

REFERENCE TITLE: violations of state law; schools

State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

HB 2009

Introduced by
Representative Kaiser

AN ACT

AMENDING SECTION 41-194.01, ARIZONA REVISED STATUTES; RELATING TO THE
ATTORNEY GENERAL.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 41-194.01, Arizona Revised Statutes, is amended
3 to read:

4 41-194.01. Violations of state law by counties, cities,
5 towns, school districts and charter schools;
6 attorney general investigation; report;
7 withholding of state shared revenues or
8 classroom site fund monies; notice of violation

9 A. At the request of one or more members of the legislature, the
10 attorney general shall investigate any ordinance, regulation, order or
11 other official action adopted or taken by the governing body **OR GOVERNING**
12 **BOARD** of a county, city, ~~or~~ town, **SCHOOL DISTRICT OR CHARTER SCHOOL** or any
13 written policy, written rule or written regulation adopted by any agency,
14 department or other entity of the county, city or town that the member
15 alleges violates state law or the Constitution of Arizona.

16 B. The attorney general shall make a written report of findings and
17 conclusions as a result of the investigation within thirty days after
18 receipt of the request and shall provide a copy of the report to the
19 governor, the president of the senate, the speaker of the house of
20 representatives, the member or members of the legislature making the
21 original request and the secretary of state. If the attorney general
22 concludes that the ordinance, regulation, order, written policy, written
23 rule or other action under investigation:

24 1. Violates any provision of state law or the Constitution of
25 Arizona, the attorney general shall provide notice to the county, city, ~~or~~
26 town, **SCHOOL DISTRICT OR CHARTER SCHOOL**, by certified mail, of the
27 violation and shall indicate that the county, city, ~~or~~ town, **SCHOOL**
28 **DISTRICT OR CHARTER SCHOOL** has thirty days to resolve the violation. If
29 the attorney general determines that the county, city, ~~or~~ town, **SCHOOL**
30 **DISTRICT OR CHARTER SCHOOL** has failed to resolve the violation within
31 thirty days, the attorney general shall:

32 (a) Notify:

33 (i) **FOR A VIOLATION BY A COUNTY, CITY OR TOWN**, the state treasurer,
34 who shall withhold and redistribute state shared monies from the county,
35 city or town as provided by section 42-5029, subsection L and from the
36 city or town as provided by section 43-206, subsection F.

37 (ii) **FOR A VIOLATION BY A SCHOOL DISTRICT OR CHARTER SCHOOL, THE**
38 **DEPARTMENT OF EDUCATION, WHICH SHALL WITHHOLD TEN PERCENT OF THE MONTHLY**
39 **CLASSROOM SITE FUND MONIES THAT THE SCHOOL DISTRICT OR CHARTER SCHOOL IS**
40 **ELIGIBLE TO RECEIVE UNDER SECTION 15-977, EXCEPT THAT THE DEPARTMENT OF**
41 **EDUCATION MAY NOT WITHHOLD ANY MONIES THAT ARE TRANSFERRED TO THE**
42 **CLASSROOM SITE FUND PURSUANT TO SECTION 37-521, SUBSECTION B OR SECTION**
43 **42-5029, SUBSECTION E, PARAGRAPH 10.**

1 (b) Continue to monitor the response of the governing body OR
2 GOVERNING BOARD, and when the offending ordinance, regulation, order or
3 action is repealed or the violation is otherwise resolved, the attorney
4 general shall notify:

5 (i) The governor, the president of the senate, the speaker of the
6 house of representatives and the member or members of the legislature
7 making the original request that the violation has been resolved.

8 (ii) The state treasurer OR THE DEPARTMENT OF EDUCATION to restore
9 the distribution of state shared revenues OR CLASSROOM SITE FUND MONIES to
10 the county, city, ~~or~~ town, SCHOOL DISTRICT OR CHARTER SCHOOL.

11 2. May violate a provision of state law or the Constitution of
12 Arizona, the attorney general shall file a special action in the supreme
13 court to resolve the issue, and the supreme court shall give the action
14 precedence over all other cases. The court shall require the county, city
15 or town to post a bond equal to the amount of state shared revenues paid
16 to the county, city or town pursuant to sections 42-5029 and 43-206 in the
17 preceding six months.

18 3. Does not violate any provision of state law or the Constitution
19 of Arizona, the attorney general shall take no further action pursuant to
20 this section.

21 C. Before a member of the legislature may request an investigation
22 by the attorney general of any written policy, written rule or written
23 regulation adopted by any agency, department or other entity of a county,
24 city or town pursuant to subsection A of this section, the member of the
25 legislature shall first provide a written notification of the alleged
26 violation of state law or the Constitution of Arizona to the chief
27 executive officer or governing body of the county, city or town. If the
28 county, city or town does not repeal or otherwise resolve the violation
29 within sixty days after receiving the notification, the member or members
30 of the legislature may request an investigation by the attorney general
31 pursuant to this section.

32 D. A SCHOOL DISTRICT OR CHARTER SCHOOL THAT HAS CLASSROOM SITE FUND
33 MONIES WITHHELD PURSUANT TO THIS SECTION MAY NOT REDUCE THE PAY OR
34 BENEFITS OF AN EMPLOYEE WHO IS A TEACHER, INSTRUCTIONAL STAFF OR
35 CLASSIFIED STAFF IN ANY MANNER DURING THE SAME FISCAL YEAR IN WHICH THE
36 SCHOOL DISTRICT OR CHARTER SCHOOL HAD MONIES WITHHELD PURSUANT TO THIS
37 SECTION.