



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 90 (Substitute S-1 as passed by the Senate)
Sponsor: Senator Rick Jones
Committee: Government Operations

Date Completed: 1-20-16

RATIONALE

The Michigan Department of Civil Rights supports the Michigan Civil Rights Commission, as created by Article V, Section 29 of the Michigan Constitution of 1963. Within the Department, there are various other commissions that handle issues pertaining to specific demographics. Currently, there are the Asian Pacific American Affairs Commission, the Hispanic/Latino Commission of Michigan, the Commission on Middle Eastern American Affairs, the Division on Deaf, DeafBlind and Hard of Hearing, and the Michigan Women's Commission. Some believe that African-Americans in Michigan would benefit from similar representation. Accordingly, it has been suggested that a commission be created within the Department of Civil Rights to address issues unique to African-Americans.

CONTENT

The bill would enact the "African-American Affairs Commission Act" to:

- Create the African-American Affairs Commission in the Department of Civil Rights.
- Require the Commission to consist of 15 appointed members having a particular interest or expertise in African-American concerns.
- Specify the Commission's responsibilities, such as advising the Governor and the Legislature on the nature of problems affecting African-Americans, working to ensure equal access to all levels of education for African-Americans, and serving as a reporting agency for incidents of anti-African-American harassment.
- Create the Office of African-American Affairs in the Department, if an appropriation were made for that purpose, and require the director of the Office to be selected by the Commission with the concurrence of the Director of the Department pursuant to State civil service procedures.
- Require the Office to conduct studies on the problems of African-Americans in such areas as employment, health, and education; review the performance of State departments and agencies as to the hiring and promotion of African-Americans and the provision of services to them; and perform other specified activities.
- Require the Department to furnish administrative services and assign staff to the Commission and the Office.
- Create a State Interagency Council on African-Americans within the Office to coordinate and provide for the exchange of information on all programs relating to services for African-American people.

The bill would define "African-American" as a person who has origins in Africa. The bill states, "It refers to an individual descended from any of the Black racial groups of Africa, such as Kenyan and Nigerian in sub-Saharan Africa, and also applies to individuals of Afro-Caribbean descent through countries such as Haiti and Jamaica."

The bill would take effect 90 days after its enactment.

Establishment & Operation of the Commission

The African-American Affairs Commission would consist of 15 members appointed by the Governor with the advice and consent of the Senate. Members would serve for three-year terms except that, of those first appointed, five members would serve for three years, five for two years, and five for one year. The Governor would have to appoint the Commission within 90 days after the bill's effective date. Within 90 days after appointment and confirmation of all members, the Commission would have to adopt bylaws for its operation. The bylaws would have to include, at a minimum, voting procedures and minimum requirements for attendance at meetings.

The Legislature would have to set the per diem compensation of Commission members. Expenses incurred in the performance of official duties would have to be reimbursed as provided by law for State employees.

The Commission would have to hold regular quarterly meetings, and special meetings could be called by the chairperson or at least eight members on three business days' actual notice. A majority of the commission members appointed and serving would constitute a quorum. A Commission member could not vote by proxy.

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

Except for budget, procurement, and housekeeping functions, the Commission would have to exercise its powers and duties independently of the Department of Civil Rights.

Commission Responsibilities

The Commission would have to advise the Governor and the Legislature of the nature, magnitude, and priorities of the problems of African-Americans in the State, as well as review and advise the Governor and the Legislature on the State's policies concerning African-American affairs. The Commission also would have to make recommendations to the Governor and the Legislature regarding changes in State programs, statutes, and policies, and regarding methods of overcoming discrimination against African-Americans in public and private employment and civil and political rights.

In addition, the Commission would be required to do the following:

- Stimulate and encourage the study and review of the status of African-Americans in the State, and develop a unified policy and plan of action to serve their needs.
- Secure appropriate recognition of African-American accomplishments and contributions to the State.
- Work to ensure equal access to all levels of education for African-Americans.
- Promote methods to ensure equal access to State services for African-Americans.
- Cooperate with and coordinate activities with the Hispanic/Latino Commission of Michigan, the Michigan Women's Commission, and any other commission dealing with minority or ethnic affairs.
- Monitor, evaluate, investigate, advocate, and initiate programs for the betterment of African-Americans in the State.
- Serve as a reporting agent for incidents of anti-African-American harassment in the State.
- Promote public awareness of cultures.

