

Amendment No. 1 to HB1165

Keisling
Signature of Sponsor

AMEND Senate Bill No. 968*

House Bill No. 1165

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 11, is amended by adding the following as a new part:

4-11-501.

(a) There is created the Tennessee African-American historical affairs commission, referred to in this part as the "commission", to be composed of twelve (12) members of African ancestry as follows:

(1) One (1) person appointed from each of the three (3) grand divisions of the state and one (1) at-large member, appointed by the speaker of the senate;

(2) One (1) person appointed from each of the three (3) grand divisions of the state and one (1) at-large member, appointed by the speaker of the house of representatives; and

(3) One (1) person appointed from each of the three (3) grand divisions of the state and one (1) at-large member, appointed by the governor.

(b) At least three (3) persons serving on the commission must have an academic background in African-American history or historic preservation, or both, preferably a master's degree.

(c) Except as provided in subsection (d) for initial appointments, the terms of the members of the commission are for five (5) years.

(d)

(1) In order to stagger the terms of the newly appointed commission members, initial appointments must be made as follows:

(A) The persons appointed as at-large members under subdivisions (a)(1)-(3) serve an initial term of one (1) year, which expires on June 30, 2022;

(B) The persons appointed from the eastern grand division under subdivision (a)(1), the middle grand division under subdivision (a)(2), and the western grand division under subdivision (a)(3) serve an initial term of two (2) years, which expires on June 30, 2023;

(C) The persons appointed from the middle grand division under subdivision (a)(1), the western grand division under subdivision (a)(2), and the eastern grand division under subdivision (a)(3) serve an initial term of three (3) years, which expires on June 30, 2024; and

(D) The persons appointed from the western grand division under subdivision (a)(1), the eastern grand division under subdivision (a)(2), and the middle grand division under subdivision (a)(3) serve an initial term of four (4) years, which expires on June 30, 2025.

(2) Following the expiration of members' initial terms as prescribed in subdivision (d)(1), all five-year terms begin on July 1 and terminate on June 30, five (5) years later.

(e) In the event of a death or resignation of any appointed member of the commission, the vacancy must be filled in the same manner as the original appointment was made. The office of a member of the commission who fails to attend more than one (1) quarterly or special meeting without a legitimate excuse vacates the member's office.

(f) All members of the commission may be paid necessary expenses while engaged in the work of the commission. All reimbursement for travel expenses must be in accordance with the comprehensive travel regulations as promulgated by the

department of finance and administration and approved by the attorney general and reporter.

(g) The commission shall appoint a state executive director, preferably with a doctoral degree, who is a person qualified by training and experience to perform the duties of the commission and who serves at the commission's pleasure.

4-11-502.

(a) The commission shall adopt rules for the transaction of business and shall keep a record of its proceedings.

(b) The commission shall:

(1) Prepare reports of its operation as may be required by the governor or the general assembly;

(2) Administer funds made available from public sources for historical purposes;

(3) Submit a budget consistent with its program; and

(4) Operate its program within the financial resources available.

(c) The commission shall exercise administrative supervision over all funds appropriated for the purposes of this part, and no allotment of funds may be made without the review of the commission.

(d) The commission shall require proper financial and accounting statements from all recipients of funds authorized under this part on or before June 30 of each year, and all recipients shall comply with the standard operating procedures of the commission.

4-11-503.

(a) The commission shall:

(1) Assist state agencies and the governor's office to enhance the cause of African-American rights and to develop solutions to problems common to all Tennessee African Americans;

- (2) Promote state and federal legislation beneficial to the African-American community in this state;
- (3) Coordinate programs relating to the African-American community in Tennessee regarding housing, education, welfare, medical and dental care, employment, economic development, law and order, and related problems;
- (4) Keep the governor apprised of the situation in the African-American community in this state;
- (5) Provide the public with information and education relevant to African-American affairs in this state;
- (6) Develop programs to encourage the total involvement of African Americans in activities for the common benefit of the African-American community;
- (7) Conduct a disparity study in government contracting every five (5) years and submit a report of its findings to the general assembly;
- (8) Work directly with historically black colleges and universities (HBCUs) in this state to assist in finding funding and grants to assist those higher education organizations;
- (9) Promote the history and culture of African Americans in this state through educational programs, publications, research, and public participation;
- (10) Disseminate and integrate African-American historical and cultural materials into the mainstream of Tennessee life and education as a method of fostering constructive social change through better racial understanding;
- (11) Identify programs, scholarships, mentoring programs, sources of funding, or other resources and compliance requirements for the benefit and advancement of African Americans;
- (12) Promote the cultural arts of the African-American community throughout the general assembly;

