

House Engrossed

FILED

KEN BENNETT
SECRETARY OF STATE

State of Arizona
House of Representatives
Fiftieth Legislature
Second Regular Session
2012

CHAPTER 266

HOUSE BILL 2265

AN ACT

AMENDING SECTION 41-983, ARIZONA REVISED STATUTES; REPEALING SECTION 41-3012.10, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 27, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-3022.10; RELATING TO THE ARIZONA COMMISSION ON THE ARTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 41-983, Arizona Revised Statutes, is amended to
3 read:

4 41-983. Acceptance of gifts; special fund; official agency

5 A. The Arizona commission on the arts may accept and expend public and
6 private grants of funds, gifts, contributions and legacies, and may accept,
7 manage or dispose of property, to effectuate the purposes of this article.
8 Such funds shall be deposited, pursuant to sections 35-146 and 35-147, in a
9 special fund designated "the arts fund" and shall be expended upon warrants
10 drawn by the department of administration upon order of the chairman of the
11 commission. Any unexpended funds shall not revert to the general fund at the
12 close of the fiscal year.

13 B. NOTWITHSTANDING ANY OTHER LAW, NO MONIES FROM THE ARIZONA
14 COMMISSION ON THE ARTS MAY BE SPENT FOR PAYMENT TO ANY PERSON OR ENTITY FOR
15 USE IN DESECRATING, CASTING CONTEMPT ON, MUTILATING, DEFACING, DEFILING,
16 BURNING, TRAMPLING OR OTHERWISE DISHONORING OR CAUSING TO BRING DISHONOR ON
17 RELIGIOUS OBJECTS, THE FLAG OF THE UNITED STATES OR THE FLAG OF THIS STATE.
18 THE COMMISSION SHALL ESTABLISH GRANT MAKING GUIDELINES AND PROCEDURES WHICH
19 TAKE INTO CONSIDERATION GENERAL STANDARDS OF DECENCY AND RESPECT FOR THE
20 DIVERSE BELIEFS AND VALUES OF THE AMERICAN PUBLIC. SUCH GUIDELINES AND
21 PROCEDURES SHALL CLEARLY INDICATE THAT OBSCENITY IS WITHOUT ARTISTIC MERIT
22 AND IS NOT PROTECTED SPEECH. PROJECTS, PRODUCTIONS, WORKSHOPS AND PROGRAMS
23 THAT ARE DETERMINED TO BE OBSCENE ARE PROHIBITED FROM RECEIVING FINANCIAL
24 ASSISTANCE. THE DISAPPROVAL OR APPROVAL OF GRANT APPLICATION OR FINANCIAL
25 SUPPORT BY THE COMMISSION SHALL NOT BE CONSTRUED TO MEAN AND SHALL NOT BE
26 CONSIDERED AS EVIDENCE THAT A PROJECT, PRODUCTION, WORKSHOP OR PROGRAM IS OR
27 IS NOT OBSCENE.

28 ~~B.~~ C. The commission shall be the official agency of the state to
29 receive and disburse any funds made available by the national endowment on
30 the arts.

31 Sec. 2. Repeal

32 Section 41-3012.10, Arizona Revised Statutes, is repealed.

33 Sec. 3. Title 41, chapter 27, article 2, Arizona Revised Statutes, is
34 amended by adding section 41-3022.10, to read:

35 41-3022.10. Arizona commission on the arts; termination
36 July 1, 2022

37 A. THE ARIZONA COMMISSION ON THE ARTS TERMINATES ON JULY 1, 2022.

38 B. TITLE 41, CHAPTER 5, ARTICLE 6 IS REPEALED ON JANUARY 1, 2023.

39 Sec. 4. Purpose

40 Pursuant to section 41-2955, subsection B, Arizona Revised Statutes,
41 the legislature continues the Arizona commission on the arts in order to
42 stimulate and encourage the study and presentation of the arts and to
43 encourage public interest and participation in the arts.

44 Sec. 5. Retroactivity

45 Sections 2 and 3 of this act are effective retroactively to July 1,
46 2012.

~~APPROVED BY THE GOVERNOR APRIL 17, 2012.~~

~~FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 17, 2012.~~

Passed the House February 20, 2012

Passed the Senate April 12, 2012

by the following vote: 50 Ayes,

by the following vote: 20 Ayes,

1 Nays, 7 Not Voting
2 vacant

10 Nays, 0 Not Voting

[Signature]
Speaker of the House

[Signature]
President of the Senate

[Signature]
Chief Clerk of the House

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

12 day of April, 2012

at 3:50 o'clock P M.

[Signature]
Secretary to the Governor

Approved this 17th day of

April

at 11:50 o'clock P. M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 17th day of April, 2012

at 3:36 o'clock P M.

[Signature]
Secretary of State

H.B. 2265