STATE OF ARIZONA

JANICE K. BREWER
GOVERNOR

EXECUTIVE OFFICE

April 14, 2010

The Honorable Kirk Adams
Speaker
Arizona House of Representatives
1700 W. Washington
Phoenix, Arizona 85007

Dear Speaker Adams,

Today, I signed House Bill 2261; community college boards; expansion, with the understanding that there will be subsequent legislation this session delaying the effect of the bill until 2012.

One of the main provisions of this bill is to expand the community college district governing board a county larger than three million persons. Currently, the board has five members whose districts coincide with the county supervisorial districts. This bill now requires the county to elect two new at large members to the board.

The Maricopa County Elections Department is concerned that the effective date of this bill will coincide with the time that new candidates must file for their offices. Given that the changes contained in this bill will need to be pre-cleared by the United States Department of Justice, there is reason to believe that there may not be enough time for the issue to be determined and proper petitions and ballot language to be crafted.

The sponsor, Representative Crandall, has indicated that there will be subsequent legislation in the time that remains in this legislative session to delay the implementation of these changes to 2012. I urge the county to work with the sponsor to ensure that the necessary steps are taken to address these concerns.

Sincerely,

Janice K. Brewer

Janice K. Brewer
Governor

JKB/nb

cc: The Honorable Bob Burns
The Honorable Rich Crandall

1700 WEST WASHINGTON STREET, PHOENIX, ARIZONA 85007
602-542-4331 • FAX 602-542-7602

Senate Engrossed House Bill

FILED
KEN BENNETT
SECRETARY OF STATE

State of Arizona
House of Representatives
Forty-ninth Legislature
Second Regular Session
2010

CHAPTER 48

HOUSE BILL 2261

AN ACT

AMENDING SECTIONS 15-1441, 15-1444 AND 16-322, ARIZONA REVISED STATUTES; RELATING TO COMMUNITY COLLEGES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 15-1441, Arizona Revised Statutes, is amended to read:

15-1441. Selection of precincts; district board members; terms; qualifications; vacancies

A. The board of supervisors shall establish in the same manner as provided in section 16-411 five precincts in a community college district for the election of a district board member from each precinct. A precinct in a community college district shall be composed of the number of election precincts as determined by the board of supervisors and shall have the same boundaries as are defined for the election precincts under section 16-411. If the board of supervisors redefines the boundaries of election precincts under section 16-411 ~~which~~ THAT are included within a precinct in a community college district, the board of supervisors shall redefine the boundaries of the precinct in the community college district to conform with the election precinct changes. The precincts shall be established in a newly organized district subsequent to the organizational vote, and the county school superintendent shall appoint five members, one from each precinct, who are qualified electors.

B. Where two or more counties constitute a district, as many precincts shall be set up by the board of supervisors in each county as the county is entitled to membership. In no case shall a county ~~which~~ THAT is part of a district have more than four precincts, and where a district consists of two or more counties at least one member shall reside in each county.

C. At the first general election held for a district, the candidate having the most votes in each precinct shall be declared elected, provided the candidate meets the requirements provided in subsection A of this section. The two elected members having the highest number of votes receive six year terms, the two elected members receiving the next highest number of votes receive four year terms and the one elected member receiving the lowest number of votes receives a two year term. Thereafter each member's term is six years, EXCEPT FOR A COUNTY WITH A POPULATION OF AT LEAST THREE MILLION PERSONS, BEGINNING IN THE NEXT ELECTION AFTER THE EFFECTIVE DATE OF THIS AMENDMENT TO THIS SECTION, EACH MEMBER'S TERM IS FOUR YEARS.

D. The next general election of district board members following the first general election shall be for the precinct where the elected candidate received the lowest number of votes and the second general election for the two precincts where the elected candidates received the next highest number of votes and the third general election for the two precincts where the elected candidates received the highest number of votes. The order of elections as established through this procedure shall thereafter be the order of precinct elections.

E. Vacancies shall be filled by appointment by the county school superintendent for the unexpired term for the precinct where the vacancy occurs, except that if the unexpired term is two years or longer, the county school superintendent may do one of the following:

1. Make an appointment for a term, which shall be until the next regular election for district board members, at which time a successor shall be elected to serve the unexpired portion of the term.

2. With the approval of the district board, leave the vacancy until the next regular election for governing board members, at which time a successor shall be elected to serve the unexpired portion of the term.

F. When a vacancy occurs in a district with more than one county, the county school superintendent of the county where the previous incumbent resided shall fill the appointment for the unexpired term.

G. A county officer as provided in section 11-401 is not eligible to serve as a member of a community college district governing board during his term of office.

