



ARIZONA STATE SENATE
Fifty-Sixth Legislature, First Regular Session

VETOED

FACT SHEET FOR S.B. 1391

department of environmental quality; counsel

Purpose

Allows, rather than requires, the Attorney General (AG) to serve as the legal advisor of and provide legal services to the Arizona Department of Environmental Quality (ADEQ). Allows ADEQ to employ legal counsel or make an expenditure or incur indebtedness for legal services.

Background

In 1987, ADEQ was established under the Environmental Quality Act of 1986. ADEQ has three environmental program areas: 1) air quality; 2) water quality; and 3) waste ([ADEQ](#)). ADEQ must conduct research, provide information and advice and promote the protection and management of air and water resources consistent with the environmental policy of Arizona ([A.R.S. § 49-104](#)).

The AG is an elected, constitutionally mandated role and serves four-year terms ([AG](#)). The AG and the Arizona Department of Law (AG's Office) may employ assistant attorneys general to perform functions of the AG's Office ([A.R.S. § 41-192](#)). The AG's Office must: 1) prosecute and defend in the Supreme Court all proceedings in which the state is a party; 2) represent the state in federal court; 3) represent the state in state court; and 4) by request by the Legislature or any public officer, provide a written opinion of any question of law relating to their offices ([A.R.S. § 41-193](#)).

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

Provisions

1. Exempts ADEQ from the prohibition on employing legal counsel or making an expenditure or incurring an indebtedness for legal services.
2. Allows, rather than requires, the AG to:
 - a) serve as the legal advisor of ADEQ; and
 - b) provide legal services as ADEQ requires.
3. Allows the Director of ADEQ to employ attorneys to represent ADEQ.
4. Requires, as requested by the Director of ADEQ, the AG to prosecute and defend in the name of the state all actions necessary to carry out legal proceedings to protect the environment.
5. Makes technical and conforming changes.
6. Becomes effective on the general effective date.

Governor's Veto Message

The Governor indicates in her [veto message](#) that ADEQ currently receives effective and efficient legal representation from the AG, and it is the Governor's understanding that the problem S.B. 1391 seeks to address does not exist.

Senate Action

NREW	2/9/23	DP	7-0-0
3 rd Read	2/20/23		25-4-1

House Action

3 rd Read	6/12/23	31-29-0
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Vetoed by the Governor 6/19/23

Prepared by Senate Research

June 20, 2023

RA/slp