

Senate Engrossed

FILED

KEN BENNETT

SECRETARY OF STATE

State of Arizona
Senate
Forty-ninth Legislature
Second Regular Session
2010

CHAPTER 271

SENATE BILL 1174

AN ACT

AMENDING TITLE 41, CHAPTER 3, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 3;
RELATING TO THE ARIZONA COMMISSION OF AFRICAN-AMERICAN AFFAIRS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Title 41, chapter 3, Arizona Revised Statutes, is amended
3 by adding article 3, to read:

4 ARTICLE 3. ARIZONA COMMISSION OF AFRICAN-AMERICAN AFFAIRS
5 41-531. Arizona commission of African-American affairs;
6 members; terms; compensation; officers; meetings;
7 employees

8 A. THE ARIZONA COMMISSION OF AFRICAN-AMERICAN AFFAIRS IS ESTABLISHED
9 AND CONSISTS OF THE GOVERNOR, THE SUPERINTENDENT OF PUBLIC INSTRUCTION, THE
10 DIRECTOR OF THE DEPARTMENT OF HEALTH SERVICES, THE DIRECTOR OF THE DEPARTMENT
11 OF TRANSPORTATION, THE ATTORNEY GENERAL, THE DIRECTOR OF THE DEPARTMENT OF
12 ECONOMIC SECURITY, THE DIRECTOR OF THE OFFICE OF TOURISM AND THE DIRECTOR OF
13 THE DEPARTMENT OF COMMERCE, OR THEIR REPRESENTATIVES, WHO SHALL BE EX OFFICIO
14 MEMBERS, AND NINE MEMBERS WHO ARE APPOINTED BY THE GOVERNOR, SEVEN OF WHOM
15 ARE AFRICAN-AMERICAN AND TWO OF WHOM ARE NOT AFRICAN-AMERICAN.

16 B. THE TERM OF OFFICE OF EACH APPOINTED MEMBER IS THREE YEARS. EACH
17 MEMBER SHALL HOLD OFFICE UNTIL THE MEMBER'S SUCCESSOR IS APPOINTED AND
18 QUALIFIES. APPOINTMENT TO FILL A VACANCY CAUSED OTHER THAN BY EXPIRATION OF
19 A TERM SHALL BE FOR THE UNEXPIRED PORTION OF THE TERM.

20 C. MEMBERS OF THE COMMISSION SHALL SERVE WITHOUT COMPENSATION.

21 D. THE COMMISSION SHALL ELECT A CHAIRPERSON AND A VICE-CHAIRPERSON
22 FROM AMONG ITS APPOINTED MEMBERS AND ADOPT RULES FOR THE CONDUCT OF MEETINGS.
23 A RECORD SHALL BE KEPT OF ALL PROCEEDINGS AND TRANSACTIONS.

24 E. SECTION 41-2955, SUBSECTION D DOES NOT APPLY TO THE COMMISSION.

25 F. THE COMMISSION SHALL MEET AT LEAST QUARTERLY ON THE SECOND THURSDAY
26 OF THE FIRST MONTH OF EACH QUARTER AND MAY HOLD ADDITIONAL MEETINGS ON THE
27 CALL OF THE CHAIRPERSON. A MAJORITY OF THE APPOINTED MEMBERS OF THE
28 COMMISSION CONSTITUTE A QUORUM FOR THE TRANSACTION OF BUSINESS, BUT EX
29 OFFICIO MEMBERS MAY VOTE. MEMBERS WHO FAIL TO ATTEND THREE CONSECUTIVE
30 MEETINGS ARE DEEMED TO HAVE RESIGNED.

31 G. THE APPOINTED MEMBERS OF THE COMMISSION SHALL APPOINT AN EXECUTIVE
32 DIRECTOR OF THE COMMISSION WHO SHALL NOT BE A MEMBER OF THE COMMISSION. THE
33 DIRECTOR IS ELIGIBLE TO RECEIVE COMPENSATION AS DETERMINED BY THE COMMISSION
34 FROM MONIES AVAILABLE IN THE ARIZONA COMMISSION OF AFRICAN-AMERICAN AFFAIRS
35 FUND ESTABLISHED BY SECTION 41-533. THE COMMISSION MAY EMPLOY CLERICAL,
36 PROFESSIONAL AND TECHNICAL PERSONNEL SUBJECT TO MONIES AVAILABLE IN THE
37 ARIZONA COMMISSION OF AFRICAN-AMERICAN AFFAIRS FUND AND SHALL PRESCRIBE THEIR
38 DUTIES AND DETERMINE THEIR COMPENSATION.

