

HOUSE BILL No. 4148

February 14, 1989, Introduced by Reps. Joe Young, Jr., Gire, Joe Young, Sr., Watkins, Stabenow, Wallace, Kosteva, Saunders, Allen, Dolan, Hunter, Stallworth, Clack, Terrell, Sofio, Murphy, Kilpatrick, Palamara, DeMars, Pitoniak, Emerson, Jonker, Scott, Barns, Leland, Gubow, Hoffman, Hood, Middaugh, Alley, Harrison and Webb and referred to the Committee on Economic Development and Energy.

A bill to amend the title and sections 1, 2, and 4 of Act No. 165 of the Public Acts of 1975, entitled

"An act to create a division of minority business enterprise within the department of commerce; to prescribe its powers and duties,"

being sections 125.1221, 125.1222, and 125.1224 of the Michigan Compiled Laws; and to add sections 6 and 7.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. The title and sections 1, 2, and 4 of Act
2 No. 165 of the Public Acts of 1975, being sections 125.1221,
3 125.1222, and 125.1224 of the Michigan Compiled Laws, are amended
4 and sections 6 and 7 are added to read as follows:

5 TITLE

6 An act to create a division of minority AND WOMAN business
7 enterprise within the department of commerce; to prescribe its

1 powers and duties; AND TO IMPOSE CERTAIN DUTIES UPON THE DIRECTOR
2 OF COMMERCE.

3 Sec. 1. A division of minority AND WOMAN business enter-
4 prise is created within the ~~office of economic expansion,~~
5 department of commerce.

6 Sec. 2. As used in this act:

7 (a) "Division" means the division of minority AND WOMAN
8 business enterprise.

9 (b) "Department" means the department of commerce.

10 (c) "Minority business enterprise" means ~~a business enter-~~
11 ~~prise that is owned or controlled solely by 1 or more socially or~~
12 ~~economically disadvantaged persons. The disadvantage may arise~~
13 ~~from cultural, racial, chronic economic circumstances or back-~~
14 ~~ground, or other similar cause~~ AN INDIVIDUAL, PARTNERSHIP, COR-
15 PORATION, OR JOINT VENTURE OF ANY KIND THAT, FOR NOT LESS THAN
16 1 YEAR BEFORE BEING AWARDED A CONTRACT, IS AND HAS BEEN OWNED AND
17 CONTROLLED BY BOTH OF THE FOLLOWING:

18 (i) A UNITED STATES CITIZEN.

19 (ii) A RESIDENT OF THIS STATE WHO IS A MEMBER OF A DISADVAN-
20 TAGED GROUP INCLUDING, BUT NOT LIMITED TO, BLACKS, NATIVE
21 AMERICANS, HISPANICS, AND ASIANS.

22 (D) "WOMAN BUSINESS ENTERPRISE" MEANS AN INDIVIDUAL, PART-
23 NERSHIP, CORPORATION, OR JOINT VENTURE OF ANY KIND THAT, FOR NOT
24 LESS THAN 1 YEAR BEFORE BEING AWARDED A CONTRACT, IS AND HAS BEEN
25 OWNED AND CONTROLLED BY BOTH OF THE FOLLOWING:

26 (i) A UNITED STATES CITIZEN.

1 (ii) A RESIDENT OF THIS STATE WHO IS A WOMAN.

2 Sec. 4. The division shall DO ALL OF THE FOLLOWING:

3 (a) Provide technical, managerial, FINANCIAL PLANNING, and
4 counseling services and assistance to minority AND WOMAN business
5 enterprises.

6 (b) With the participation of other state departments and
7 agencies as appropriate, develop comprehensive plans and specific
8 program goals for a minority AND WOMAN business enterprise pro-
9 gram; establish regular performance monitoring and reporting sys-
10 tems to assure that the goals are being achieved; and evaluate
11 the impact of federal and state support in achieving the objec-
12 tives established by the division.

13 (c) Implement state policy in support of minority AND WOMAN
14 business enterprise development and coordinate the plans, pro-
15 grams, and operations of state government which affect or may
16 contribute to the establishment, preservation, and strengthening
17 of minority AND WOMAN business enterprise.

18 (d) Coordinate, make application for, and administer federal
19 funding grants from the United States office of minority AND
20 WOMAN business enterprise and other federal agencies where
21 applicable.

22 (e) Promote the mobilization of activities and resources of
23 state agencies and local governments, business and trade associa-
24 tions, universities, foundations, professional organizations, and
25 volunteer and other groups toward the growth of minority AND
26 WOMAN business enterprises, and facilitate the coordination of

1 the efforts of these groups with those of other state departments
2 and agencies.

3 (f) Establish a center for the development, collection, and
4 dissemination of information that will be helpful to persons and
5 organizations throughout the state in undertaking or promoting
6 the establishment and successful operation of minority AND WOMAN
7 business enterprise.