(13) Serve as a liaison to federal, state, and local agencies to ensure that programs impacting African Americans are effectively utilized;

(14) Establish relationships with state agencies, local governments, and private sector organizations that promote equal opportunity and benefits for African Americans;

(15) Develop, review, and recommend to the governor policies in the areas of health and human services, housing, education, employment, business formation, and other relevant areas which affect the African-American community; and

(16) Assist in driving access to and funding for African-American small for-profit and nonprofit businesses and organizations, neighborhoods, African-American museums, historical landmarks, and HBCUs.

4-11-504.

(a) To effectively carry out its program, the commission may create such positions and employ such personnel as are deemed necessary to conduct its affairs in accordance with the law and rules applicable to employees in the unclassified state service.

(b) All reimbursement for travel expenses incurred by such persons must be in accordance with the provisions of the comprehensive travel regulations as promulgated by the department of finance and administration and approved by the attorney general and reporter.

4-11-505.

(a) The commission may establish and appoint one (1) or more advisory boards or advisory committees to assist the commission in the performance of its duties.

(b) The commission may, out of any funds appropriated to the commission, pay the actual expenses of such board or committee members incurred while on official business.

(c) All reimbursement for travel expenses incurred by committee members must be in accordance with the comprehensive travel regulations as promulgated by the department of finance and administration and approved by the attorney general and reporter.

4-11-506.

The commission may accept gifts, bequests, and endowments from any private source, and may acquire real and personal properties that have statewide historical or archaeological significance by gift, purchase, devise, or bequest, the title thereto to vest in the state.

4-11-507.

(a) A state, county, town, or other public official in custody of public documents may, in the official's discretion, give the commission official books, documents, records, official papers, newspaper files, printed books, or portraits not in current use in the public official's office, and the commission shall provide for their permanent preservation.

(b) Copies of the items listed in subsection (a) must be made and certified under seal, upon application of a person. The certificate is effective as if made by the officer originally in charge of such items, and the commission shall charge for such copies the same fees as that officer is allowed under state law.

4-11-508.

For carrying out the purposes of this part, the sum of ten thousand dollars (\$10,000), or so much thereof as may be needed, over and above all the funds derived from the sale of the publications and all of the fees collected under § 4-11-507, is annually or continuously appropriated, and, upon order of the commission, the commissioner of finance and administration is empowered and directed to draw the commissioner's warrant for the sum from the state treasury.

4-11-509.

(a) All state agencies and institutions of higher education and other state entities that have control of state property shall consult the commission prior to demolishing, altering, or transferring property that is or may be of historical, architectural, or cultural significance to African Americans. Such agencies, institutions, and entities shall seek the advice of the commission on possible alternatives to the demolition, alteration, or transfer of such property.

(b) The commission shall make staff available to assist agencies, institutions, and entities in determining if property is or may be of such historical, architectural, or cultural significance.

(c) The commission shall have thirty (30) working days to review and comment on plans to demolish, alter, or transfer state property that is or may be of historical, architectural, or cultural significance prior to approval of such action by the state building commission. Such comments must be in writing and filed with the proposing agency or entity and the state building commission.

(d) The state building commission shall consider the comments of the commission prior to approving or disapproving plans to demolish, alter, or transfer state property that is or may be of historical, architectural, or cultural significance.

(e) This section shall not be construed as further extending the jurisdiction of the state building commission over transactions involving department of transportation projects. When the department is the proposing agency, the commissioner of transportation must consider the comments of the commission prior to demolishing, altering, or transferring state property that is of historical, architectural, or cultural significance.

4-11-510. The commission shall also collaborate with the state textbook and instructional materials quality commission to develop and recommend curricula that incorporates the achievements made by African Americans in this state and the United States.

SECTION 2. Tennessee Code Annotated, Section 4-29-244(a), is amended by inserting the following new subdivision:

Tennessee African-American historical affairs commission, created by § 4-11-501;

SECTION 3. For the purpose of making appointments, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect July 1, 2021, the public welfare requiring it.