

REFERENCE TITLE: state law; violation; schools; universities

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

HB 2276

Introduced by
Representative Fillmore

AN ACT

REPEALING SECTION 41-194.01, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2021, CHAPTER 403, SECTION 18; AMENDING SECTION 41-194.01, ARIZONA REVISED STATUTES, AS ADDED BY LAWS 2016, CHAPTER 35, SECTION 1; 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. Repeal

3 Section ~~41-194.01~~, Arizona Revised Statutes, as amended by Laws
4 2021, chapter 403, section 18, is repealed.

5 Sec. 2. Section 41-194.01, Arizona Revised Statutes, as added by
6 Laws 2016, chapter 35, section 1, is amended to read:

7 ~~41-194.01. Violations of state law by political subdivisions;~~
8 ~~attorney general investigation; report;~~
9 ~~withholding of state aid and state shared~~
10 ~~revenues; civil penalty; notice of violation;~~
11 ~~definitions~~

12 A. At the request of one or more members of the legislature, the
13 attorney general shall investigate any ~~OF THE FOLLOWING THAT THE MEMBER OR~~
14 ~~MEMBERS ALLEGE VIOLATES STATE LAW OR THE CONSTITUTION OF ARIZONA:~~

15 1. ANY ordinance, regulation, order or other official action
16 adopted or taken by ~~THE ARIZONA BOARD OF REGENTS OR the governing body OR~~
17 ~~GOVERNING BOARD~~ of a ~~COMMUNITY COLLEGE DISTRICT, SCHOOL DISTRICT, CHARTER~~
18 ~~SCHOOL~~, county, city or town ~~that the member alleges violates state law or~~
19 ~~the Constitution of Arizona.~~

20 2. ANY WRITTEN POLICY, WRITTEN RULE OR WRITTEN REGULATION ADOPTED
21 BY ANY AGENCY, DEPARTMENT OR OTHER ENTITY OF THE COUNTY, CITY OR TOWN.

22 3. ANY OFFICIAL ACTION ADOPTED OR TAKEN BY A UNIVERSITY, A
23 COMMUNITY COLLEGE, A CHARTER SCHOOL OR A SCHOOL THAT IS OPERATED BY A
24 SCHOOL DISTRICT.

25 B. The attorney general shall make a written report of findings and
26 conclusions as a result of the investigation within thirty days after
27 receipt of the request and shall provide a copy of the report to the
28 governor, the president of the senate, the speaker of the house of
29 representatives, the member or members of the legislature making the
30 original request and the secretary of state. If the attorney general
31 concludes that the ordinance, regulation, order, ~~WRITTEN POLICY, WRITTEN~~
32 ~~RULE~~ or other action under investigation:

33 1. Violates any provision of state law or the Constitution of
34 Arizona, the attorney general shall provide notice to the ~~ARIZONA BOARD OF~~
35 ~~REGENTS, COMMUNITY COLLEGE DISTRICT, SCHOOL DISTRICT, CHARTER SCHOOL,~~
36 county, city, ~~or~~ town, UNIVERSITY, COMMUNITY COLLEGE OR SCHOOL THAT IS
37 OPERATED BY A SCHOOL DISTRICT, by certified mail, of the violation and
38 shall indicate that the ~~county, city or town~~ ENTITY has thirty days to
39 resolve the violation. If the attorney general determines that the
40 ~~county, city or town~~ ENTITY has failed to resolve the violation within
41 thirty days, the attorney general shall:

42 (a) Notify:

43 (i) ~~FOR A VIOLATION BY A COUNTY, CITY OR TOWN~~, the state treasurer,
44 who shall withhold and redistribute state shared monies from the county,

1 city or town as provided by section 42-5029, subsection L and from the
2 city or town as provided by section 43-206, subsection F.

3 (ii) FOR A VIOLATION BY THE ARIZONA BOARD OF REGENTS, A UNIVERSITY,
4 A COMMUNITY COLLEGE DISTRICT OR A COMMUNITY COLLEGE, THE ATTORNEY GENERAL
5 SHALL IMPOSE A CIVIL PENALTY OF \$_____ AGAINST THE ENTITY FOR EACH
6 MONTH THE VIOLATION OCCURS.

7 (iii) FOR A VIOLATION BY A CHARTER SCHOOL, A SCHOOL DISTRICT OR A
8 SCHOOL THAT IS OPERATED BY THE SCHOOL DISTRICT, THE DEPARTMENT OF
9 EDUCATION, WHICH SHALL WITHHOLD _____ PERCENT OF THE MONTHLY CLASSROOM
10 SITE FUND MONIES THAT THE SCHOOL DISTRICT OR CHARTER SCHOOL IS ELIGIBLE TO
11 RECEIVE UNDER SECTION 15-977, EXCEPT THAT THE DEPARTMENT OF EDUCATION MAY
12 NOT WITHHOLD ANY MONIES THAT ARE TRANSFERRED TO THE CLASSROOM SITE FUND
13 PURSUANT TO SECTION 37-521, SUBSECTION B OR SECTION 42-5029, SUBSECTION E,
14 PARAGRAPH 10.

