

REFERENCE TITLE: open meetings enforcement; attorney general

State of Arizona
House of Representatives
Fifty-seventh Legislature
Second Regular Session
2026

HB 2073

Introduced by
Representative Fink

AN ACT

AMENDING SECTION 41-192, ARIZONA REVISED STATUTES; 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. Section 41-192, Arizona Revised Statutes, is amended to
3 read:

4 41-192. Powers and duties of attorney general; restrictions
5 on state agencies as to legal counsel; exceptions;
6 compromise and settlement monies

7 A. The attorney general shall have charge of and direct the
8 department of law and shall serve as chief legal officer of the state.
9 The attorney general shall:

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

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

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

17 4. Represent school districts and governing boards of school
18 districts in any lawsuit involving a conflict of interest with other
19 county offices.

20 5. Represent political subdivisions, school districts and
21 municipalities in suits to enforce state or federal statutes pertaining to
22 antitrust, restraint of trade or price-fixing activities or conspiracies,
23 if the attorney general notifies in writing the political subdivisions,
24 school districts and municipalities of the attorney general's intention to
25 bring any such action on their behalf. At any time within thirty days
26 after the notification, a political subdivision, school district or
27 municipality, by formal resolution of its governing body, may withdraw the
28 authority of the attorney general to bring the intended action on its
29 behalf.

30 6. In any action brought by the attorney general pursuant to state
31 or federal statutes pertaining to antitrust, restraint of trade, or
32 price-fixing activities or conspiracies for the recovery of damages by
33 this state or any of its political subdivisions, school districts or
34 municipalities, in addition to the attorney general's other powers and
35 authority, the attorney general on behalf of this state may enter into
36 contracts relating to the investigation and prosecution of such action
37 with any other party plaintiff who has brought a similar action for the
38 recovery of damages and with whom the attorney general finds it
39 advantageous to act jointly or to share common expenses or to cooperate in
40 any manner relative to such action. In any such action, notwithstanding
41 any other laws to the contrary, the attorney general may undertake, among
42 other things, to render legal services as special counsel or to obtain the
43 legal services of special counsel from any department or agency of the
44 United States, of this state or any other state or any department or
45 agency thereof or any county, city, public corporation or public district

1 in this state or in any other state that has brought or intends to bring a
2 similar action for the recovery of damages or its duly authorized legal
3 representatives in such action.

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

7 8. Compile, publish and distribute to all state agencies,
8 departments, boards, commissions and councils, and to other persons and
9 government entities on request, at least every ten years, the Arizona
10 agency handbook that sets forth and explains the major state laws that
11 govern state agencies, including information on the laws relating to
12 bribery, conflicts of interest, contracting with the government,
13 disclosure of public information, discrimination, nepotism, financial
14 disclosure, gifts and extra compensation, incompatible employment,
15 political activity by employees, public access and misuse of public
16 resources for personal gain. A supplement to the handbook reflecting
17 revisions to the information contained in the handbook shall be compiled
18 and distributed by the attorney general as deemed necessary.

19 9. ESTABLISH AN OPEN MEETINGS ENFORCEMENT TEAM CONSISTING OF
20 ATTORNEYS WHO WORK FOR THE ATTORNEY GENERAL'S OFFICE. THE TEAM SHALL MEET
21 AT LEAST MONTHLY TO ADDRESS ANY COMPLAINTS SUBMITTED TO THE ATTORNEY
22 GENERAL'S OFFICE FOR ANY ALLEGED VIOLATION OF TITLE 38, CHAPTER 3, ARTICLE
23 3.1. THE TEAM SHALL SUBMIT QUARTERLY REPORTS OF THE TEAM'S ACTIVITIES TO
24 THE ATTORNEY GENERAL AND SHALL POST THE REPORTS ON THE ATTORNEY GENERAL'S
25 WEBSITE.

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

27 1. Organize the department into such bureaus, subdivisions or units
28 as ~~he~~ THE ATTORNEY GENERAL deems most efficient and economical, and
29 consolidate or abolish them.

30 2. Adopt rules for the orderly conduct of the business of the
31 department.

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

35 4. Compromise or settle any action or claim by or against this
36 state or any department, board or agency of this state. If the compromise
37 or settlement involves a particular department, board or agency of this
38 state, the compromise or settlement shall be first approved by the
39 department, board or agency. If no department or agency is named or
40 otherwise materially involved, the approval of the governor shall be first
41 obtained.

42 5. Charge reasonable fees for distributing official publications,
43 including attorney general legal opinions and the Arizona agency handbook.
44 The fees received shall be transmitted to the state treasurer for deposit
45 in the state general fund.

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

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

- 8 1. The director of water resources.
- 9 2. The residential utility consumer office.
- 10 3. The industrial commission OF ARIZONA.
- 11 4. The Arizona board of regents.
- 12 5. The auditor general.
- 13 6. The corporation commissioners and the corporation commission
14 other than the securities division.
- 15 7. The office of the governor.
- 16 8. The constitutional defense council.
- 17 9. The office of the state treasurer.
- 18 10. The Arizona commerce authority.
- 19 11. The water infrastructure finance authority of Arizona.

20 E. If the attorney general determines that ~~he~~ THE ATTORNEY GENERAL
21 is disqualified from providing judicial or quasi-judicial legal
22 representation or legal services on behalf of any state agency in relation
23 to any matter, the attorney general shall give written notification to the
24 state agency affected. If the agency has received written notification
25 from the attorney general that the attorney general is disqualified from
26 providing judicial or quasi-judicial legal representation or legal
27 services in relation to any particular matter, the state agency is
28 authorized to make expenditures and incur indebtedness to employ attorneys
29 to provide the representation or services.

30 F. If the attorney general and the director of the department of
31 agriculture cannot agree on the final disposition of a pesticide complaint
32 under section 3-368, if the attorney general and the director determine
33 that a conflict of interest exists as to any matter or if the attorney
34 general and the director determine that the attorney general does not have
35 the expertise or attorneys available to handle a matter, the director is
36 authorized to make expenditures and incur indebtedness to employ attorneys
37 to provide representation or services to the department with regard to
38 that matter.

39 G. Any department or agency of this state authorized by law to
40 maintain a legal division or incur expenses for legal services from funds
41 derived from sources other than the general revenue of the state, or from
42 any special or trust fund, shall pay from such source of revenue or
43 special or trust fund into the STATE general fund ~~of the state~~, to the
44 extent such funds are available and on a reimbursable basis for warrants

1 drawn, the amount actually expended by the department of law within
2 legislative appropriations for such legal division or legal services.

3 H. Appropriations made pursuant to subsection G of this section
4 ~~shall not be~~ ARE NOT subject to lapsing provisions otherwise provided by
5 law. Services for departments or agencies to which this subsection and
6 subsection F of this section are applicable shall be performed by special
7 or regular assistants to the attorney general.

8 I. Notwithstanding section 35-148, monies received by the attorney
9 general from charges to state agencies and political subdivisions for
10 legal services relating to interagency service agreements shall be
11 deposited, pursuant to sections 35-146 and 35-147, in an attorney general
12 agency services fund. Monies in the fund are subject to legislative
13 appropriation and are exempt from the provisions of section 35-190
14 relating to lapsing of appropriations.

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