

State of Arizona
House of Representatives
Forty-second Legislature
Second Regular Session
1996

FILED

Jane Dee Hull
Secretary of State

CHAPTER 202

HOUSE BILL 2072

AN ACT

AMENDING SECTION 12-1841, ARIZONA REVISED STATUTES; RELATING TO DECLARATORY JUDGMENTS.

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 12-1841, Arizona Revised Statutes, is amended to read:

12-1841. Parties

A. When declaratory relief is sought, all persons shall be made parties who have or claim any interest which would be affected by the declaration, and no declaration shall prejudice the rights of persons not parties to the proceeding. In any proceeding which involves the validity of a municipal ordinance or franchise, such municipality shall be made a party, and shall be entitled to be heard. ~~and if the~~ IN ANY PROCEEDING IN WHICH A STATE statute, ordinance, ~~or~~ franchise OR RULE is alleged to be unconstitutional, the attorney general ~~of the state~~ shall also be served with a copy of the ~~proceeding~~ PLEADING, MOTION OR DOCUMENT CONTAINING THE ALLEGATION AT THE SAME TIME THE OTHER PARTIES IN THE ACTION ARE SERVED and SHALL be entitled to be heard.

B. IF A PLEADING, MOTION OR DOCUMENT CONTAINING THE ALLEGATION IS SERVED ON THE ATTORNEY GENERAL PURSUANT TO SUBSECTION A, A NOTICE OF CLAIM OF UNCONSTITUTIONALITY SHALL BE ATTACHED TO THE PLEADING, MOTION OR DOCUMENT AS THE COVER PAGE AND SHALL STATE THE FOLLOWING INFORMATION:

1. THE NAME, ADDRESS AND TELEPHONE NUMBER OF THE ATTORNEY FOR THE PARTY ALLEGING THAT A STATE LAW IS UNCONSTITUTIONAL OR THE NAME, ADDRESS AND TELEPHONE NUMBER OF THE PARTY IF THE PARTY IS NOT REPRESENTED BY AN ATTORNEY.

2. THE CASE NAME, COURT NAME, CAPTION AND CASE NUMBER OF THE PROCEEDING.

1 3. A BRIEF STATEMENT OF THE BASIS FOR THE CLAIM OF
2 UNCONSTITUTIONALITY.

3 4. A BRIEF DESCRIPTION OF THE PROCEEDING, AND ATTACHING COPIES OF ANY
4 COURT ORDERS IN THE PROCEEDING IF THE CLAIM OF UNCONSTITUTIONALITY IS
5 ASSERTED IN A PLEADING, MOTION OR DOCUMENT OTHER THAN THE PLEADING, MOTION
6 OR DOCUMENT THAT INITIATED THE PROCEEDING.

7 5. THE DATE, TIME, LOCATION, JUDGE AND SUBJECT OF THE NEXT HEARING IN
8 THE PROCEEDING, IF ANY.

9 C. IF THE ATTORNEY GENERAL IS NOT SERVED IN A TIMELY MANNER WITH
10 NOTICE PURSUANT TO SUBSECTION A, ON MOTION BY THE ATTORNEY GENERAL THE COURT
11 SHALL VACATE ANY FINDING OF UNCONSTITUTIONALITY AND SHALL GIVE THE ATTORNEY
12 GENERAL A REASONABLE OPPORTUNITY TO PREPARE AND BE HEARD.

APPROVED BY THE GOVERNOR APRIL 18, 1996

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 19, 1996