

Legislative Analysis



HISPANIC/LATINO AFFAIRS COMMISSION

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Senate Bill 215 (Substitute S-3)

Sponsor: Sen. Valde Garcia

House Committee: Government Operations

Senate Committee: Local, Urban and State Affairs

Complete to 4-19-10

A SUMMARY OF SENATE BILL 215 AS PASSED BY THE SENATE 8-19-09

The bill would amend 1975 PA 164, the enabling act for the Office of Spanish-Speaking Affairs, the Commission on Spanish-Speaking Affairs, and the Interagency Council on Spanish-Speaking Affairs.

Throughout the act, the bill would replace references to "Spanish-Speaking" (including in the names of the Commission, Office, and Council) with "Hispanic/Latino." The Commission would be renamed the Hispanic/Latino Commission of Michigan.

Under the act, "Spanish speaking people" means a person, including a migrant agricultural worker, who: has a Spanish surname; has a parent or grandparent of Mexican, Puerto Rican, Cuban, Central American, South American, or other Spanish origin or descent; uses Spanish as the primary language or mother tongue; is identified by an employer in an EEO-1 report as a "Spanish-surnamed American"; or is regarded in the community as being of Mexican, Puerto Rican, Cuban, Central American, South American, or other Spanish origin or descent.

The bill, instead, defines "Hispanic/Latino" to mean people of Mexican, Puerto Rican, Cuban, Central American, South American, or other Spanish or indigenous origin or descent.

Commission Membership: The act currently requires that members of the commission be "Spanish speaking and of Spanish speaking origin."¹ The bill, instead, provides that commission members shall be "broadly representative of all fields of interest to Hispanic/Latino people."

Commission Responsibilities: The general purpose of the commission is to develop a unified policy and plan of action to serve the needs of Hispanic/Latino people in the state. In setting this policy, the commission is charged with a number of responsibilities, including advising the governor and Legislature on the programs, policies, statutes, and issues concerning Hispanic people. The bill would also include in the commission's responsibilities a requirement that it assist in the planning and implementation of a Hispanic/Latino Heritage Month celebration and Hispanic/Latino holiday celebrations. The bill specifies that

¹ Concerning the current membership criteria, the Civil Rights Commission noted that, "We find that because a person must meet this definition to be a Commissioner, this section of the statute constitutes preferential treatment and therefore appears to violate Proposal 2." See, *"One Michigan" at the Crossroads: An Assessment of the Impact of Proposal 06-02 by the Michigan Civil Rights Commission*, March 7, 2007. The report is available at, [http://www.michigan.gov/documents/mdcr/FinalCommissionReport3-07_1_189266_7.pdf].

responsibilities of the commission are listed in order of priority. (The additional responsibilities are last on the list.)

Commission Meetings: The act specifies that the commission shall meet no fewer than 12 times per year. The bill reduces this requirement to no fewer than 6 times per year.

Interagency Council: The act creates an Interagency Council that is to coordinate and provide for the exchange of information on programs and services for Hispanic/Latino people. The council consists of the directors of the several departments, the director of the Michigan State Housing Development Authority and the executive director of the Michigan Women's Commission, or their authorized representatives. The bill updates the references to the departments (e.g. replacing the reference to the Department of Mental Health with the Department of Community Health.²) Apparently the bill would remove the President of the Michigan Strategic Fund from the council's membership.³ [Presumably, a substitute will be offered reflecting the current composition of the council, given the numerous executive reorganizations that have taken place recently.]

FISCAL IMPACT:

The bill would have no material fiscal impact on the state or on local units of government. While the bill expands the responsibilities of the commission and changes the name of the commission, the bill also reduces the number of commission meetings from 12/year to 6/year. These changes would be carried out within the existing budgetary resources for the commission and office. For FY 2010-11, their proposed budget includes 2.0 FTE positions (an executive director and an administrative assistant) with an appropriation of \$273,800 GF/GP. (See HB 5884, H-2, as passed by the House of Representatives.)

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.

² The Interagency Council was abolished with Executive Order 2000-5 (ERO 2000-3, MCL 18.311) and its functions were transferred to the director of the Department of Career Development. The council was restored with Executive Order 2003-18 (ERO 2003-1, MCL 445.2011), when the Department of Labor and Economic Growth was created. EO 2003-18 updated the department names (as they existed then), replaced the reference to the State Personnel Director with the director of the Department of Civil Service, and added the director of the Department of Information Technology and the CEO of the Michigan Economic Development Corporation. Subsequently, EO 2007-30 (ERO 2007-21, MCL 18.45) replaced the director of the Department of Civil Service with the State Personnel Director, when Civil Service functions (and the Civil Service Commission) were transferred to the Department of Management and Budget. EO 2009-45 (ERO 2009-31, MCL 324.99919) replaced the references to the DNR and DEQ directors with the director of the new combined Department of Natural Resources and Environment. EO 2009-45 also replaced the reference to the CEO of the MEDC with the President of the Michigan Strategic Fund. EO 2009-55 (ERO 2009-39, MCL 18.441) removed the director of the Department of Information Technology from the council when DIT was merged with DMB to form the Department of Technology, Management, and Budget.

³ As noted above, through several executive orders, the head of the MSF/MEDC has been a part of the council since 2003. The bill simply updates references in existing language in the act (which doesn't include a reference to the head of the MSF/MEDC), without incorporating any of the changes made via executive order, thereby dropping – apparently inadvertently – the MSF president from the council.