquent tax liens.
D. In a district whose boundaries encompass a vehicle emissions control area as defined in section 49-541, the district board shall require all out-of-county and out-of-state students to sign an affidavit at the time of course registration that the student's vehicle meets the requirements of section 49-542. The district board on property under its jurisdiction within a vehicle emissions control area shall prohibit the parking of those vehicles that fail to comply with section 49-542.

E. A community college district and a career technical education district governing board may enter into agreements for the provision of TO PROVIDE administrative, operational and educational services and facilities.

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

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