15 (b) Continue to monitor the response of the ARIZONA BOARD OF
16 REGENTS, GOVERNING BOARD, governing body, UNIVERSITY, COMMUNITY COLLEGE,
17 CHARTER SCHOOL OR SCHOOL THAT IS OPERATED BY A SCHOOL DISTRICT, and when
18 the offending ordinance, regulation, order, WRITTEN POLICY, WRITTEN RULE
19 or action is repealed or the violation is otherwise resolved, the attorney
20 general shall DISCONTINUE THE CIVIL PENALTY, IF APPLICABLE, AND notify:

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

24 (ii) The state treasurer OR THE DEPARTMENT OF EDUCATION, AS
25 APPLICABLE, to restore the distribution of STATE AID TO THE SCHOOL
26 DISTRICT OR CHARTER SCHOOL OR state shared revenues to the county, city or
27 town.

28 2. May violate a provision of state law or the Constitution of
29 Arizona, the attorney general shall file a special action in THE supreme
30 court to resolve the issue, and the supreme court shall give the action
31 precedence over all other cases. The court shall require:

32 (a) The county, city or town to post a bond equal to the amount of
33 state shared ~~revenue~~ REVENUES paid to the county, city or town pursuant to
34 ~~section~~ SECTIONS 42-5029 and 43-206 in the preceding six months.

35 (b) THE ARIZONA BOARD OF REGENTS, A UNIVERSITY, A COMMUNITY COLLEGE
36 DISTRICT OR A COMMUNITY COLLEGE TO POST A BOND EQUAL TO \$_____.

37 (c) A SCHOOL DISTRICT, CHARTER SCHOOL OR SCHOOL THAT IS OPERATED BY
38 A SCHOOL DISTRICT TO POST A BOND EQUAL TO \$_____.

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

42 C. BEFORE A MEMBER OR MEMBERS OF THE LEGISLATURE MAY REQUEST AN
43 INVESTIGATION BY THE ATTORNEY GENERAL OF ANY WRITTEN POLICY, WRITTEN RULE
44 OR WRITTEN REGULATION ADOPTED BY ANY AGENCY, DEPARTMENT OR OTHER ENTITY OF
45 A COUNTY, CITY OR TOWN PURSUANT TO SUBSECTION A OF THIS SECTION, THE

1 MEMBER OR MEMBERS OF THE LEGISLATURE SHALL FIRST PROVIDE A WRITTEN
2 NOTIFICATION OF THE ALLEGED VIOLATION OF STATE LAW OR THE CONSTITUTION OF
3 ARIZONA TO THE CHIEF EXECUTIVE OFFICER OR GOVERNING BODY OF THE COUNTY,
4 CITY OR TOWN. IF THE COUNTY, CITY OR TOWN DOES NOT REPEAL OR OTHERWISE
5 RESOLVE THE VIOLATION WITHIN SIXTY DAYS AFTER RECEIVING THE NOTIFICATION,
6 THE MEMBER OR MEMBERS OF THE LEGISLATURE MAY REQUEST AN INVESTIGATION BY
7 THE ATTORNEY GENERAL PURSUANT TO THIS SECTION.

8 D. BEFORE A MEMBER OR MEMBERS OF THE LEGISLATURE MAY REQUEST AN
9 INVESTIGATION BY THE ATTORNEY GENERAL OF ANY OFFICIAL ACTION TAKEN BY A
10 UNIVERSITY, A COMMUNITY COLLEGE, A CHARTER SCHOOL OR A SCHOOL THAT IS
11 OPERATED BY A SCHOOL DISTRICT PURSUANT TO SUBSECTION A OF THIS SECTION,
12 THE MEMBER OR MEMBERS OF THE LEGISLATURE SHALL FIRST PROVIDE A WRITTEN
13 NOTIFICATION OF THE ALLEGED VIOLATION OF STATE LAW OR THE CONSTITUTION OF
14 ARIZONA TO THE ARIZONA BOARD OF REGENTS, COMMUNITY COLLEGE DISTRICT
15 GOVERNING BOARD, SCHOOL DISTRICT GOVERNING BOARD OR CHARTER SCHOOL
16 GOVERNING BODY, AS APPLICABLE. IF THE UNIVERSITY, COMMUNITY COLLEGE,
17 CHARTER SCHOOL OR SCHOOL THAT IS OPERATED BY A SCHOOL DISTRICT DOES NOT
18 REPEAL OR OTHERWISE RESOLVE THE VIOLATION WITHIN SIXTY DAYS AFTER
19 RECEIVING THE NOTIFICATION, THE MEMBER OR MEMBERS OF THE LEGISLATURE MAY
20 REQUEST AN INVESTIGATION BY THE ATTORNEY GENERAL PURSUANT TO THIS SECTION.

21 E. FOR THE PURPOSES OF THIS SECTION:

22 1. "COMMUNITY COLLEGE" HAS THE SAME MEANING PRESCRIBED IN SECTION
23 15-1401.

24 2. "COMMUNITY COLLEGE DISTRICT" MEANS DISTRICT AS DEFINED IN
25 SECTION 15-1401.

26 3. "UNIVERSITY" MEANS A UNIVERSITY UNDER THE JURISDICTION OF THE
27 ARIZONA BOARD OF REGENTS.