

1 HB199
2 216729-4
3 By Representative Hall
4 RFD: State Government
5 First Read: 01-FEB-22

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§36-13-50.

"There is established in state government the ~~Governor's~~ agency that shall be known as the Alabama Office of Minority Affairs, to advise the Governor on issues affecting minorities, including women, focusing on the improvement of the overall quality of life of minorities, specifically in the areas of education, health, economics, political participation

1 and empowerment, housing, employment, civil rights, criminal
2 justice, and race relations and to draft policy
3 recommendations for addressing those issues.

4 "§36-13-51.

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

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

23 "(c) The director shall employ individuals in a
24 manner to assure the office staff is inclusive and reflects

1 the racial, gender, geographic, urban, rural, and economic
2 diversity of the state.

3 "§36-13-53.

4 "The Advisory ~~Board~~ Committee on Minority Affairs is
5 created to act as a resource for the director in an advisory
6 capacity. The ~~board~~ committee shall be comprised of
7 representatives from various racial and ethnic communities,
8 female representation, state government officials, and experts
9 in education and work force. The ~~board~~ committee shall be
10 appointed by and serve at the pleasure of the Governor.

11 "§40-9F-38.

12 "(a) There is established the Historic Tax Credit
13 Evaluating Committee, which shall review qualifying projects,
14 approve credits for projects, and rank projects in the order
15 in which the projects should receive tax credit reservations
16 based on criteria established by the commission. The
17 commission shall establish a review cycle for the committee
18 beginning on January 1, 2018, provided that the committee
19 shall meet at least quarterly unless no credits remain to be
20 allocated. The Commissioner of Revenue shall be a ~~non-voting~~
21 nonvoting member of the committee and provide advisory and
22 technical support. The committee shall consist of the
23 following:

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

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

3 "(3) The Finance Director.

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

6 "(5) The Secretary of Commerce.

7 "(6) Two members of the Alabama House of
8 Representatives, at least one of which shall be a member of
9 the minority party, to be appointed by the Speaker of the
10 House of Representatives.

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

14 "(b) The Alabama Historical Commission shall adopt
15 rules that shall set forth guidelines to be used by the
16 committee in determining the allocation of credits. The
17 guidelines shall set forth factors to be considered by the
18 committee including: relative value of the proposed project to
19 the particular community, including the maintenance of the
20 historic fabric of the community; possible return on
21 investment for the community in which the proposed project is
22 located; the geographic distribution of projects; the
23 likelihood of the project proceeding without the historic tax
24 credit authorized in this article; and strength of local
25 support for the proposed project. Included in the information

1 to be required for the evaluation submitted in the application
2 of any project shall be any additional tax credits or state,
3 federal, or local government grants that the applicant expects
4 to utilize for the construction of the project."

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

