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BILL ANALYSIS

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Senate Bills 198 and 199 (as reported without amendment)

Sponsor: Senator Phil Arthurhultz

Committee: State Affairs, Tourism, and Transportation

Date Completed: 3-8-89

RATIONALE

Although the State currently has commissions, offices or councils representing the interests of various constituency groups such as native Americans, women, Spanish-speaking citizens, and handicappers, it does not have a commission or office specifically charged with the responsibility of addressing the wants and needs of the State's largest minority, the African Americans. Some people contend that the problems faced by African Americans are disproportionate to their representation in the general community and warrant greater attention and responsiveness from both the public and private sectors, i.e., the kind of coordination and concentration of efforts to address the problems that some feel could be accomplished by a commission or office specifically charged with such a mission.

CONTENT

The bills would create new acts to establish an African American Affairs Commission, Office of African American Affairs, and African American Affairs Interagency Council within the Department of Management and Budget.

The term "African American" would mean a person who had, or was regarded in the community as having, origins in any of the black racial groups of Africa or was identified as black by an employer in an EEO-1 (employer in formation) report.

Senate Bill 198**African American Affairs Commission**

The 15-member Commission created by Senate Bill 198 would be responsible for:

- Stimulating and encouraging the study and review of the status of African Americans in Michigan.
- Developing a unified policy and plan of action to serve the needs of African Americans.
- Advising the Governor and the Legislature on the State's policies concerning African American affairs; the nature, magnitude, and priorities of the problems of African Americans; and the coordination and administration of State programs serving African Americans.
- Making recommendations to the Governor and the Legislature regarding changes in State programs, statutes, and policies.
- Reviewing and approving Federal, State, or privately funded grants administered by the Office of African American Affairs.
- Promoting African American entrepreneurship.
- Cooperating and coordinating activities with the Indian Affairs Commission, Michigan Women's Commission, and Commission on Spanish-Speaking Affairs.
- Securing appropriate recognition of African American accomplishments and contributions to Michigan.
- Making recommendations to the Governor and Legislature regarding methods of overcoming discrimination

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against African Americans in public and private employment and civil and political rights.

- Strengthening home life by directing attention to critical problems confronting African Americans in single-parent households.
- Promoting more effective methods for enabling African Americans to develop their skills, continue their education, and be trained in employment skills.
- Monitoring, evaluating, investigating, advocating, and initiating programs for the betterment of African Americans in Michigan.

The Commission would operate independently of the Department of Management and Budget except for budget, procurement, and housekeeping functions.

The members of the Commission would be appointed by the Governor with the advice and consent of the Senate, and would serve three-year terms. Five members would be chosen from a list submitted to the Governor by the Senate Majority Leader and five from a list submitted by the Speaker of the House of Representatives. The Commission would have to be appointed within 60 days after the effective date of the bill and, within 60 days after the appointment and confirmation of all members, it would have to adopt bylaws for its operation, including at least voting procedures and minimum requirements for attendance at meetings. While the Commission would be required to hold regular quarterly meetings, special meetings also could be called by the chairperson or at least eight members on three business days' actual notice. The Legislature annually would establish the per diem compensation for the Commissioners while expenses incurred in the performance of their official duties would be reimbursed as provided by law for State employees.

A majority of the Commissioners appointed and serving would constitute a quorum and final action by the Commission would be only by affirmative vote of the majority of the members appointed and serving. Commissioners would not be allowed to vote by proxy. The Commission would be subject to the Open Meetings Act and Freedom of Information Act.

Office of African American Affairs

The Office would be responsible for serving as a clearinghouse for the collection and distribution of information on African American affairs, providing the Commission with information concerning the problems of African Americans, and implementing Commission policy. Further, it would be required to:

- Conduct studies and recommend solutions to the problems of African Americans in the areas of education, employment, civil rights, health, housing, senior citizens, and other related areas.
- Recommend to Federal, State, and local governmental departments and agencies the creation of needed services and facilities.
- Apply for and accept grants and gifts from governmental and private sources.
- Cooperate with departments and agencies to aid in effectuating the purposes of the bill.
- Request the services of all State and local governmental departments and agencies to assure that African Americans have access to decision-making bodies whose policies affect them.
- Submit to the Legislature, Governor, and various African American communities in Michigan an annual report on the Office's activities and recommendations. The report would have to be reviewed and approved by the Commission.

The director of the Office of African American Affairs would be selected by the Commission with the concurrence of the Director of the Department of Management and Budget in accordance with State civil service procedures.

Department of Management and Budget

The Department would be required to provide to the Commission and the Office administrative services, adequate office space, and secretarial, professional and other staff necessary to enable them to exercise their powers and duties properly and perform their substantive responsibilities. In addition, the Department would be required to make available the times and places of the

Commission's meetings and keep minutes of the meetings and a record of the Commission's actions.

Senate Bill 199

The 16-member African American Affairs Interagency Council created within the Office of African American Affairs by Senate Bill 199 would be responsible for coordinating and providing for the exchange of information on all programs relating to services for African Americans and assisting the Office and the African American Affairs Commission in developing the annual report that would be required by Senate Bill 198.

The Council would consist of the Directors of the Departments of Mental Health, Public Health, Social Services, Natural Resources, Licensing and Regulation, Agriculture, Civil Rights, Corrections, Labor, and Management and Budget; the Superintendent of Public Instruction; the State Treasurer; the State Personnel Director; the Attorney General; the Secretary of State; and the Chairperson of the State Housing Development Authority, or their designees.

The Council would be subject to the Open Meetings Act and the Freedom of Information Act.

FISCAL IMPACT

Senate Bill 198

According to the Department of Management and Budget, the 15-member Commission proposed by the bill would cost the State between \$250,000 and \$300,000 in annual funds for per diem, travel, staff, and office expenses. Current year costs for operating existing 15-member commissions range from \$238,000 for the Spanish-Speaking Affairs Commission to \$305,000 for the Michigan's Women Commission.

Senate Bill 199

The bill would have no fiscal impact on State or local government.

ARGUMENTS

Supporting Argument

By creating a commission, office, and interagency council on African American affairs, the bills would help coordinate and focus the State's efforts to address the wants and interests of a constituency group much in need of help in confronting and solving problems relating to health, education, employment opportunities, and crime.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.

HOUSE LEGISLATIVE ANALYSIS SECTION

Senate Bill 198

Analysis First

See HB 4405

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Senate Bill 199

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See SB198