

REFERENCE TITLE: indigenous representative; statutory commissions; boards

State of Arizona
House of Representatives
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Second Regular Session
2022

HB 2140

Introduced by
Representatives Jermaine: Blackman, Blackwater-Nygren, Cook, Dalessandro,
Epstein, Hernandez M, Longdon, Pawlik, Powers Hannley, Quiñonez,
Schwiebert, Tsosie, Senators Bowie, Gabaldon, Gonzales, Steele

AN ACT

AMENDING SECTIONS 22-136, 41-1821 AND 41-2404, ARIZONA REVISED STATUTES;
RELATING TO BOARDS AND COMMISSIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 22-136, Arizona Revised Statutes, is amended to
3 read:

4 22-136. Constable ethics standards and training board

5 A. ~~THE~~ constable ethics standards and training board is
6 established consisting of the following voting members:

7 1. One constable who is from a county with a population of less
8 than one million persons and who is appointed by a statewide constables
9 association established ~~prior to~~ BEFORE January 1, 2010.

10 2. One constable who is from a county with a population of one
11 million or more persons and who is appointed by a statewide constables
12 association established ~~prior to~~ BEFORE January 1, 2010.

13 3. One justice of the peace who is appointed by the chief justice
14 of the supreme court.

15 4. One county administrator or designee who is appointed by the
16 county supervisors association.

17 5. The director of the Arizona peace officer standards and training
18 board or the director's designee.

19 6. One member ~~of the public~~ WHO REPRESENTS A FEDERALLY RECOGNIZED
20 NATIVE AMERICAN TRIBE AND who is appointed by the governor.

21 7. One member who is a board member of the Arizona multihousing
22 association at the time of appointment and who is appointed by the
23 governor.

24 B. The board shall annually elect a chairperson, ~~vice-chairperson~~
25 VICE CHAIRPERSON and secretary from among its members. The chairperson
26 may establish committees to assist and advise the board in carrying out
27 its responsibilities. A majority of the board constitutes a quorum and a
28 majority vote of the quorum is necessary for the board to take any action.

29 C. Terms of the board members are four years. If a member ceases
30 to hold the position that qualified the member for the appointment, the
31 member's membership terminates and the appointing authority pursuant to
32 subsection A OF THIS SECTION fills the vacancy for the unexpired term.

33 D. Members of the board are not eligible to receive compensation
34 but are eligible for reimbursement of expenses pursuant to title 38,
35 chapter 4, article 2.

36 Sec. 2. Section 41-1821, Arizona Revised Statutes, is amended to
37 read:

38 41-1821. Arizona peace officer standards and training board;
39 membership; appointment; term; vacancies;
40 meetings; compensation; acceptance of grants

41 A. The Arizona peace officer standards and training board is
42 established and consists of thirteen members appointed by the governor.
43 The membership shall include:

44 1. Two sheriffs, one of whom is appointed from a county having a
45 population of two hundred thousand or more persons and the remaining

1 sheriff who is appointed from a county having a population of less than
2 two hundred thousand persons.

3 2. Two chiefs of police, one of whom is appointed from a city or
4 federally recognized Native American tribe having a population of sixty
5 thousand or more persons and the remaining chief who is appointed from a
6 city or federally recognized Native American tribe having a population of
7 less than sixty thousand persons.

8 3. A college faculty member in public administration or a related
9 field.

10 4. The attorney general.

11 5. The director of the department of public safety.

12 6. The director of the state department of corrections.

13 7. One member who is employed in administering county or municipal
14 correctional facilities.

15 8. Two certified law enforcement officers who have knowledge of and
16 experience in representing peace officers in disciplinary cases. One of
17 the certified law enforcement officers must have a rank of officer and the
18 other must have a rank of deputy. One of the appointed officers must be
19 from a county with a population of less than five hundred thousand
20 persons.

21 9. ~~Two~~ ONE public ~~members~~ MEMBER.

22 10. ONE MEMBER WHO REPRESENTS A FEDERALLY RECOGNIZED NATIVE
23 AMERICAN TRIBE.

24 B. Before appointment by the governor, a prospective member of the
25 board shall submit a full set of fingerprints to the governor for the
26 purpose of obtaining a state and federal criminal records check pursuant
27 to section 41-1750 and Public Law 92-544. The department of public safety
28 may exchange this fingerprint data with the federal bureau of
29 investigation.

