

REFERENCE TITLE: violations; shared revenues; legislative complaint

State of Arizona
Senate
Fifty-fifth Legislature
Second Regular Session
2022

SB 1545

Introduced by
Senators Quezada: Terán

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4 2021, chapter 403, section 18, is repealed.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 and
8 towns; attorney general investigation; report;
9 withholding of state shared revenues

10 A. At the request of one or more members of the legislature, the
11 attorney general shall investigate any ordinance, regulation, order or
12 other official action adopted or taken by the governing body of a county,
13 city or town that the member alleges violates state law or the
14 Constitution of Arizona. **A MEMBER OF THE LEGISLATURE WHO MAKES A REQUEST**
15 **PURSUANT TO THIS SUBSECTION MUST EITHER:**

16 **1. REPRESENT SOME OR ALL OF THE COUNTY OR CITY OR TOWN BEING**
17 **INVESTIGATED.**

18 **2. RECEIVE WRITTEN SUPPORT FROM A LEGISLATOR WHO REPRESENTS THE**
19 **COUNTY OR CITY OR TOWN BEING INVESTIGATED.**

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

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

34 (a) Notify the state treasurer who shall withhold and redistribute
35 state shared monies from the county, city or town as provided by section
36 42-5029, subsection L and from the city or town as provided by section
37 43-206, subsection F.

38 (b) Continue to monitor the response of the governing body, and
39 when the offending ordinance, regulation, order or action is repealed or
40 the violation is otherwise resolved, the attorney general shall notify:

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

44 (ii) The state treasurer to restore the distribution of state
45 shared revenues to the county, city or town.

1 2. May violate a provision of state law or the Constitution of
2 Arizona, the attorney general shall file a special action in **THE** supreme
3 court to resolve the issue, and the supreme court shall give the action
4 precedence over all other cases. The court shall require the county, city
5 or town to post a bond equal to the amount of state shared **revenue**
6 **REVENUES** paid to the county, city or town pursuant to **section** **SECTIONS**
7 42-5029 and 43-206 in the preceding six months.
8 3. Does not violate any provision of state law or the Constitution
9 of Arizona, the attorney general shall take no further action pursuant to
10 this section.