

REFERENCE TITLE: corporation commission actions; investigation

State of Arizona
House of Representatives
Fifty-fifth Legislature
First Regular Session
2021

HB 2737

Introduced by

Representatives Parker: Barton, Biasiucci, Blackman, Bolick, Bowers,
Borges, Cobb, Cook, Dunn, Fillmore, Finchem, Grantham, Griffin, Hoffman,
John, Kaiser, Kavanagh, Nguyen, Nutt, Payne, Pingerelli, Toma, Wilmeth

AN ACT

AMENDING TITLE 41, CHAPTER 1, ARTICLE 5, ARIZONA REVISED STATUTES, BY
ADDING SECTION 41-194.02; 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. Title 41, chapter 1, article 5, Arizona Revised
3 Statutes, is amended by adding section 41-194.02, to read:

4 41-194.02. Violations of law by the corporation commission;
5 attorney general investigation; report; action;
6 budget withholding; applicability

7 A. AT THE REQUEST OF ONE OR MORE MEMBERS OF THE LEGISLATURE, THE
8 ATTORNEY GENERAL SHALL INVESTIGATE:

9 1. ANY DECISION, ORDER OR RULE ADOPTED OR AMENDED BY THE
10 CORPORATION COMMISSION THAT THE MEMBER ALLEGES IS BEYOND THE CORPORATION
11 COMMISSION'S STATUTORY OR CONSTITUTIONAL AUTHORITY.

12 2. WHETHER THE CORPORATION COMMISSION IS NOT EXECUTING OR ENFORCING
13 A STATUTE.

14 B. THE ATTORNEY GENERAL SHALL MAKE A WRITTEN REPORT OF FINDINGS AND
15 CONCLUSIONS AS A RESULT OF THE INVESTIGATION WITHIN THIRTY DAYS AFTER
16 RECEIPT OF THE REQUEST AND SHALL PROVIDE A COPY OF THE REPORT TO THE
17 GOVERNOR, THE PRESIDENT OF THE SENATE, THE SPEAKER OF THE HOUSE OF
18 REPRESENTATIVES, THE MEMBER OR MEMBERS OF THE LEGISLATURE MAKING THE
19 ORIGINAL REQUEST AND THE SECRETARY OF STATE.

20 C. IF THE ATTORNEY GENERAL CONCLUDES THAT THE CORPORATION
21 COMMISSION:

22 1. EITHER DOES NOT HAVE THE STATUTORY OR CONSTITUTIONAL AUTHORITY
23 TO ADOPT OR AMEND THE DECISION, ORDER OR RULE UNDER INVESTIGATION OR IS
24 NOT EXECUTING OR ENFORCING THE STATUTE THAT IS THE SUBJECT OF THE
25 INVESTIGATION, THE ATTORNEY GENERAL SHALL PROVIDE NOTICE TO THE
26 CORPORATION COMMISSION, BY CERTIFIED MAIL, OF THE VIOLATION AND SHALL
27 INDICATE THAT THE CORPORATION COMMISSION HAS THIRTY DAYS TO AMEND, REPEAL
28 OR OTHERWISE RESOLVE THE CORPORATION COMMISSION'S ACTION OR INACTION. IF
29 THE ATTORNEY GENERAL DETERMINES THAT THE CORPORATION COMMISSION HAS FAILED
30 TO RESOLVE THE VIOLATION WITHIN THIRTY DAYS, THE ATTORNEY GENERAL SHALL
31 FILE A SPECIAL ACTION IN THE SUPREME COURT TO RESOLVE THE ISSUE, AND THE
32 SUPREME COURT SHALL GIVE THE ACTION PRECEDENCE OVER ALL OTHER CASES.

33 2. MAY HAVE THE STATUTORY OR CONSTITUTIONAL AUTHORITY TO ADOPT OR
34 AMEND THE DECISION, ORDER OR RULE UNDER INVESTIGATION OR MAY BE EXECUTING
35 OR ENFORCING THE STATUTE THAT IS THE SUBJECT OF THE INVESTIGATION, THE
36 ATTORNEY GENERAL SHALL FILE A SPECIAL ACTION IN THE SUPREME COURT TO
37 RESOLVE THE ISSUE, AND THE SUPREME COURT SHALL GIVE THE ACTION PRECEDENCE
38 OVER ALL OTHER CASES.

39 3. DOES HAVE THE STATUTORY OR CONSTITUTIONAL AUTHORITY TO ADOPT THE
40 DECISION, ORDER OR RULE UNDER INVESTIGATION OR IS EXECUTING OR ENFORCING
41 THE STATUTE THAT IS THE SUBJECT OF THE INVESTIGATION, THE ATTORNEY GENERAL
42 SHALL TAKE NO FURTHER ACTION.

43 D. IF THE SUPREME COURT DETERMINES THAT THE CORPORATION COMMISSION
44 DID NOT HAVE THE STATUTORY OR CONSTITUTIONAL AUTHORITY TO ADOPT THE
45 DECISION, ORDER OR RULE, OR IS NOT EXECUTING OR ENFORCING THE STATUTE, THE

1 ATTORNEY GENERAL SHALL INFORM THE GENERAL ACCOUNTING OFFICE OF THE
2 DEPARTMENT OF ADMINISTRATION, WHICH SHALL WITHHOLD TEN PERCENT OF THE
3 CORPORATION COMMISSION'S OPERATING LUMP SUM BUDGET FOR THE CURRENT FISCAL
4 YEAR EQUALLY OVER THE NEXT FOUR CONSECUTIVE QUARTERLY BUDGET ALLOCATIONS.
5 THE QUARTERLY BUDGET ALLOCATIONS MAY BE IN DIFFERENT FISCAL YEARS, IF
6 NECESSARY.
7 E. THIS SECTION DOES NOT APPLY TO ANY ORDER OR DECISION SETTING
8 RATES FOR PUBLIC SERVICE CORPORATIONS.