39 41-532. Powers and duties; information; report

40 A. THE COMMISSION SHALL ASSIST AND SUPPORT STATE AND FEDERAL AGENCIES
41 IN ASSISTING AFRICAN-AMERICANS IN THIS STATE TO DEVELOP MUTUAL GOALS, TO
42 DESIGN PROJECTS FOR ACHIEVING GOALS AND TO IMPLEMENT THEIR PLANS. THE
43 COMMISSION SHALL ALSO:

1 1. ADVISE THE GOVERNOR ON POLICIES, PROCEDURES, LEGISLATION AND RULES
2 THAT AFFECT THE AFRICAN-AMERICAN COMMUNITY AND THAT WILL ENABLE THIS STATE TO
3 BE RESPONSIVE TO THE NEEDS OF THE AFRICAN-AMERICAN COMMUNITY.

4 2. ASSIST LOCAL AFRICAN-AMERICAN COMMUNITY GROUPS IN DEVELOPING
5 STRATEGIES AND PROGRAMS THAT WILL EXPAND AND ENHANCE THE SOCIAL, CULTURAL AND
6 ECONOMIC STATUS OF THE AFRICAN-AMERICAN COMMUNITY.

7 3. DEVELOP, REVIEW AND RECOMMEND TO THE GOVERNOR POLICIES IN THE AREAS
8 OF HEALTH AND HUMAN SERVICES, HOUSING, EDUCATION, EMPLOYMENT, BUSINESS
9 FORMATION AND DEVELOPMENT, PUBLIC ACCOMMODATIONS AND CONTRACTING AND
10 PROCEDURES.

11 4. SERVE AS A LIAISON TO FEDERAL, STATE AND LOCAL AGENCIES TO ENSURE
12 THAT PROGRAMS AFFECTING AFRICAN-AMERICANS ARE EFFECTIVELY USED AND THAT
13 BENEFITS ACCRUE EQUITABLY TO MEMBERS OF THE AFRICAN-AMERICAN COMMUNITY.

14 5. WORK FOR GREATER UNDERSTANDING AND IMPROVED RELATIONSHIPS BETWEEN
15 AFRICAN-AMERICANS AND NON-AFRICAN-AMERICANS BY CREATING AN AWARENESS OF THE
16 LEGAL, SOCIAL AND ECONOMIC NEEDS OF AFRICAN-AMERICANS IN THIS STATE.

17 6. WHERE APPROPRIATE, CONDUCT PERIODIC CONFERENCES THROUGHOUT THIS
18 STATE TO INFORM AFRICAN-AMERICANS OF THE OPPORTUNITIES AVAILABLE TO THEM
19 THROUGH STATE AND PRIVATE SOURCES, TO ENCOURAGE THEM TO SHARE THEIR HISTORY
20 AND CULTURE WITH OTHER ARIZONANS, TO PARTICIPATE IN THE SOCIAL AND POLITICAL
21 PROCESSES OF THEIR COMMUNITIES AND TO LEARN FROM CONFERENCE PARTICIPANTS
22 ABOUT THEIR NEEDS AND PROBLEMS.

23 B. STATE AND LOCAL PUBLIC OFFICERS AND EMPLOYEES, ON REQUEST, SHALL
24 FURNISH THE COMMISSION WITH INFORMATION THAT IT MAY REQUIRE FOR ITS PURPOSES
25 EXCEPT INFORMATION THAT IS NOT SUBJECT TO DISCLOSURE PURSUANT TO A PROVISION
26 OF LAW.

27 C. THE COMMISSION SHALL MAKE A WRITTEN ANNUAL REPORT GIVING AN ACCOUNT
28 OF ITS PROCEEDINGS, TRANSACTIONS, FINDINGS AND RECOMMENDATIONS TO THE
29 GOVERNOR AND THE LEGISLATURE AND MAY SUBMIT THE RECOMMENDATIONS TO THE
30 LEGISLATURE IN THE FORM OF PROPOSED LEGISLATION.

31 D. THE COMMISSION MAY APPLY FOR, ACCEPT, RECEIVE AND SPEND PUBLIC AND
32 PRIVATE GIFTS OR GRANTS OF MONEY OR PROPERTY ON THOSE TERMS AND CONDITIONS AS
33 IMPOSED BY THE DONOR AND FOR IMPLEMENTATION OF THE COMMISSION'S INTERNAL
34 OPERATIONS.

35 E. THE COMMISSION MAY ACCEPT, RECEIVE AND SPEND FEES COLLECTED AT THE
36 ARIZONA AFRICAN-AMERICAN TOWN HALL TO DEFER EXPENSES FOR THE ARIZONA
37 AFRICAN-AMERICAN TOWN HALL.

