

1 SB412  
2 199474-3  
3 By Senator Smitherman  
4 RFD: Tourism  
5 First Read: 15-MAY-19

2  
3  
4  
5  
6  
7  
8 SYNOPSIS: Under existing law, the Governor's Office of  
9 Minority Affairs was established to advise the  
10 Governor on minority issues, and the position of  
11 director of the office was created as a cabinet  
12 position to serve at the pleasure of the Governor.

13 This bill would rename the Governor's Office  
14 of Minority Affairs as the Alabama Office of  
15 Minority Affairs, would authorize the office to  
16 draft policy recommendations, and would authorize  
17 the director to employ staff and provide for the  
18 compensation and duties of certain staff members.

19  
20 A BILL  
21 TO BE ENTITLED  
22 AN ACT  
23

24 To amend Sections 36-13-50, 36-13-51, 36-13-53, and  
25 40-9F-38, Code of Alabama 1975, relating to the Governor's  
26 Office of Minority Affairs; to rename the office as the  
27 Alabama Office of Minority Affairs; to authorize the office to

1 draft policy recommendations; to authorize the director to  
2 employ certain staff members pursuant to the state Merit  
3 System; to authorize the director to employ and set the  
4 compensation of two non-Merit System staff members; and to  
5 make technical corrections to the membership of the Historic  
6 Tax Credit Evaluating Committee to reflect the name changes.

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

8 Section 1. Sections 36-13-50, 36-13-51, 36-13-53,  
9 and 40-9F-38 of the Code of Alabama 1975, are amended to read  
10 as follows:

11 "§36-13-50.

12 "There is established in state government the  
13 ~~Governor's~~ Alabama Office of Minority Affairs, to  
14 advise the Governor on issues affecting minorities, including  
15 women, focusing on the improvement of the overall quality of  
16 life of minorities, specifically in the areas of education,  
17 health, economics, political participation and empowerment,  
18 housing, employment, civil rights, criminal justice, and race  
19 relations and to draft policy recommendations for addressing  
20 those issues.

21 "§36-13-51.

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

26 "(b) The director may employ and prescribe the  
27 duties of employees for the office as he or she deems

1 necessary to carry out the duties and functions of the office.  
2 All employees of the Governor who work in the Governor's  
3 Office of Minority Affairs on the effective date of the act  
4 adding this subsection shall be transferred to the Alabama  
5 Office of Minority Affairs with no loss of compensation or  
6 benefits. After the effective date of the act adding this  
7 subsection, the compensation of those employees shall be  
8 established by the director in an amount that does not exceed  
9 the amount of compensation paid to comparable Merit System  
10 classifications. All other employees of the office shall be  
11 employed pursuant to the State Merit System.

12 "(c) The director shall employ individuals in a  
13 manner so that the diversity of gender, race, and geographical  
14 areas represented by those employees is reflective of the  
15 makeup of this state.

16 "§36-13-53.

17 "The Advisory ~~Board~~ Committee on Minority Affairs is  
18 created to act as a resource for the director in an advisory  
19 capacity. The ~~board~~ committee shall be comprised of  
20 representatives from various racial and ethnic communities,  
21 female representation, state government officials, and experts  
22 in education and work force. The ~~board~~ committee shall be  
23 appointed by and serve at the pleasure of the Governor.

24 "§40-9F-38.

25 "(a) There is hereby established the Historic Tax  
26 Credit Evaluating Committee, which shall review qualifying  
27 projects, approve credits for projects, and rank projects in

1 the order in which the projects should receive tax credit  
2 reservations based on criteria established by the commission.  
3 The commission shall establish a review cycle for the  
4 committee beginning on January 1, 2018, provided that the  
5 committee shall meet at least quarterly unless no credits  
6 remain to be allocated. The Commissioner of Revenue shall be a  
7 non-voting member of the committee and provide advisory and  
8 technical support. The committee shall consist of the  
9 following:

10 "(1) Director of the ~~Governor's~~ Alabama Office of  
11 Minority Affairs.

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

14 "(3) The Finance Director.

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

17 "(5) The Secretary of Commerce.

18 "(6) Two members of the Alabama House of  
19 Representatives, at least one of which shall be a member of  
20 the minority party, to be appointed by the Speaker of the  
21 House of Representatives.

22 "(7) Two members of the Alabama Senate, at least one  
23 of which shall be a member of the minority party, to be  
24 appointed by the President Pro Tem of the Senate.

25 "(b) The Alabama Historical Commission shall  
26 ~~promulgate~~ adopt rules that shall set forth guidelines to be  
27 utilized by the committee in determining the allocation of

1 credits. The guidelines shall set forth factors to be  
2 considered by the committee including: relative value of the  
3 proposed project to the particular community, including the  
4 maintenance of the historic fabric of the community; possible  
5 return on investment for the community in which the proposed  
6 project is located; the geographic distribution of projects;  
7 and strength of local support for the proposed project.  
8 Included in the information to be required for the evaluation  
9 of any project shall be any additional tax credits or state,  
10 federal, or local government grants that the applicant expects  
11 to utilize for the construction of the project."

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