



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fifth Legislature
First Regular Session

House: MAPS DPA/SE 8-6-0-0 | 3rd Read 31-29-0-0

Senate: GOV DP 4-3-1-0 | 3rd Read 16-14-0-0

HB 2310: municipalities; counties; law enforcement budgets

NOW: executive orders; review; attorney general

Sponsor: Representative Roberts, LD 11

Senate Engrossed

Overview

Allows the Legislative Council to review presidential executive orders (orders) and recommend to the Attorney General (AG) to further review an order to determine the order's legality.

History

Article II of the United States Constitution outlines the process of the election and the powers and duties of the President of the United States. The powers and duties of the President of the United States include, but is not limited to:

- 1) Being the Commander in Chief of the United States Army and Navy and the Militia of several states when called into actual service;
- 2) Making treaties, provided two-thirds of the Senators present concur;
- 3) Giving Congress information of the State of the Union; and
- 4) Taking care that the laws be faithfully executed ([U.S. Const. art. II, §§ 2, 3](#)).

Provisions

1. Allows the Legislative Council, if requested by one or more Members of the Legislature, to review any order that has not been affirmed by a vote of Congress and assigned into law. (Sec. 1)
2. Allows the Legislative Council to recommend to the AG that the order be further reviewed to determine the order's legality. (Sec. 1)
3. Requires the AG to file a declaratory judgment action in federal district court if the AG determines the order is illegal. (Sec. 1)

Senate Amendments

1. Requires the Executive Director of Legislative Council, rather than allowing Legislative Council, to review orders at the request of at least one Legislative Member. (Sec. 1)
2. Allows a Legislative Member, rather than Legislative Council, to recommend orders to the AG for further review. (Sec. 1)
3. Permits, rather than requires, the AG to file a declaratory judgment action in federal district court if the AG determines the order is illegal. (Sec. 1)
4. Contains an applicability clause. (Sec. 2)

Prop 105 (45 votes) Prop 108 (40 votes) Emergency (40 votes) Fiscal Note