



**ARIZONA SUPREME COURT
ORAL ARGUMENT CASE SUMMARY**



**ARIZONA SCHOOL BOARDS ASSOCIATION, INC., ET AL., V.
STATE OF ARIZONA
CV-21-0234-T/AP**

PARTIES:

Defendant/Appellant: State of Arizona, a body politic

Plaintiffs/Appellees: Arizona School Boards Association, Inc., et al.

*Amici Curiae:
In support of Defendants* (1) Speaker of the Arizona House of Representatives Russel Bowers, Arizona Senate President Karen Fann, and Governor Douglas A. Ducey; (2) Senator Vince Leach, Senator David Gowan, and Representative Regina Cobb

*Amici Curiae:
In Support of Plaintiffs* (1) Arizona Chapter of American Academy of Pediatrics and American Academy of Pediatrics; (2) Arizona Hospital and Healthcare Association and Arizona Medical Association; (3) City of Tucson; (4) House of Representatives Minority Leader Reginald Boding and Arizona Senate Minority Leader Rebecca Rios; (5) National School Boards Association; and (6) Phoenix Union High School District

FACTS:

On June 30, 2021, the Legislature approved, and the Governor signed, eight budget reconciliation bills (BRBs) to carry out the fiscal 2022 feed bill. On August 12, 2021, Plaintiffs filed a complaint against the State of Arizona (“State”), claiming that four of those bills (HB 2898 (the K-12 budget bill), SB 1824 (the health budget bill), SB 1825 (the higher education budget bill), and SB 1819 (the budget procedures bill)) violated the title requirement of the Arizona Constitution and that SB 1819 also violated the single subject requirement of the Arizona Constitution. Plaintiffs requested that SB 1819 be declared unconstitutional and enjoined in its entirety, or alternatively that specific provisions contained therein be declared unconstitutional and enjoined. For the other three bills, Plaintiffs requested that specific provisions of the bills be declared unconstitutional and enjoined. Plaintiffs also claimed that section 12 of HB 2898 violated Arizona Equal Protection Clause.

Oral arguments occurred in Maricopa County Superior Court on September 13, 2021. In a ruling issued on September 27, 2021, the trial court concluded that: (1) Plaintiffs had standing to challenge SB 1819; (2) the political question doctrine was not applicable; (3) each of the challenged provisions of HB 2898, SB 1824, SB 1825, and SB 1819 violated the title requirement, and thus the court invalidated the provisions; (4) SB 1819 also violated the single subject rule; (5) SB 1819 was unconstitutional in its entirety, and thus the entire bill was invalidated; and (6) the ruling applied to the

challenged bills, rather than applying prospectively. The court concluded that Plaintiffs’ requests for injunctive relief and their claim under Arizona’s Equal Protection Clause were moot. The trial court entered partial final judgment under Rule of Civil Procedure 54(b). The effect of the ruling was the nullification of at least 58 provisions of state law scheduled to go into effect on September 29, 2021.

The State filed a notice of appeal. The State then filed a petition to transfer to this Court, along with the request for a stay. This Court granted the petition to transfer but denied the request for a stay.

Relevant Constitutional Provisions:

Section 13 of the Arizona Constitution, titled “Subject and title of bills”, provides that “every act shall embrace but one subject” (the single subject rule), “which subject shall be expressed in the title” (the title requirement). Ariz. Const. art. IV, pt. 2, § 13.

Under the Arizona Constitution, a general appropriation bill “shall embrace nothing but appropriations for the different departments of the state, for state institutions, for public schools, and for interest on the public debt. All other appropriations shall be made by separate bills, each embracing but one subject.” Ariz. Const. art. IV, pt. 2, § 20.

This Summary was prepared by the Arizona Supreme Court Staff Attorneys’ Office solely for educational purposes. It should not be considered official commentary by the court or any member thereof or part of any brief, memorandum or other pleading filed in this case.