

REFERENCE TITLE: violations of state law; schools

State of Arizona
Senate
Fifty-sixth Legislature
First Regular Session
2023

SB 1410

Introduced by
Senator Wadsack: Representatives Heap, Jones

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4 2021, chapter 403, section 18, is repealed.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 counties, cities, towns~~
8 ~~and school districts; attorney general~~
9 ~~investigation; report; withholding of state~~
10 ~~shared revenues or classroom site fund monies~~

11 A. At the request of one or more members of the legislature, the
12 attorney general shall investigate any ordinance, regulation, order or
13 other official action adopted or taken by the governing body ~~OR GOVERNING~~
14 ~~BOARD~~ of a county, city, ~~or~~ town ~~OR SCHOOL DISTRICT OR ANY WRITTEN POLICY,~~
15 ~~WRITTEN RULE OR WRITTEN REGULATION ADOPTED BY ANY AGENCY, DEPARTMENT OR~~
16 ~~OTHER ENTITY OF THE COUNTY, CITY OR TOWN~~ that the member alleges violates
17 state law or the Constitution of Arizona.

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

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

33 (a) Notify:

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

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

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 ~~revenue~~
16 REVENUES paid to the county, city or town pursuant to ~~section~~ SECTIONS
17 42-5029 and 43-206 in the 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. A SCHOOL DISTRICT THAT HAS CLASSROOM SITE FUND MONIES WITHHELD
22 PURSUANT TO THIS SECTION MAY NOT REDUCE THE PAY OR BENEFITS OF AN EMPLOYEE
23 WHO IS A TEACHER, INSTRUCTIONAL STAFF OR CLASSIFIED STAFF IN ANY MANNER
24 DURING THE SAME FISCAL YEAR IN WHICH THE SCHOOL DISTRICT HAD MONIES
25 WITHHELD PURSUANT TO THIS SECTION.