



STATE OF ARIZONA
OFFICE OF THE GOVERNOR

DOUGLAS A. DUCEY
GOVERNOR

EXECUTIVE OFFICE

April 10, 2019

The Honorable Katie Hobbs
Secretary of State
1700 W. Washington, 7th Floor
Phoenix, AZ 85007

Dear Secretary Hobbs:

I am transmitting to you the following bills from the Fifty-fourth Legislature, 1st Regular Session, which I signed on April 10th, 2019:

H.B. 2569 occupational licensing; reciprocity (Petersen)
S.B. 1030 remote online notarization; registration (Leach)
S.B. 1069 postsecondary institutions; free expression policies (Boyer)
S.B. 1180 department of revenue; applicants; fingerprinting (Boyer)
S.B. 1258 class M driver licenses; applicability (Pratt)
S.B. 1271 purchaser dwelling actions; notice; complaints (Fann)
S.B. 1299 state warrants; substitute checks (Brophy McGee)
S.B. 1312 bad checks; restitution payments (Farnsworth E)
S.B. 1314 death penalty; aggravating circumstances (Farnsworth E)
S.B. 1338 veteran special plates; branch seal (Carter)
S.B. 1347 luxury tax; cavendish; definition (Gowan)
S.B. 1351 peace officers memorial board; continuation (Borrelli)
S.B. 1448 alarm systems; low-voltage electric fences (Farnsworth E)
S.B. 1529 agriculture advisory council; membership (Pratt)
S.B. 1530 task force; towing safety; extension (Pratt)

Sincerely,

Douglas A. Ducey
Governor
State of Arizona

cc: Senate Secretary
Chief Clerk of the House of Representatives
Arizona News Service

Senate Engrossed
FILED
KATIE HOBBS
SECRETARY OF STATE

State of Arizona
Senate
Fifty-fourth Legislature
First Regular Session
2019

CHAPTER 57
SENATE BILL 1069

AN ACT

AMENDING SECTION 15-1864, ARIZONA REVISED STATUTES; RELATING TO STUDENTS'
RIGHT TO SPEECH.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 15-1864, Arizona Revised Statutes, is amended to
3 read:

4 15-1864. Students' right to speak in a public forum; protests
5 and demonstrations; invited speakers; court
6 actions

7 A. A university or community college ~~may~~ SHALL NOT restrict a
8 student's right to speak, including verbal speech, holding a sign or
9 distributing fliers or other materials, in a public forum, BUT MAY IMPOSE
10 REASONABLE TIME, PLACE AND MANNER RESTRICTIONS AS PERMITTED BELOW.

11 B. A university or community college shall not impose restrictions
12 on the time, place and manner of student speech that occurs in a public
13 forum and is protected by the first amendment to the United States
14 Constitution unless the restrictions:

15 1. Are reasonable.

16 2. Are justified without reference to the content of the regulated
17 speech.

18 3. Are necessary to achieve a compelling governmental interest.

19 4. Are the least restrictive means to further that compelling
20 government interest.

21 5. Leave open ample alternative channels for communication of the
22 information.

23 6. Allow spontaneous assembly and distribution of literature.

24 C. A person who is lawfully present on a university or community
25 college campus may protest or demonstrate on that campus. Individual
26 conduct that materially and substantially infringes on the rights of other
27 persons to engage in or listen to expressive activity is not allowed and
28 is subject to sanction. This subsection does not prohibit faculty members
29 from maintaining order in the classroom.

30 D. The public areas of university and community college campuses
31 are public forums and are open on the same terms to any speaker.

32 E. University and community college campuses are open to any
33 speaker whom a student, student group or faculty member has invited.

34 F. A university or community college shall make reasonable efforts
35 and make available reasonable resources to address the safety of an
36 invited speaker and other persons in attendance. A university or
37 community college may not charge security fees based on the content of the
38 speech of the person who invited a speaker or of the invited speaker. A
39 university or community college may restrict the use of its nonpublic
40 facilities to invited individuals.

41 G. An individual student or a faculty or staff member of a
42 university or community college may take a position on the public policy
43 controversies of the day, but the institution is encouraged to attempt to
44 remain neutral, as an institution, on the public policy controversies of

1 the day unless the administrative decisions on such issues are essential
2 to the day-to-day functioning of the university or community college.

3 H. The university or community college may not take action, as an
4 institution, on the public policy controversies of the day in a way that
5 requires students or faculty members to publicly express or endorse a
6 particular view of a public policy controversy.

7 I. The following persons may bring an action in a court of
8 competent jurisdiction to enjoin any violation of this article by any
9 university, community college, faculty member or administrator or to
10 recover reasonable court costs and reasonable attorney fees:

11 1. The attorney general.

12 2. A person whose expressive rights were violated by a violation of
13 this article.

14 J. In an action brought under subsection I of this section, if the
15 court finds that a violation of this article occurred, the court shall
16 award the aggrieved person injunctive relief for the violation and shall
17 award reasonable court costs and reasonable attorney fees. The court
18 shall also award damages of one thousand dollars or actual damages,
19 whichever is greater.

20 K. A person shall bring an action for a violation of this article
21 within one year after the date the cause of action accrues. For the
22 purpose of calculating the one-year limitation period, each day that the
23 violation persists or each day that a policy in violation of this article
24 remains in effect constitutes a new violation of this article and shall be
25 considered a day that the cause of action has accrued.

APPROVED BY THE GOVERNOR APRIL 10, 2019.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 10, 2019.

Passed the House April 3, 2019,

Passed the Senate February 25, 2019

by the following vote: 60 Ayes,

by the following vote: 29 Ayes,

0 Nays, 0 Not Voting

0 Nays, 1 Not Voting

[Signature]
Speaker of the House
Pro Tempore

[Signature]
President of the Senate

[Signature]
Chief Clerk of the House

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

4 day of April, 2019,

at 10:24 o'clock A M.

[Signature]
Secretary to the Governor

Approved this 10th day of

April, 2019,

at 2:10 o'clock P M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 10 day of April, 2019,

at 4:20 o'clock P. M.

[Signature]
Secretary of State

S.B. 1069