30 C. The governor shall appoint a chairman from among the members at
31 its first meeting and every year thereafter, except that an ex officio
32 member shall not be appointed chairman. The governor shall not appoint
33 more than one member from the same law enforcement agency. No board
34 member who was qualified when appointed becomes disqualified unless the
35 member ceases to hold the office that qualified the member for
36 appointment.

37 D. Meetings shall be held at least quarterly or on the call of the
38 chairman or by the written request of five members of the board or by the
39 governor. A vacancy on the board shall occur when a member except an ex
40 officio member is absent without the permission of the chairman from three
41 consecutive meetings. The governor may remove a member except an ex
42 officio member for cause.

43 E. The term of each regular member is three years unless a member
44 vacates the public office that qualified the member for this appointment.

1 F. The board members are not eligible to receive per diem but are
2 eligible to receive reimbursement for travel expenses pursuant to title
3 38, chapter 4, article 2.

4 G. On behalf of the board, the executive director may seek and
5 accept contributions, grants, gifts, donations, services or other
6 financial assistance from any individual, association, corporation or
7 other organization having an interest in police training, and from the
8 United States of America and any of its agencies or instrumentalities,
9 corporate or otherwise. Only the executive director of the board may seek
10 monies pursuant to this subsection. Such monies shall be deposited in the
11 fund created by section 41-1825.

12 H. Membership on the board shall not constitute the holding of an
13 office, and members of the board shall not be required to take and file
14 oaths of office before serving on the board. No member of the board shall
15 be disqualified from holding any public office or employment nor shall
16 such member forfeit any such office or employment by reason of such
17 member's appointment, notwithstanding the provisions of any general,
18 special or local law, ordinance or city charter.

19 Sec. 3. Section 41-2404, Arizona Revised Statutes, is amended to
20 read:

21 41-2404. Arizona criminal justice commission; members;
22 compensation; terms; meetings

23 A. The Arizona criminal justice commission is established
24 consisting of the following members:

- 25 1. The attorney general or the attorney general's designee.
- 26 2. The director of the department of public safety or the
27 director's designee.
- 28 3. The director of the state department of corrections or the
29 director's designee.
- 30 4. Fourteen members who are appointed by the governor or their
31 designees. ~~no~~ NOT more than seven of these members may be from the same
32 political party.
- 33 5. The administrative director of the courts or the director's
34 designee.
- 35 6. The chairman of the board of executive clemency or the
36 chairman's designee.

37 B. The members who are appointed pursuant to subsection A,
38 paragraph 4 ~~OF THIS SECTION~~ shall include at least one police chief, one
39 county attorney and one county sheriff from a county with a population of
40 one million five hundred thousand or more persons, one police chief, one
41 county attorney and one county sheriff from a county with a population
42 equal to or greater than eight hundred thousand persons but fewer than one
43 million five hundred thousand persons and one police chief, one county
44 attorney and one county sheriff from counties with a population of fewer
45 than eight hundred thousand persons. The remaining members shall include

1 one law enforcement leader, one former judge, one mayor, one member of a
2 county board of supervisors and one chief probation officer. IN ADDITION
3 TO THE REQUIREMENTS OF THIS SUBSECTION, AT LEAST ONE MEMBER WHO IS
4 APPOINTED PURSUANT TO SUBSECTION A, PARAGRAPH 4 OF THIS SECTION MUST ALSO
5 BE A MEMBER OF AN ARIZONA INDIAN TRIBE.

6 C. Members who are appointed pursuant to subsection A, paragraph 4
7 OF THIS SECTION shall serve for terms of two years terminating on the
8 convening of the first regular session of the legislature. Any appointive
9 member who ceases to be a member of the body the member represents on the
10 commission is deemed to have resigned. Appointments to fill a vacancy
11 shall be made in the same manner as the original appointment.

12 D. The commission shall meet and organize by electing from among
13 its membership such officers as are deemed necessary or advisable. The
14 commission shall meet at least once during each calendar quarter and
15 additionally as the chairman deems necessary, and a majority of the
16 members constitutes a quorum for the transaction of business.

17 E. Members of the commission are not eligible to receive
18 compensation but are eligible for reimbursement of expenses pursuant to
19 title 38, chapter 4, article 2.

20 Sec. 4. Retention of members

21 Notwithstanding sections 22-136, 41-1821 and 41-2404, Arizona
22 Revised Statutes, as amended by this act, all persons serving on a board
23 or commission included in this act on the effective date of this act may
24 continue to serve until the expiration of their normal terms. The
25 governor shall make all subsequent appointments as prescribed by statute.