

REFERENCE TITLE: **DPS; legal representation; appropriation**

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

## **HB 2993**

Introduced by

Representatives Montenegro: Blackman, Bliss, Carbone, Carter N, Carter P,  
Chaplik, Diaz, Fink, Gillette, Gress, Griffin, Heap, Hendrix, Keshel,  
Kolodin, Livingston, Lopez, Marshall, Martinez, Nguyen, Olson, Peña,  
Pingerelli, Powell, Rivero, Taylor, Way, Weninger, Willoughby, Wilmeth

AN ACT

AMENDING SECTION 41-192, ARIZONA REVISED STATUTES; APPROPRIATING MONIES;  
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 B. Except as otherwise provided by law, the attorney general may:

20 1. Organize the department into such bureaus, subdivisions or units  
21 as ~~the~~ THE ATTORNEY GENERAL deems most efficient and economical, and  
22 consolidate or abolish them.

23 2. Adopt rules for the orderly conduct of the business of the  
24 department.

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

28 4. Compromise or settle any action or claim by or against this  
29 state or any department, board or agency of this state. If the compromise  
30 or settlement involves a particular department, board or agency of this  
31 state, the compromise or settlement shall be first approved by the  
32 department, board or agency. If no department or agency is named or  
33 otherwise materially involved, the approval of the governor shall be first  
34 obtained.

35 5. Charge reasonable fees for distributing official publications,  
36 including attorney general legal opinions and the Arizona agency handbook.  
37 The fees received shall be transmitted to the state treasurer for deposit  
38 in the state general fund.

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

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

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

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

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

33 G. Any department or agency of this state authorized by law to  
34 maintain a legal division or incur expenses for legal services from funds  
35 derived from sources other than the general revenue of the state, or from  
36 any special or trust fund, shall pay from such source of revenue or  
37 special or trust fund into the general fund of the state, to the extent  
38 such funds are available and on a reimbursable basis for warrants drawn,  
39 the amount actually expended by the department of law within legislative  
40 appropriations for such legal division or legal services.

41 H. Appropriations made pursuant to subsection G of this section  
42 ~~shall~~ ARE not ~~be~~ subject to lapsing provisions otherwise provided by law.  
43 Services for departments or agencies to which this subsection and  
44 subsection F of this section are applicable shall be performed by special  
45 or regular assistants to the attorney general.

1 I. Notwithstanding section 35-148, monies received by the attorney  
2 general from charges to state agencies and political subdivisions for  
3 legal services relating to interagency service agreements shall be  
4 deposited, pursuant to sections 35-146 and 35-147, in an attorney general  
5 agency services fund. Monies in the fund are subject to legislative  
6 appropriation and are exempt from the provisions of section 35-190  
7 relating to lapsing of appropriations.

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

26 Sec. 2. Appropriation; peace officers' training fund

27 The sum of \$5,000,000 is appropriated from the consumer  
28 protection-consumer fraud revolving fund established by section  
29 44-1531.01, Arizona Revised Statutes, in fiscal year 2026-2027 to the  
30 peace officers' training fund established by section 41-1825, Arizona  
31 Revised Statutes.