

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

SYNOPSIS: Under existing law, the Governor's Office of Minority Affairs was established to advise the Governor on minority issues, and the position of director of the office was created as a cabinet position to serve at the pleasure of the Governor.

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

A BILL  
TO BE ENTITLED  
AN ACT

To amend Sections 36-13-50, 36-13-51, 36-13-53, and Section 40-9F-38, as amended by Act 2021-431, 2021 Regular Session, Code of Alabama 1975, relating to the Governor's Office of Minority Affairs; to rename the office as the

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

8 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

13 "§36-13-50.

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

23 "§36-13-51.

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

1           "(b) The director may employ state Merit System and  
2 non-Merit System staff and prescribe the duties of employees  
3 for the office as he or she deems necessary to carry out the  
4 duties and functions of the office. All employees of the  
5 Governor who work in the Governor's Office of Minority Affairs  
6 on the effective date of the act adding this subsection shall  
7 be transferred to the Alabama Office of Minority Affairs with  
8 no loss of compensation or benefits. After the effective date  
9 of the act adding this subsection, the compensation of those  
10 employees shall be established by the director in an amount  
11 that does not exceed the amount of compensation paid to  
12 comparable Merit System classifications. All other employees  
13 of the office shall be employed pursuant to the state Merit  
14 System.

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

19           "§36-13-53.

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

27           "§40-9F-38.

1           "(a) There is established the Historic Tax Credit  
2 Evaluating Committee, which shall review qualifying projects,  
3 approve credits for projects, and rank projects in the order  
4 in which the projects should receive tax credit reservations  
5 based on criteria established by the commission. The  
6 commission shall establish a review cycle for the committee  
7 beginning on January 1, 2018, provided that the committee  
8 shall meet at least quarterly unless no credits remain to be  
9 allocated. The Commissioner of Revenue shall be a ~~non-voting~~  
10 nonvoting member of the committee and provide advisory and  
11 technical support. The committee shall consist of the  
12 following:

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

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

17           "(3) The Finance Director.

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

20           "(5) The Secretary of Commerce.

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

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

1           "(b) The Alabama Historical Commission shall adopt  
2 rules that shall set forth guidelines to be used by the  
3 committee in determining the allocation of credits. The  
4 guidelines shall set forth factors to be considered by the  
5 committee including: relative value of the proposed project to  
6 the particular community, including the maintenance of the  
7 historic fabric of the community; possible return on  
8 investment for the community in which the proposed project is  
9 located; the geographic distribution of projects; the  
10 likelihood of the project proceeding without the historic tax  
11 credit authorized in this article; and strength of local  
12 support for the proposed project. Included in the information  
13 to be required for the evaluation submitted in the application  
14 of any project shall be any additional tax credits or state,  
15 federal, or local government grants that the applicant expects  
16 to utilize for the construction of the project."

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