8 (g) Assist in experimental and demonstration projects ~~—~~
9 and defray all or part of the cost of ~~such~~ THOSE projects,
10 designed to overcome the special problems of minority AND WOMAN
11 business enterprises.

12 (h) Conduct coordinated reviews of all proposed state train-
13 ing and technical assistance activities in direct support of the
14 minority AND WOMAN business enterprise program to insure consis-
15 tency with program goals and to preclude duplication of effort of
16 other state agencies with overlapping jurisdictions.

17 (i) Recommend appropriate legislative or executive actions
18 to enhance minority AND WOMAN business opportunities in this
19 state.

20 (j) Assist minority AND WOMAN businesses in obtaining gov-
21 ernmental or commercial financing for business expansion, estab-
22 lishment of new businesses, or industrial development projects.

23 (k) Provide services to promote the organization of local
24 development corporations for rural development and assist minor-
25 ity ~~businessmen~~ AND WOMAN BUSINESSES in agrarian endeavors.

26 ~~(4) Assist the director of the department of commerce to~~
27 ~~organize a representative statewide minority business advisory~~

~~1 council to service the division of minority business enterprise.~~
~~2 The council shall consist of 7 members. The governor shall~~
~~3 appoint the council with the advice and consent of the senate.~~
~~4 Except as otherwise provided by law, members of the council shall~~
~~5 serve without compensation but shall be entitled to reasonable~~
~~6 and necessary expenses incurred in the discharge of their~~
~~7 duties. The term of office of the council shall be at the plea-~~
~~8 sure of the governor.~~

9 (L) ~~(m)~~ Assist minority AND WOMAN businesses to promote
10 reciprocal foreign trade and investment.

11 (M) ~~(n)~~ Assist minority ~~businessmen~~ AND WOMAN BUSINESSES
12 in business contract procurement from governmental and private
13 commercial sources.

14 (N) ~~(o)~~ Employ accounting and managerial counselors and
15 establish a statewide toll free telephone line to give minority
16 ~~businessmen~~ AND WOMAN BUSINESSES throughout ~~Michigan~~ THIS
17 STATE access to these counselors.

18 (O) ~~(p)~~ Provide a program effort to ensure participation
19 of veterans in Michigan minority AND WOMAN business enterprise
20 activities.

21 (P) REVIEW APPLICATIONS FOR LOANS RECEIVED FROM THE MINORITY
22 AND WOMAN DEVELOPMENT FINANCING BOARD TO DETERMINE WHETHER THE
23 APPLICANTS ARE STATE CERTIFIED AND WHETHER THE APPLICANTS HAVE
24 SATISFIED ALL RULES OF THE MINORITY AND WOMAN DEVELOPMENT FINANC-
25 ING BOARD REGARDING ELIGIBILITY. THE DIVISION SHALL TRANSMIT ITS
26 FINDINGS TO THE MINORITY AND WOMAN DEVELOPMENT FINANCING BOARD
27 FOR THAT BOARD'S REVIEW OF THE LOAN APPLICATION.

1 SEC. 6. THE DIVISION MAY RECEIVE AND ACCEPT GIFTS, GRANTS,
2 LOANS, OR FINANCIAL OR OTHER AID FROM ANY FEDERAL, STATE, LOCAL,
3 OR PRIVATE AGENCY OR FUND, AND MAY ENTER INTO A CONTRACT WITH AN
4 AGENCY OR FUND IN CONNECTION WITH RECEIVING THE AID. THE DIVI-
5 SION MAY RECEIVE AND ACCEPT FROM OTHER SOURCES AID OR CONTRIBU-
6 TIONS OF MONEY, PROPERTY, LABOR, OR THINGS OF VALUE TO BE HELD,
7 USED, AND APPLIED ONLY FOR THE PURPOSES FOR WHICH THE GRANTS AND
8 CONTRIBUTIONS ARE MADE.

9 SEC. 7. THE DIRECTOR OF COMMERCE SHALL DO BOTH OF THE
10 FOLLOWING:

11 (A) PROMULGATE RULES IN ACCORDANCE WITH THE ADMINISTRATIVE
12 PROCEDURES ACT OF 1969, ACT NO. 306 OF THE PUBLIC ACTS OF 1969,
13 BEING SECTIONS 24.201 TO 24.328 OF THE MICHIGAN COMPILED LAWS,
14 FOR THE PURPOSES OF THIS ACT.

15 (B) ON OR BEFORE EACH FEBRUARY 1, PREPARE AND SUBMIT AN
16 ANNUAL REPORT TO THE GOVERNOR AND THE LEGISLATURE OF THE ACTIVI-
17 TIES OF THE DIVISION FOR THE PRECEDING CALENDAR YEAR.

18 Section 2. This amendatory act shall not take effect unless
19 Senate Bill No. _____ or House Bill No. 4147 (request
20 no. 00699'89) of the 85th Legislature is enacted into law.