

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1116

(Reference to Senate engrossed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 15-1633, Arizona Revised Statutes, is amended to
3 read:

4 15-1633. Use of university resources or employees to influence
5 elections; prohibition; civil penalty; definition

6 A. A person acting on behalf of a university or a person who aids
7 another person acting on behalf of a university shall not use university
8 personnel, equipment, materials, buildings or other resources for the purpose
9 of influencing the outcomes of elections **OR TO ADVOCATE SUPPORT FOR OR**
10 **OPPOSITION TO PENDING OR PROPOSED LEGISLATION.** Notwithstanding this section,
11 a university may distribute informational pamphlets on a proposed bond
12 election as provided in section 35-454. ~~Nothing in~~ This section ~~precludes~~
13 **DOES NOT PRECLUDE ANY OF THE FOLLOWING:**

14 1. A university from reporting on official actions of the university
15 or the Arizona board of regents.

16 2. **A REGISTERED LOBBYIST FROM ADVOCATING ON BEHALF OF THE UNIVERSITY**
17 **OR THE ARIZONA BOARD OF REGENTS.**

18 3. **AN EMPLOYEE OF A UNIVERSITY FROM INFLUENCING THE OUTCOMES OF**
19 **ELECTIONS OR FROM ADVOCATING SUPPORT FOR OR OPPOSITION TO PENDING OR PROPOSED**
20 **LEGISLATION IF THE EMPLOYEE DOES NOT USE UNIVERSITY PERSONNEL, EQUIPMENT,**
21 **MATERIALS, BUILDINGS OR OTHER RESOURCES FOR THESE PURPOSES.**

22 4. **A PROFESSOR OR INSTRUCTOR FROM PROVIDING CLASSROOM INSTRUCTION ON**
23 **MATTERS RELATING TO POLITICS, ELECTIONS, LAWS, BALLOT MEASURES, CANDIDATES**
24 **FOR PUBLIC OFFICE AND PENDING OR PROPOSED LEGISLATION.**

25 B. Employees of a university may not use the authority of their
26 positions to influence the vote or political activities of any subordinate
27 employee.

28 C. This section does not prohibit universities from permitting student
29 political organizations of political parties, including those that are
30 recognized pursuant to sections 16-801, 16-802 and 16-803, to conduct lawful
31 meetings in university buildings or on university grounds, except as
32 prescribed in subsection A of this section. Each student political
33 organization that is allowed to conduct lawful meetings on university

1 property shall have equal access as any other student political organization
2 that is allowed to conduct lawful meetings on university property.

3 D. ~~Nothing contained in~~ This section shall NOT be construed as denying
4 the civil and political liberties of any person as guaranteed by the United
5 States and Arizona Constitutions.

6 E. EXCEPT AS PROVIDED IN SUBSECTION F OF THIS SECTION, UNIVERSITIES
7 UNDER THE JURISDICTION OF THE ARIZONA BOARD OF REGENTS MAY NOT:

8 1. PROVIDE TAXPAYER FUNDED PROGRAMS, SCHOLARSHIPS OR COURSES IF THE
9 PURPOSE OF THE PROGRAM, SCHOLARSHIP OR COURSE IS TO ADVOCATE PUBLIC POLICY.

10 2. ALLOW TAXPAYER FUNDED ORGANIZATIONS, INSTITUTES OR CENTERS TO
11 OPERATE ON THE CAMPUS OF THE UNIVERSITY OR ON BEHALF OF OR IN ASSOCIATION
12 WITH THE UNIVERSITY IF THE PURPOSE OF THE ORGANIZATION, INSTITUTE OR CENTER
13 IS TO ADVOCATE PUBLIC POLICY.

14 F. SUBSECTION E OF THIS SECTION DOES NOT APPLY TO:

15 1. A REGISTERED LOBBYIST WHO ADVOCATES ON BEHALF OF THE UNIVERSITY OR
16 THE ARIZONA BOARD OF REGENTS.

17 2. A PROFESSOR OR INSTRUCTOR WHO EXPRESSES A PERSONAL OPINION ON A
18 POLITICAL OR POLICY ISSUE, REGARDLESS OF WHETHER THAT OPINION IS EXPRESSED
19 INSIDE OR OUTSIDE THE CLASSROOM.

20 3. PRINT OR ELECTRONIC MEDIA PRODUCED BY STUDENTS WHO ARE ENROLLED AT
21 A UNIVERSITY.

22 4. A CLUB OR ORGANIZATION OF STUDENTS WHO ARE ENROLLED AT A
23 UNIVERSITY.

24 5. ANY OTHER TYPE OF ADVOCACY THAT IS ALLOWED BY LAW.

25 ~~E. G. By January 1, 2006,~~ The attorney general shall publish and
26 distribute to the Arizona board of regents a detailed guideline regarding
27 activities prohibited under this section. The attorney general may
28 distribute these guidelines through a ~~web-site~~ WEBSITE or electronically.

29 ~~F. H.~~ The attorney general or the county attorney for the county in
30 which an alleged violation of this section occurred may serve on the person
31 an order requiring compliance with this section and may assess a civil
32 penalty of not more than five hundred dollars per violation, plus any amount
33 of misused funds subtracted from the university budget against a person who
34 violates or a person who aids another person in violating this section. The
35 person determined to be out of compliance with this section shall be
36 responsible for the payment of all penalties and misused funds. University
37 funds or insurance payments shall not be used to pay these penalties or

1 misused funds. All misused funds collected pursuant to this section shall be
2 returned to the university whose funds were misused.

3 ~~G.~~ I. An attorney acting on behalf of a university may request a
4 legal opinion of the attorney general as to whether a proposed use of
5 university resources would violate this section.

6 ~~H.~~ J. All penalties collected by the court for a suit initiated in
7 superior court by the attorney general shall be paid to the office of the
8 attorney general for the use and reimbursement of costs of prosecution
9 pursuant to this section. All penalties collected by the court for a suit
10 initiated in superior court by a county attorney shall be paid to the county
11 treasurer of the county in which the court is held for the use and
12 reimbursement of costs of prosecution pursuant to this section.

13 ~~I.~~ K. For the purposes of this section, "misused funds" means
14 university monies or resources used pursuant to subsection A of this
15 section."

16 Amend title to conform

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