

REFERENCE TITLE: governor; attorney general; duties; immigration

State of Arizona
House of Representatives
Fifty-seventh Legislature
First Regular Session
2025

HB 2099

Introduced by
Representatives Martinez: Biasiucci, Carbone, Carter P, Fink, Gillette,
Gress, Kupper, Lopez, Marshall, Montenegro, Pingerelli, Taylor, Way;
Senator Finchem

AN ACT

AMENDING SECTIONS 41-101 AND 41-192, ARIZONA REVISED STATUTES; RELATING TO
EXECUTIVE OFFICERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 41-101, Arizona Revised Statutes, is amended to
3 read:

4 41-101. Powers and duties; attestation of acts of governor;
5 salary

6 A. The governor has the powers and shall perform the duties as
7 prescribed in this article. The governor:

8 1. Shall supervise the official conduct of all executive and
9 ministerial officers.

10 2. Shall see that all offices are filled and the duties performed
11 or, in default, invoke such remedy as the law allows.

12 3. Shall appoint a private secretary to the governor and shall
13 appoint all officers of this state not made elective, unless otherwise
14 provided.

15 4. Notwithstanding section 38-211, shall appoint the lieutenant
16 governor to serve as the governor's chief of staff or the director of the
17 ~~Arizona~~ department of administration or to fill any position for which the
18 governor is otherwise authorized by law to make an appointment.

19 5. Shall be the sole official means of communication between this
20 state and the government of any other state or the United States.

21 6. SHALL ENFORCE, ADMINISTER AND COOPERATE WITH FEDERAL ACTIONS,
22 ORDERS AND PROGRAMS THAT RELATE TO THE ENFORCEMENT OF FEDERAL IMMIGRATION
23 LAWS.

24 ~~6.~~ 7. May direct the attorney general to appear on behalf of this
25 state when any action or legal proceeding is pending that affects the
26 title of this state to any property or that may result in a claim against
27 this state.

28 ~~7.~~ 8. May require the attorney general, or any county attorney, to
29 inquire into the affairs or management of any corporation doing business
30 in this state.

31 ~~8.~~ 9. May require the attorney general to aid a county attorney in
32 the discharge of his duties.

33 ~~9.~~ 10. May offer rewards for escaped insane persons, ~~OF not~~
34 ~~exceeding five hundred dollars~~ MORE THAN \$500.

35 ~~10.~~ 11. May require any officer or board to make special reports
36 to ~~him~~ THE GOVERNOR on demand in writing.

37 ~~11.~~ 12. May convene the legislature at some other place when the
38 seat of government becomes dangerous from disease or a common enemy.

39 ~~12.~~ 13. May enter into intergovernmental agreements with officers,
40 agencies or departments of the United States to provide funding or other
41 resources available from any related state agency, board or commission for
42 the purpose of operating federal parks located in this state during any
43 period when such parks would otherwise be subject to shutdown due to a
44 lack of federal appropriation and as deemed necessary to promote tourism,
45 this state's economic well-being, or the health, safety or welfare of the

1 state's citizens. The governor shall not provide general fund
2 appropriations from any related state agency, board or commission to
3 operate a federal park pursuant to this paragraph for more than twenty-one
4 days without the approval of the legislature. The joint legislative
5 budget committee shall review any expenditure of ~~funds~~ MONIES or other
6 resources pursuant to this paragraph.

7 ~~13.~~ 14. Has such powers and shall perform such other duties as
8 devolve on ~~him~~ THE GOVERNOR by law.

9 B. All official acts of the governor, except approval of the laws,
10 shall be attested by the secretary of state.

11 C. The governor is eligible to receive an annual salary pursuant to
12 section 41-1904.

13 D. Before an individual is hired as an employee of the office of
14 the governor, that individual shall submit a full set of fingerprints to
15 the governor for the purpose of obtaining a state and federal criminal
16 records check pursuant to section 41-1750 and Public Law 92-544. The
17 department of public safety may exchange this fingerprint data with the
18 federal bureau of investigation.