H. Employees of a community college district or their spouses are not eligible to hold membership on the community college district governing board in the district in which the employee is employed.

I. IN ADDITION TO THE GOVERNING BOARD MEMBERS WHO ARE ELECTED FROM EACH OF THE FIVE PRECINCTS IN A COMMUNITY COLLEGE DISTRICT, A COUNTY WITH A POPULATION OF AT LEAST THREE MILLION PERSONS SHALL ELECT TWO ADDITIONAL GOVERNING MEMBERS FROM THE DISTRICT AT LARGE. AT THE FIRST GENERAL ELECTION HELD TO ELECT AT-LARGE GOVERNING BOARD MEMBERS, THE TWO CANDIDATES HAVING THE MOST VOTES SHALL BE DECLARED ELECTED, IF EACH CANDIDATE IS A QUALIFIED ELECTOR WHO RESIDES IN THAT COUNTY. THE ELECTED MEMBER WHO RECEIVES THE HIGHEST NUMBER OF VOTES OF THE AT-LARGE CANDIDATES SHALL SERVE A FOUR YEAR TERM AND THE ELECTED MEMBER WHO RECEIVES THE NEXT HIGHEST NUMBER OF VOTES SHALL SERVE A TWO YEAR TERM. THEREAFTER EACH MEMBER'S TERM IS FOUR YEARS.

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

15-1444. General powers of district governing boards

A. Except as otherwise provided, the district board shall:

1. Maintain each community college for a period of not less than eight months in each year and, if the funds 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, 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 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.

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 upon the completion of courses and curriculum 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. A district board shall not delegate the authority to execute a lease that exceeds one hundred thousand dollars per year. 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 from any of its agencies, departments or officers, or from persons, corporations, foundations or associations. A district board shall deposit the monies into a specific fund or account and a district board 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, a district board shall immediately transfer possession and ownership of the property to the designated district.

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.

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. ~~From and after December 31, 1988,~~ 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. ~~From and after December 31, 1988,~~ The district board on property under its jurisdiction within a vehicle emissions control area shall prohibit the parking of those vehicles ~~which~~ THAT fail to comply with section 49-542.

E. A community college district and a joint technological education district governing board may enter into agreements for the provision of 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 ~~it's~~ 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 ~~it's~~ 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.

Sec. 3. Section 16-322, Arizona Revised Statutes, is amended to read:

16-322. Number of signatures required on nomination petitions

A. Nomination petitions shall be signed:

1. If for a candidate for the office of United States senator or for a state office, excepting members of the legislature and superior court judges, by a number of qualified electors who are qualified to vote for the candidate whose nomination petition they are signing equal to at least one-half of one per cent of the voter registration of the party of the candidate in at least three counties in the state, but not less than one-half of one per cent nor more than ten per cent of the total voter registration of the candidate's party in the state.

2. If for a candidate for the office of representative in Congress, by a number of qualified electors who are qualified to vote for the candidate whose nomination petition they are signing equal to at least one-half of one per cent but not more than ten per cent of the total voter registration of the party designated in the district from which such representative shall be elected.

3. If for a candidate for the office of member of the legislature, by a number of qualified electors who are qualified to vote for the candidate whose nomination petition they are signing equal to at least one per cent but not more than three per cent of the total voter registration of the party designated in the district from which the member of the legislature may be elected.

4. If for a candidate for a county office or superior court judge, by a number of qualified electors who are qualified to vote for the candidate whose nomination petition they are signing equal to at least two per cent but not more than ten per cent of the total voter registration of the party designated in the county or district, provided that in counties with a population of two hundred thousand persons or more, a candidate for a county office shall have nomination petitions signed by a number of qualified electors who are qualified to vote for the candidate whose nomination petition they are signing equal to at least one-half of one per cent but not more than ten per cent of the total voter registration of the party designated in the county or district.

5. If for a candidate for a community college district, by a number of qualified electors who are qualified to vote for the candidate whose nomination petition they are signing equal to at least ~~one-half~~ ONE-QUARTER of one per cent but not more than ten per cent of the total voter registration in the precinct as established pursuant to section 15-1441. NOTWITHSTANDING THE TOTAL VOTER REGISTRATION IN THE COMMUNITY COLLEGE DISTRICT, THE MAXIMUM NUMBER OF SIGNATURES REQUIRED BY THIS PARAGRAPH IS ONE THOUSAND.

6. If for a candidate for county precinct committeeman, by a number of qualified electors who are qualified to vote for the candidate whose nomination petition they are signing equal to at least two per cent but not more than ten per cent of the party voter registration in the precinct or ten signatures, whichever is less.

