



ARIZONA STATE SENATE
Fifty-First Legislature, Second Regular Session

FACT SHEET FOR S.B. 1159

supplemental appropriation; legislators; subpoenas; representation

Purpose

Appropriates \$100,000 to the Legislature from the state General Fund in FY 2014 to provide legal representation to current and former members of the Legislature under certain conditions.

Background

In Valle del Sol, et al. v. Whiting, CV-10-01061-PHX-SRB, subpoenas for memos and letters were issued to 21 current and former lawmakers. The Legislature has complied with requests for public information, but personal records have also been subpoenaed.

A.R.S. §41-192.02 currently reads:

“A. The attorney general in his discretion is authorized to represent an officer or employee of this state against whom a civil action is brought in his individual capacity until such time as it is established as a matter of law that the alleged activity or events which form the basis of the complaint were not performed, or not directed to be performed, within the scope or course of the officer's or employee's duty or employment.”

Because the subpoenaed members are not parties to the above-named action, the Office of the Attorney General states that it has no authority to represent those members.

The fiscal impact to the state General Fund is the amount of the supplemental appropriation contained in the legislation.

Provisions

1. Appropriates the following amounts, in addition to previously appropriated amounts, from the state General Fund in FY 2014 to the Legislature:
 - a) \$50,000 to the Senate; and
 - b) \$50,000 to the House of Representatives.
2. Allows the amount to be used to provide legal representation to current and former members of the Legislature if the member is both:
 - a) subject to a subpoena or other request in a civil action for production of documents related to the member's status as a current or former member of the Legislature; and
 - b) required to pay the costs of the representation and related costs and fees.

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3. Precludes that amount from being used to provide legal representation relating to the production of documents that are solely campaign documents.
4. Exempts the appropriation from lapsing.
5. Becomes effective upon signature of the Governor.

Prepared by Senate Research

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CS/lc