The Commission also would have to review and approve the annual report of the Office of African-American Affairs.

Office of African-American Affairs

The creation of the Office of African-American Affairs would be contingent on an appropriation being made for that purpose.

The Commission would have to select the director of the Office with the concurrence of the Director of the Department in accordance with State civil service procedures.

The Office would be required to do all of the following:

- Provide the Commission with information concerning the problems of African-Americans and implement Commission policy.
- Conduct studies and recommend solutions to the problems of African-Americans in the areas of education, employment, civil rights, health, housing, senior citizens, mental health, social service, commerce, and other related areas.
- Recommend to Federal, State, and local governmental departments and agencies the creation of services and facilities as the Commission considered appropriate.
- Serve as a reporting agency for the collection and distribution of information on African-American affairs.
- Request the services of all State and local governmental departments and agencies to assure the access of African-Americans to decision-making bodies whose policies affect them.
- Cooperate with departments and agencies to aid in effectuating the purposes of the proposed Act.
- Review the performance of State departments and agencies regarding their hiring and promotion of African-Americans and provision of services to them.
- Review the curriculum, programs, and policies of the State's elementary, secondary, and postsecondary educational institutions, and the admissions programs and policies of postsecondary educational institutions, regarding African-Americans.

The Office also would have to submit a full written report of its activities and recommendations each year to the Governor, the Legislature, and various African-American communities throughout the State.

Interagency Council

The Interagency Council on African-Americans would be created within the Office. Members of the Council would include the Directors of the following Departments or their authorized representatives:

- The Department of Agriculture and Rural Development.
- The Department of Civil Rights.
- The Department of Corrections.
- The Department of Health and Human Services.
- The Department of Licensing and Regulatory Affairs.
- The Department of Natural Resources.
- The Department of Technology, Management, and Budget.
- The Department of State Police.

The Council also would include the following individuals or their authorized representatives:

- The Attorney General.
- The Secretary of State.
- The State Personnel Director.
- The State Treasurer.
- The Superintendent of Public Instruction.
- The executive director of the Michigan Women's Commission.
- The chairperson of the State Housing Development Authority.

The purpose of the Interagency Council would be to coordinate and provide for the exchange of information on all programs relating to services for African-American people. The Council also would be required to assist the Office and the Commission in the development of an annual report, which would have to be submitted to the Governor, the Legislature, and representatives of African-American communities throughout the State.

Department of Civil Rights Responsibilities

The Department would have to furnish administrative services to the Commission and the Office, and provide secretarial and other staff necessary for the Commission and the Office to exercise their powers and duties. The DCR also would have to provide adequate office space to the Office. In addition, the DCR would have to assign professional employees to staff the Commission and the Office, to assist them in the performance of their substantive responsibilities.

The DCR also would have to give notice of the times and places of Commission meetings and keep minutes of the meetings and a record of its actions.

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

Michigan has a number of commissions within the DCR that represent specific segments of the population, including the Asian Pacific American Affairs Commission, the Hispanic/Latino Commission of Michigan, and the Commission on Middle Eastern American Affairs. A similar commission for African-Americans could study issues unique to African-American individuals and communities, particularly within the scope of education, employment, civil rights, and health, and could issue policy recommendations to the Governor and the Legislature.

Legislative Analyst: Jeff Mann

FISCAL IMPACT

The bill would have a cost to the Department of Civil Rights of approximately \$150,000. According to the Department, the creation of the Commission and the Office of African-American Affairs would require the hiring of one additional FTE to staff the Commission and the Office, as required under the bill. The bill also would allow for Commission members to receive reimbursement for per diem costs associated with attending quarterly and special meetings, as proposed. The estimated cost to the Department of \$150,000 would include the costs for Commission member reimbursement, operating costs, and the office space to be provided by the Department.

In FY 2015-16, the Department receives appropriations of \$254,800 for the Hispanic/Latino Commission of Michigan and \$110,900 for the Asian Pacific American Affairs Commission. These appropriations cover the administrative and personnel costs associated with the operation of the two Commissions.

The bill would have no fiscal impact on local government.

Fiscal Analyst: Joe Carrasco

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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.