7. If for a candidate for justice of the peace or constable, by a number of qualified electors who are qualified to vote for the candidate whose nomination petition they are signing equal to at least two per cent but not more than ten per cent of the party voter registration in the precinct.

8. If for a candidate for mayor or other office nominated by a city at large, by a number of qualified electors who are qualified to vote for the candidate whose nomination petition they are signing equal to at least five per cent and not more than ten per cent of the designated party vote in the city, except that a city that chooses to hold nonpartisan elections may by ordinance provide that the minimum number of signatures required for the candidate be one thousand signatures or five per cent of the vote in the city, whichever is less, but not more than ten per cent of the vote in the city.

9. If for an office nominated by ward, precinct or other district of a city, by a number of qualified electors who are qualified to vote for the candidate whose nomination petition they are signing equal to at least five per cent and not more than ten per cent of the designated party vote in the ward, precinct or other district.

10. If for a candidate for an office nominated by a town at large, by a number of qualified electors who are qualified to vote for the candidate whose nomination petition they are signing equal to at least five per cent and not more than ten per cent of the vote in the town.

11. If for a candidate for a governing board of a school district, by a number of qualified electors who are qualified to vote for the candidate whose nomination petition they are signing equal to at least one-half of one per cent of the total voter registration in the school district if the governing board members are elected at large or one per cent of the total voter registration in the single member district if governing board members or joint technological education district board members are elected from single member districts. Notwithstanding the total voter registration in the school district or single member district, the maximum number of signatures required by this paragraph is four hundred.

12. If for a candidate for a governing body of a special district as described in title 48, by a number of qualified electors who are qualified to vote for the candidate whose nomination petition they are signing equal to at least one-half of one per cent of the vote in the special district but not more than two hundred fifty and not fewer than five signatures.

B. The basis of percentage in each instance referred to in subsection A of this section, except in cities, towns and school districts, shall be the number of voters registered in the designated party of the candidate as reported pursuant to section 16-168, subsection G on March 1 of the year in which the general election is held. In cities, the basis of percentage shall be the vote of the party for mayor at the last preceding election at which a mayor was elected. In towns, the basis of percentage shall be the highest vote cast for an elected official of the town at the last preceding election at which an official of the town was elected. In school districts, the basis of percentage shall be the total number of voters registered in the school district or single member district, whichever applies. The total number of voters registered for school districts shall be calculated using the periodic reports prepared by the county recorder pursuant to section 16-168, subsection G. The count that is reported on March 1 of the year in which the general election is held shall be the basis for the calculation of total voter registration for school districts.

C. In primary elections the signature requirement for party nominees, other than nominees of the parties entitled to continued representation pursuant to section 16-804, is at least one-tenth of one per cent of the total vote for the winning candidate or candidates for governor or

presidential electors at the last general election within the district. Signatures must be obtained from qualified electors who are qualified to vote for the candidate whose nomination petition they are signing.

D. If new boundaries for congressional districts, legislative districts, supervisorial districts, justice precincts or election precincts are established and effective subsequent to March 1 of the year of a general election and prior to the date for filing of nomination petitions, the basis for determining the required number of nomination petition signatures is the number of registered voters in the designated party of the candidate in the elective office, district or precinct on the day the new districts or precincts are effective.

Sec. 4. Existing board members

Notwithstanding section 15-1441, Arizona Revised Statutes, as amended by this act, all persons serving as members of a community college district governing board in a county with a population of at least three million persons on the effective date of this act shall continue to serve until the expiration of their normal terms.

APPROVED BY THE GOVERNOR APRIL 14, 2010.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 14, 2010.

Passed the House February 24, 2010

by the following vote: 54 Ayes,

4 Nays, 2 Not Voting

Speaker of the House

Cheryl Laube

Chief Clerk of the House

Passed the Senate April, 2010

by the following vote: 21 Ayes,

5 Nays, 4 Not Voting

President of the Senate

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

_____ day of _____, 20_____

at _____ o'clock _____M.

_____
Secretary to the Governor

Approved this _____day of

_____

at _____o'clock _____M.

_____
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this _____ day of _____, 20_____

at _____ o'clock _____M.

_____
Secretary of State

H.B. 2261

HOUSE CONCURS IN SENATE AMENDMENTS AND FINAL PASSAGE

April 8, 2010,

by the following vote: 48 Ayes,

7 Nays, 5 Not Voting

Speaker of the House

Cheryl Laube

Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

8th day of April, 2010,

at 3:53 o'clock P. M.

Secretary to the Governor

Approved this 14th day of

April, 2010,

at 12:58 o'clock P. M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 14th day of April, 2010,

at 8:56 o'clock a M.

Secretary of State

H.B. 2261