Understanding Senate Bill 1487

Scott McDonald
September 7, 2016
A.R.S. § 41-194.01

• Any member of Arizona Legislature may submit request to Arizona Attorney General ("AG") to investigate and report on any alleged violation of state law or the Arizona Constitution by any city, county or town.

• Applies to any “ordinance, regulation, order or other official action adopted or taken by the governing body of the city county or town.”

• AG has thirty days to investigate and prepare a written report of findings and conclusions.
A.R.S. § 41-194.01

• **Action is a violation.** Local government has thirty days to remedy violation. If not remedied, Any member of Arizona Legislature may submit request to State Treasurer must then withhold the municipality or county’s portion of shared state money, and redistribute those funds to others.

• **Action may be a violation.** AG must file special action with Arizona Supreme Court. Local governmental entity must post a bond equal to its last six months of shared revenue,

• **No Violation.** No further action taken by AG.
History

• Supported by Central Arizona Homebuilders and the Association of Retailers.
• Opposed by League of Cities and Towns.
• Sponsors: Biggs, Kavanagh, Smith, Yee, Farnsworth, Petersen, Allen, Begay, Farnsworth, and Shooter.
• Effective date: August 6, 2016.
• Two requests filed.
  — Senator Gail Griffin regarding Bisbee plastic-bags ordinance. 8/8/16
  — Representative Paul Boyer regarding commercial marijuana zoning in the own of Snowflake. 8/11/16
Scope

Applies to any old or new “ordinance, regulation, order or other official action.”

- Controversial local ordinances.
- Gift clause challenges to government agreements.
- Land use and zoning decisions.
- Development agreements.
- Impact fees.
- Zoning, building, and other land use ordinances.
How It May Impact You

**Good**

- Can be used to target local ordinances. Pima County Riparian Habitat ordinance. Tucson Water “system equity” fee. Avoid legal fees.
- Local ordinances: Pima County Riparian habitat ordinance.
- Challenge zoning decision or fees.

**Bad**

- Can be used against you by competitor. No time to file.
- Can be used to challenge government contract, zoning, or other official action.
Questions going forward

• Can the local government challenge the AG’s decision that the municipality or county’s actions violate state law or Arizona Constitution?
• If a special action is filed with the Arizona Supreme Court, can the real parties at interest intervene?
• What does the threshold standard of “violating” state law require?
• What limitations, if any, exist on the requirement of an “official action”? Appeals of administrative actions to the city council also official actions?
• What limitation on this process, if any, is imposed based on the passage of time?
• Is any part of the legislation invalid under state or federal law?
ANY QUESTIONS?