

1 SB137
2 216729-2
3 By Senator Smitherman
4 RFD: Governmental Affairs
5 First Read: 01-FEB-22

1 SB137

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

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11 To amend Sections 36-13-50, 36-13-51, 36-13-53, and
12 Section 40-9F-38, as amended by Act 2021-431, 2021 Regular
13 Session, Code of Alabama 1975, relating to the Governor's
14 Office of Minority Affairs; to rename the office as the
15 Alabama Office of Minority Affairs; to authorize the office to
16 draft policy recommendations; to authorize the director to
17 employ certain staff members pursuant to the state Merit
18 System; to authorize the director to employ and set the
19 compensation of non-Merit System staff members; and to make
20 technical corrections to the membership of the Historic Tax
21 Credit Evaluating Committee to reflect the name changes.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23 Section 1. Sections 36-13-50, 36-13-51, 36-13-53,
24 and Section 40-9F-38, as amended by Act 2021-431, 2021 Regular
25 Session, of the Code of Alabama 1975, are amended to read as
26 follows:

27 "§36-13-50.

1 "There is established in state government the
2 ~~Governor's~~ agency that shall be known as the Alabama Office of
3 Minority Affairs, to advise the Governor on issues affecting
4 minorities, including women, focusing on the improvement of
5 the overall quality of life of minorities, specifically in the
6 areas of education, health, economics, political participation
7 and empowerment, housing, employment, civil rights, criminal
8 justice, and race relations and to draft policy
9 recommendations for addressing those issues.

10 "§36-13-51.

11 "(a) The office shall be managed by a Director of
12 the ~~Governor's~~ Alabama Office of Minority Affairs, who shall
13 be appointed by and serve at the pleasure of the Governor. The
14 position of director shall be a Governor's cabinet position.

15 "(b) The director may employ and prescribe the
16 duties of employees for the office as he or she deems
17 necessary to carry out the duties and functions of the office.
18 All employees of the Governor who work in the Governor's
19 Office of Minority Affairs on the effective date of the act
20 adding this subsection shall be transferred to the Alabama
21 Office of Minority Affairs with no loss of compensation or
22 benefits. After the effective date of the act adding this
23 subsection, the compensation of those employees shall be
24 established by the director in an amount that does not exceed
25 the amount of compensation paid to comparable Merit System
26 classifications. All other employees of the office shall be
27 employed pursuant to the state Merit System.

1 "(c) The director shall employ individuals in a
2 manner to assure the office staff is inclusive and reflects
3 the racial, gender, geographic, urban, rural, and economic
4 diversity of the state.

5 "§36-13-53.

6 "The Advisory ~~Board~~ Committee on Minority Affairs is
7 created to act as a resource for the director in an advisory
8 capacity. The ~~board~~ committee shall be comprised of
9 representatives from various racial and ethnic communities,
10 female representation, state government officials, and experts
11 in education and work force. The ~~board~~ committee shall be
12 appointed by and serve at the pleasure of the Governor.

13 "§40-9F-38.

14 "(a) There is established the Historic Tax Credit
15 Evaluating Committee, which shall review qualifying projects,
16 approve credits for projects, and rank projects in the order
17 in which the projects should receive tax credit reservations
18 based on criteria established by the commission. The
19 commission shall establish a review cycle for the committee
20 beginning on January 1, 2018, provided that the committee
21 shall meet at least quarterly unless no credits remain to be
22 allocated. The Commissioner of Revenue shall be a ~~non-voting~~
23 nonvoting member of the committee and provide advisory and
24 technical support. The committee shall consist of the
25 following:

26 "(1) The Director of the ~~Governor's~~ Alabama Office
27 of Minority Affairs.

1 "(2) The Executive Director of the Alabama
2 Historical Commission.

3 "(3) The Finance Director.

4 "(4) The Director of the Alabama Department of
5 Economic and Community Affairs.

6 "(5) The Secretary of Commerce.

7 "(6) Two members of the Alabama House of
8 Representatives, at least one of which shall be a member of
9 the minority party, to be appointed by the Speaker of the
10 House of Representatives.

11 "(7) Two members of the Alabama Senate, at least one
12 of which shall be a member of the minority party, to be
13 appointed by the President Pro Tempore of the Senate.

14 "(b) The Alabama Historical Commission shall adopt
15 rules that shall set forth guidelines to be used by the
16 committee in determining the allocation of credits. The
17 guidelines shall set forth factors to be considered by the
18 committee including: relative value of the proposed project to
19 the particular community, including the maintenance of the
20 historic fabric of the community; possible return on
21 investment for the community in which the proposed project is
22 located; the geographic distribution of projects; the
23 likelihood of the project proceeding without the historic tax
24 credit authorized in this article; and strength of local
25 support for the proposed project. Included in the information
26 to be required for the evaluation submitted in the application
27 of any project shall be any additional tax credits or state,

1 federal, or local government grants that the applicant expects
2 to utilize for the construction of the project."

3 Section 2. This act shall become effective on the
4 first day of the third month following its passage and
5 approval by the Governor, or its otherwise becoming law.

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Senate

Read for the first time and referred to the Senate
committee on Governmental Affairs..... 01-FEB-22

Read for the second time and placed on the calen-
dar 1 amendment..... 08-FEB-22

Read for the third time and passed as amended 10-FEB-22

Yeas 28
Nays 0

Patrick Harris,
Secretary.