19 Sec. 2. Section 41-192, Arizona Revised Statutes, is amended to
20 read:

21 41-192. Powers and duties of attorney general; restrictions
22 on state agencies as to legal counsel; exceptions;
23 compromise and settlement monies

24 A. The attorney general shall have charge of and direct the
25 department of law and shall serve as chief legal officer of the state. The
26 attorney general shall:

27 1. Be the legal advisor of the departments of this state and render
28 such legal services as the departments require.

29 2. Establish administrative and operational policies and procedures
30 within ~~his~~ THE ATTORNEY GENERAL'S department.

31 3. Approve long-range plans for developing departmental programs
32 therein, and coordinate the legal services required by other departments
33 of this state or other state agencies.

34 4. Represent school districts and governing boards of school
35 districts in any lawsuit involving a conflict of interest with other
36 county offices.

37 5. Represent political subdivisions, school districts and
38 municipalities in suits to enforce state or federal statutes pertaining to
39 antitrust, restraint of trade or price-fixing activities or conspiracies,
40 if the attorney general notifies in writing the political subdivisions,
41 school districts and municipalities of the attorney general's intention to
42 bring any such action on their behalf. At any time within thirty days
43 after the notification, a political subdivision, school district or
44 municipality, by formal resolution of its governing body, may withdraw the

1 authority of the attorney general to bring the intended action on its
2 behalf.

3 6. In any action brought by the attorney general pursuant to state
4 or federal statutes pertaining to antitrust, restraint of trade, or
5 price-fixing activities or conspiracies for the recovery of damages by
6 this state or any of its political subdivisions, school districts or
7 municipalities, in addition to the attorney general's other powers and
8 authority, the attorney general on behalf of this state may enter into
9 contracts relating to the investigation and prosecution of such action
10 with any other party plaintiff who has brought a similar action for the
11 recovery of damages and with whom the attorney general finds it
12 advantageous to act jointly or to share common expenses or to cooperate in
13 any manner relative to such action. In any such action, notwithstanding
14 any other laws to the contrary, the attorney general may undertake, among
15 other things, to render legal services as special counsel or to obtain the
16 legal services of special counsel from any department or agency of the
17 United States, of this state or any other state or any department or
18 agency thereof or any county, city, public corporation or public district
19 in this state or in any other state that has brought or intends to bring a
20 similar action for the recovery of damages or its duly authorized legal
21 representatives in such action.

22 7. Organize the civil rights division within the department of law
23 and administer such division pursuant to the powers and duties provided in
24 chapter 9 of this title.

25 8. Compile, publish and distribute to all state agencies,
26 departments, boards, commissions and councils, and to other persons and
27 government entities on request, at least every ten years, the Arizona
28 agency handbook that sets forth and explains the major state laws that
29 govern state agencies, including information on the laws relating to
30 bribery, conflicts of interest, contracting with the government,
31 disclosure of public information, discrimination, nepotism, financial
32 disclosure, gifts and extra compensation, incompatible employment,
33 political activity by employees, public access and misuse of public
34 resources for personal gain. A supplement to the handbook reflecting
35 revisions to the information contained in the handbook shall be compiled
36 and distributed by the attorney general as deemed necessary.

37 **9. ENFORCE, ADMINISTER AND COOPERATE WITH FEDERAL ACTIONS, ORDERS**
38 **AND PROGRAMS THAT RELATE TO THE ENFORCEMENT OF FEDERAL IMMIGRATION LAWS.**

39 B. Except as otherwise provided by law, the attorney general may:

40 1. Organize the department into such bureaus, subdivisions or units
41 as ~~the~~ **THE ATTORNEY GENERAL** deems most efficient and economical, and
42 consolidate or abolish them.

43 2. Adopt rules for the orderly conduct of the business of the
44 department.

1 3. Subject to chapter 4, article 4 of this title, employ and assign
2 assistant attorneys general and other employees necessary to perform the
3 functions of the department.

4 4. Compromise or settle any action or claim by or against this
5 state or any department, board or agency of this state. If the compromise
6 or settlement involves a particular department, board or agency of this
7 state, the compromise or settlement shall be first approved by the
8 department, board or agency. If no department or agency is named or
9 otherwise materially involved, the approval of the governor shall be first
10 obtained.

