



ARIZONA STATE SENATE
Fifty-Sixth Legislature, Second Regular Session

FACT SHEET FOR S.B. 1017

attorney general; legal counsel; exemption

Purpose

Allows the Arizona Department of Education (ADE) to employ legal counsel or make expenditures or incur indebtedness for legal services.

Background

The Attorney General (AG) serves as the chief legal officer of Arizona and must: 1) be the legal advisor of state departments and render legal services as the departments require; 2) approve long-range plans for developing departmental programs, and coordinate the legal services required by other departments or state agencies; 3) represent school districts and school district governing boards in any lawsuit involving a conflict of interest with other county offices; and 4) represent political subdivisions, school districts and municipalities in suits to enforce state or federal statutes pertaining to antitrust, restraint of trade or price-fixing activities or conspiracies, if the AG notifies in writing the political subdivisions, school districts and municipalities of the AG's intention to bring any such action on their behalf. The AG may compromise or settle any action or claim by or against the state or any department, board or agency of Arizona.

With certain exceptions, statute prohibits state agencies from employing legal counsel or making expenditures or incurring indebtedness for legal services. The AG and the following entities are exempt from the prohibition: 1) the Director of the Arizona Department of Water Resources; 2) the Residential Utility Consumer Office; 3) the Industrial Commission of Arizona; 4) the Arizona Board of Regents; 5) the Office of the Auditor General; 6) the Corporation Commissioners and the Arizona Corporation Commission other than the Securities Division; 7) the Office of the Governor; 8) the Constitutional Defense Council; 9) the Office of the State Treasurer; 10) the Arizona Commerce Authority; and 11) the Water Infrastructure Finance Authority. If the AG determines that the AG is disqualified from providing judicial or quasi-judicial legal representation or legal services on behalf of any state agency in relation to any matter, the AG must give written notification to the state agency affected. Upon receipt of written notification from the AG that the AG is disqualified from providing judicial or quasi-judicial legal representation or legal services in relation to any particular manner, the state agency may make expenditures and incur indebtedness to employ attorneys to provide the representation or services ([A.R.S. § 41-192](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Allows ADE to employ legal counsel or make expenditures or incur indebtedness for legal services.

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2. Makes a technical change.
3. Becomes effective on the general effective date.

Prepared by Senate Research
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