



Senate Fiscal Agency
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BILL



ANALYSIS

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Senate Bill 215 (Substitute S-3 as reported)
Sponsor: Senator Valde Garcia
Committee: Local, Urban and State Affairs

(as passed by the Senate)

Date Completed: 6-11-09

RATIONALE

In 2006, Michigan voters adopted Proposal 06-2, which amended the State Constitution to prohibit public institutions from granting preferential treatment on the basis of race, gender, color, ethnicity, or national origin in employment, education, and contracting. In response, Governor Jennifer Granholm issued Executive Directive 2006-7, requiring the Michigan Civil Rights Commission (MCRC) to examine the impact of Proposal 06-2 on State laws and regulations, State educational institutions and programs, and State economic development efforts. In 2007, the MCRC issued a report that identified statutes, policies, and programs that potentially were not compliant with the constitutional amendment, and recommended legislative revisions. It has been suggested that the MCRC's suggestions regarding the statute that governs the Michigan Commission on Spanish-Speaking Affairs be adopted, that the term "Spanish-speaking" be replaced with "Hispanic/Latino", and that the Commission's duties be extended to the planning and implementation of certain events.

CONTENT

The bill would amend Public Act 164 of 1975, which provides for the Commission on Spanish-Speaking Affairs, the Office of Spanish-Speaking Affairs, and the Interagency Council on Spanish-Speaking Affairs, to do the following:

- Change the names of the Commission, the Office, and the Interagency Council to the**

Hispanic/Latino Commission of Michigan, the Office of Hispanic/Latino Affairs, and the Hispanic/Latino Interagency Council, respectively.

- Replace the term "Spanish-speaking" with "Hispanic/Latino" throughout the Act.**
- Reduce the number of times the Commission must meet annually.**
- Revise the criteria for eligibility to serve on the Commission.**
- Expand the Commission's duties to include assisting with the planning and implementation of specific events.**
- Specify that the Commission's duties are listed in order of priority.**

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 would delete this definition. Instead, the bill would define "Hispanic/Latino people" as people of Mexican, Puerto Rican, Cuban, Central American, South American, or other Spanish or indigenous origin or descent.

Currently, Commission members must be Spanish-speaking and of Spanish-speaking

origin. Under the bill, instead, they would have to be broadly representative of all fields of interest to Hispanic/Latino people. The Act requires the Commission to meet at least 12 times per year. The bill would reduce the number of required meetings to six.

The Act requires the Commission to do all of the following:

- Advise the Governor, the Legislature, and the Office concerning the coordination and administration of State programs serving Spanish-speaking people.
- Make recommendations to the Governor and the Legislature regarding changes in State programs, statutes, and policies.
- Advise the Governor and the Legislature of the nature, magnitude, and priorities of the problems of Spanish-speaking people.
- Review and approve grants to be made from Federal, State, or private funds that are administered by the Office.
- Review and advise the Governor and the Legislature on the State's policies concerning Spanish-speaking affairs.
- Secure appropriate recognition of Spanish-speaking accomplishments and contributions to the State.
- Review and approve the Office's annual report of its activities and recommendations to the Governor and the Legislature.

In addition to referring to "Hispanic/Latino" instead of "Spanish-speaking", the bill would add to the Commission's duties assisting with the planning and implementation of celebrations for Hispanic/Latino Heritage Month and Hispanic/Latino holidays. The bill also provides that the Commission's duties are listed in order of priority.

Currently, the Act includes the Directors of the following departments, or their authorized representatives, among the membership of the Interagency Council: Mental Health, Public Health, Social Services, Licensing and Regulation, and Labor. The bill would instead refer to the following departments, respectively: Community Health; Environmental Quality; Human Services; Energy, Labor, and Economic Growth; and History, Arts, and Libraries.

MCL 18.301-18.306

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

Because the Act requires Commission members to be Spanish-speaking and of Spanish-speaking origin, the MCRC found that it potentially violates the State Constitution, as amended by Proposal 06-2. The MCRC found, however, that the statute governing the Michigan Women's Commission appears to be in compliance because it requires that members be "broadly representative of all fields of interest" to women; men are not precluded from serving. Similar language should be enacted with regard to the Commission on Spanish-Speaking Affairs to ensure that it can continue to perform its duties.

Supporting Argument

People appointed to the Commission come from different areas of Michigan, and Commission meetings are held in cities all over the state. The cost of traveling to meetings can be significant, especially when gasoline prices are high. Under the statute, Commission members must be reimbursed for travel expenses incurred in the performance of official business; thus, reducing the number of required meetings would lessen the State's reimbursement burden. The Commission could meet more than the six times per year required by the bill, if necessary.

Supporting Argument

In addition to its statutorily prescribed duties, the Commission traditionally has been involved in the planning and implementation of the State's celebration of Hispanic Heritage Month, which occurs annually from September 15 through October 15. This involvement should be added to the list of the Commission's duties, along with the planning and implementation of celebrations for other Hispanic/Latino holidays, such as Cesar Chavez Day and Cinco de Mayo.

In a related matter, the Act should specify that the Commission's duties are listed in priority order, with the celebration activities listed at the bottom, to reflect that the

Commission's advisory, legislative, and policy functions remain its primary focus.

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The Commission on Spanish-Speaking Affairs is currently staffed with 2.0 FTEs supported by \$237,700 GF/GP in FY 2008-09. The bill would not provide any additional funding to support the planning and implementation of the celebrations included in the bill. To the extent that the Commission incurred additional costs as a result of these new responsibilities, existing resources would have to be used to cover them.

Fiscal Analyst: Elizabeth Pratt
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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.