11 5. Charge reasonable fees for distributing official publications,
12 including attorney general legal opinions and the Arizona agency handbook.
13 The fees received shall be transmitted to the state treasurer for deposit
14 in the state general fund.

15 C. The powers and duties of a bureau, subdivision or unit shall be
16 limited to those assigned by law to the department.

17 D. Notwithstanding any law to the contrary, except as provided in
18 subsections E and F of this section, no state agency other than the
19 attorney general shall employ legal counsel or make an expenditure or
20 incur an indebtedness for legal services, but the following are exempt
21 from this section:

- 22 1. The director of water resources.
- 23 2. The residential utility consumer office.
- 24 3. The industrial commission **OF ARIZONA**.
- 25 4. The Arizona board of regents.
- 26 5. The auditor general.
- 27 6. The corporation commissioners and the corporation commission
28 other than the securities division.
- 29 7. The office of the governor.
- 30 8. The constitutional defense council.
- 31 9. The office of the state treasurer.
- 32 10. The Arizona commerce authority.
- 33 11. The water infrastructure finance authority of Arizona.

34 E. If the attorney general determines that ~~he~~ **THE ATTORNEY GENERAL**
35 is disqualified from providing judicial or quasi-judicial legal
36 representation or legal services on behalf of any state agency in relation
37 to any matter, the attorney general shall give written notification to the
38 state agency affected. If the agency has received written notification
39 from the attorney general that the attorney general is disqualified from
40 providing judicial or quasi-judicial legal representation or legal
41 services in relation to any particular matter, the state agency is
42 authorized to make expenditures and incur indebtedness to employ attorneys
43 to provide the representation or services.

44 F. If the attorney general and the director of the department of
45 agriculture cannot agree on the final disposition of a pesticide complaint

1 under section 3-368, if the attorney general and the director determine
 2 that a conflict of interest exists as to any matter or if the attorney
 3 general and the director determine that the attorney general does not have
 4 the expertise or attorneys available to handle a matter, the director is
 5 authorized to make expenditures and incur indebtedness to employ attorneys
 6 to provide representation or services to the department with regard to
 7 that matter.

8 G. Any department or agency of this state authorized by law to
 9 maintain a legal division or incur expenses for legal services from funds
 10 derived from sources other than the general revenue of the state, or from
 11 any special or trust fund, shall pay from such source of revenue or
 12 special or trust fund into the general fund of the state, to the extent
 13 such funds are available and on a reimbursable basis for warrants drawn,
 14 the amount actually expended by the department of law within legislative
 15 appropriations for such legal division or legal services.

16 H. Appropriations made pursuant to subsection G of this section
 17 shall not be subject to lapsing provisions otherwise provided by law.
 18 Services for departments or agencies to which this subsection and
 19 subsection F of this section are applicable shall be performed by special
 20 or regular assistants to the attorney general.

21 I. Notwithstanding section 35-148, monies received by the attorney
 22 general from charges to state agencies and political subdivisions for
 23 legal services relating to interagency service agreements shall be
 24 deposited, pursuant to sections 35-146 and 35-147, in an attorney general
 25 agency services fund. Monies in the fund are subject to legislative
 26 appropriation and are exempt from the provisions of section 35-190
 27 relating to lapsing of appropriations.

28 J. Unless otherwise provided by law, monies received for and
 29 belonging to the state and resulting from compromises and settlements
 30 entered into pursuant to subsection B of this section, excluding
 31 restitution and reimbursement to state agencies for costs or attorney
 32 fees, shall be deposited into the state treasury and credited to the state
 33 general fund pursuant to section 35-142. Monies received for and
 34 belonging to the state and resulting from a compromise or settlement are
 35 not considered custodial, private or quasi-private monies unless
 36 specifically provided by law. On or before January 15, April 15, July 15
 37 and October 15, the attorney general shall file with the governor, with
 38 copies to the director of the department of administration, the president
 39 of the senate, the speaker of the house of representatives, the secretary
 40 of state and the staff director of the joint legislative budget committee,
 41 a full and complete account of the deposits into the state treasury made
 42 pursuant to this subsection in the previous calendar quarter. For the
 43 purposes of this subsection, "restitution" means monies intended to
 44 compensate a specific, identifiable person, including this state, for
 45 economic loss.