



ARIZONA STATE SENATE
Fifty-First Legislature, First Regular Session

FACT SHEET FOR S.B. 1439

legal tender

Purpose

Authorizes the state to recognize coin or bullion with gold or silver content to be legal tender.

Background

Pursuant to 31 USC § 5103, *legal tender* consists of United States coins and currency for debts, public charges, taxes, and dues. Furthermore, it states that foreign gold and silver coins are not legal tender for debt.

Article 1, Section 10 of the United States Constitution states no state shall coin money; however, the same section stipulates that no state shall make anything but gold and silver coin a tender in payment of debts.

The anticipated fiscal impact to the state General Fund is unknown for this legislation.

Provisions

1. Defines *legal tender* as a mode of paying debts and taxes.
2. Defines *specie* as coin or bullion with gold or silver content.
3. Specifies that legal tender in Arizona consists of all of the following:
 - a) legal tender authorized by Congress;
 - b) specie coin issued by the United States Government at any time; and
 - c) any other specie that a court of competent jurisdiction rules by a final, unappealable order to be within the scope of state authority to make a legal tender.
4. States that a person, unless expressly proved by contract, cannot make another person tender or accept specie legal tender.
5. Exempts specie legal tender from liability of taxation and states any tax incurred during a transaction paid by a specie legal tender will be paid in the same specie legal tender.
6. States legal tender is money and not subject to tax or regulation as property other than money.

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7. Authorizes the Attorney General to enforce laws regarding specie legal tender and stipulates a person has the right to judicial action.
8. Becomes effective on the general effective date.

Prepared by Senate Research

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