38 41-533. Arizona commission of African-American affairs fund

39 A. THE ARIZONA COMMISSION OF AFRICAN-AMERICAN AFFAIRS FUND IS
40 ESTABLISHED. THE MONIES IN THE ARIZONA COMMISSION OF AFRICAN-AMERICAN
41 AFFAIRS FUND ARE CONTINUOUSLY APPROPRIATED TO THE ARIZONA COMMISSION OF
42 AFRICAN-AMERICAN AFFAIRS. THE FUND CONSISTS OF MONIES RECEIVED PURSUANT TO
43 SECTION 41-532. THE STATE TREASURER SHALL INVEST AND DIVEST ALL MONIES IN
44 THE ARIZONA COMMISSION ON AFRICAN-AMERICAN AFFAIRS FUND AS PROVIDED BY
45 SECTION 35-313, AND MONIES EARNED FROM INVESTMENT SHALL BE CREDITED TO THE

1 FUND. THE STATE TREASURER SHALL ADMINISTER THE FUND. THE MONIES IN THE FUND
2 ARE EXEMPT FROM THE PROVISIONS OF SECTION 35-190 RELATING TO LAPSING OF
3 APPROPRIATIONS.

4 B. THE STATE TREASURER SHALL PAY THE COSTS AND EXPENSES AUTHORIZED BY
5 THIS ARTICLE FROM THE MONIES AVAILABLE IN THE ARIZONA COMMISSION OF
6 AFRICAN-AMERICAN AFFAIRS FUND ON CERTIFICATION TO THE STATE TREASURER BY THE
7 CHAIRPERSON OF THE ARIZONA COMMISSION OF AFRICAN-AMERICAN AFFAIRS THAT THE
8 AMOUNT REQUESTED IS OWED FOR A VALID PURPOSE.

9 41-534. African-American legislative day

10 A. THE ARIZONA COMMISSION OF AFRICAN-AMERICAN AFFAIRS SHALL ANNUALLY
11 FACILITATE AN AFRICAN-AMERICAN LEGISLATIVE DAY ON THE SECOND THURSDAY AND
12 FRIDAY OF FEBRUARY. THE COMMISSION SHALL INVITE THE LEGISLATURE, GOVERNOR
13 AND OTHER ELECTED OFFICIALS TO PAY TRIBUTE TO THE HISTORY AND CULTURE OF
14 AFRICAN-AMERICANS AND THEIR CONTRIBUTIONS TO THE PROSPERITY AND CULTURAL
15 DIVERSITY OF THE UNITED STATES. THE COMMISSION SHALL SCHEDULE ACTIVITIES AND
16 DISCUSSIONS BETWEEN STATE AND COMMUNITY LEADERS ON ISSUES AFFECTING
17 AFRICAN-AMERICAN COMMUNITIES.

18 B. AFRICAN-AMERICAN LEGISLATIVE DAY IS NOT A LEGAL HOLIDAY.

19 Sec. 2. Purpose

20 Pursuant to section 41-2955, subsection E, Arizona Revised Statutes,
21 the purpose of the Arizona commission of African-American affairs is to
22 assist and support state and federal agencies in assisting African-Americans
23 in this state to develop mutual goals, to design projects for achieving their
24 goals and to implement their projects.

25 Sec. 3. Initial terms of members

26 A. Notwithstanding section 41-531, Arizona Revised Statutes, as added
27 by this act, the initial terms of the nine members of the Arizona commission
28 of African-American affairs who are appointed by the governor are:

- 29 1. Three terms ending on the first Monday in January, 2012.
- 30 2. Three terms ending on the first Monday in January, 2013.
- 31 3. Three terms ending on the first Monday in January, 2014.

32 B. The governor shall make all subsequent appointments as prescribed
33 by statute.

APPROVED BY THE GOVERNOR MAY 7, 2010.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 7, 2010.

Passed the House April 28, 20 10,

by the following vote: 52 Ayes,

5 Nays, 3 Not Voting

[Signature]
Speaker of the House

Cheryl Laube
Chief Clerk of the House

Passed the Senate March 3, 20 10,

by the following vote: 27 Ayes,

1 Nays, 1 Not Voting

[Signature] ^{VACANT}
President of the Senate

Charmine Bellinger
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

29 day of April, 20 10

at 10:10 o'clock A. M.

[Signature]
Secretary to the Governor

Approved this 7 day of

May, 20 10,

at 10:10 o'clock A. M.

Janice K. Brewer
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 7th day of May, 20 10,

at 4:30 o'clock P. M.

[Signature]
Secretary of State

S.B. 1174