



ARIZONA STATE SENATE
Fifty-Fifth Legislature, First Regular Session

FACT SHEET FOR H.B. 2310

~~municipalities; counties; law enforcement budgets~~
(NOW: executive orders; review; attorney general)

Purpose

Allows Legislative Council, on request of a member of the Legislature, to review a Presidential executive order and recommend that the Attorney General (AG) further examine the order to determine the legality of the order. Requires the AG, on a determination that a Presidential executive order is illegal, to file declaratory judgement action in federal district court.

Background

Legislative Council consists of the Senate President, the Speaker of the House of Representative (Speaker of the House) and six members appointed by each the Senate President and Speaker of the House. The Senate President and Speaker of the House must cooperate in the selection of members to serve on Legislative Council so that each geographic area of the state is represented insofar as possible ([A.R.S. § 41-1301](#)). Legislative Council must appoint clerical, technical and professional assistants deemed necessary to carry out statutory requirements, procure information at the request of members of the Legislature and prepare and file an analysis of each ballot proposal or proposed amendment to the Arizona Constitution ([A.R.S. § 41-1304](#)).

The Department of Law consists of the AG and statutorily outlined subdivisions. The AG and Department of Law are charged with: 1) prosecuting and defending all proceedings in the Arizona Supreme Court in which Arizona is a party; 2) prosecuting and defending any proceeding in a court other than the Arizona Supreme Court as necessary; 3) representing Arizona in federal court; and 4) writing written opinions upon demand by the Legislature, either house of the Legislature or any member of the Legislature ([A.R.S. § 41-193](#)).

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

Provisions

1. Allows Legislative Council, on request of one or more members of the Legislature, to review a Presidential executive order that has not been affirmed by a vote of Congress and signed into law.
2. Allows Legislative Council to recommend that the AG further examine a Presidential executive order to determine the legality of the order.

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3. Requires the AG, on a determination that a Presidential executive order is illegal, to file a declaratory judgement action in federal district court.
4. Becomes effective on the general effective date.

House Action

MAPS	2/15/21	DPA/SE	8-6-0-0
3 rd Read	2/24/21		31-29-0

Prepared by Senate Research

March 3, 2021

MH/gs