

SENATE BILL No. 198

March 7, 1989, Introduced by Senators ARTHURHULTZ, V. SMITH, VAUGHN, HOLMES, DI NELLO, SEDERBURG, EHLERS, SCHWARZ, KELLY, GEO. HART, CHERRY, CONROY, J. HART, DINGELL, IRWIN, POLLACK, CARL, ENGLER, NICHOLS, SHINKLE, FAUST, GEAKE, FESSLER, POSTHUMUS, BARCIA, DILLINGHAM, BINSFELD, CRUCE, MACK, O'BRIEN and MILLER and referred to the Committee on State Affairs, Tourism, and Transportation.

A bill to create an African American affairs commission and an office of African American affairs; to prescribe the powers and duties of the commission and the office; and to prescribe the powers and duties of certain agencies, departments, and officials.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "African American affairs commission act".

3 Sec. 2. As used in this act:

4 (a) "African American" means a person who has origins in any
5 of the black racial groups of Africa; is identified by an
6 employer in an EEO-1 report as "black"; or is regarded in the
7 community as having origins in any of the black racial groups of
8 Africa.

1 (b) "Commission" means the African American affairs
2 commission created in section 3.

3 (c) "Department" means the department of management and
4 budget.

5 (d) "Director" means the director of the office of African
6 American affairs.

7 (e) "EEO-1 report" means an employer information report
8 EEO-1 required to be filed by certain employers pursuant to 29
9 C.F.R. 1602.7.

10 (f) "Office" means the office of African American affairs
11 created in section 7.

12 Sec. 3. (1) An African American affairs commission is cre-
13 ated in the department of management and budget. The commission
14 shall exercise its powers and duties independently of the direc-
15 tor of the department except for budget, procurement, and house-
16 keeping functions. The commission shall consist of 15 members
17 appointed by the governor with the advice and consent of the
18 senate. Five appointees shall be appointed from a list of 5 or
19 more nominees presented to the governor by the senate majority
20 leader, and 5 appointees shall be appointed from a list of 5 or
21 more nominees presented to the governor by the speaker of the
22 house of representatives. The commission annually shall elect a
23 chairperson and vice-chairperson, and shall elect other officers
24 from its members as it considers advisable.

25 (2) Except for initial members, a member of the commission
26 shall serve for a term of 3 years or until a successor is
27 appointed. Of the members initially appointed, 5 of the members

1 shall be appointed for a term of 3 years, 5 of the members shall
2 be appointed for a term of 2 years, and 5 of the members shall be
3 appointed for a term of 1 year. A vacancy on the commission
4 shall be filled by the governor for the balance of the unexpired
5 term, not more than 30 days after the vacancy is created, in the
6 same manner as the original appointment.

7 (3) The commission shall be appointed within 60 days after
8 the effective date of this act.

9 Sec. 4. (1) Within 60 days after appointment and confirma-
10 tion of all members, the commission shall adopt bylaws for the
11 operation of the commission. The bylaws shall include, at a min-
12 imum, voting procedures and minimum requirements for attendance
13 at meetings.

14 (2) The commission shall hold regular quarterly meetings at
15 places and on dates fixed by the commission. Special meetings
16 may be called by the chairperson or by not less than 8 commission
17 members on 3 business days' actual notice.

18 (3) A majority of the commission members appointed and serv-
19 ing constitutes a quorum. Final action by the commission shall
20 be only by affirmative vote of a majority of the commission mem-
21 bers appointed and serving. A commission member shall not vote
22 by proxy.

23 (4) The legislature annually shall fix the per diem compen-
24 sation of members of the commission. Expenses of members
25 incurred in the performance of official duties shall be reim-
26 bursed as provided by law for state employees.

1 (5) The department shall furnish administrative services to
2 the commission and shall provide secretarial and other staff
3 necessary to allow the proper exercise of the powers and duties
4 of the commission. The department shall provide adequate office
5 space to the commission. The department shall make available the
6 times and places of commission meetings and keep minutes of the
7 meetings and a record of the actions of the commission.

8 (6) The department shall assign professional employees to
9 staff the commission to assist the commission in the performance
10 of its substantive responsibilities under this act.

11 Sec. 5. (1) A meeting of the commission shall be held pur-
12 suant to the open meetings act, Act No. 267 of the Public Acts of
13 1976, being sections 15.261 to 15.275 of the Michigan Compiled
14 Laws. Public notice of the time, date, and place of the meeting
15 shall be given in the manner required by Act No. 267 of the
16 Public Acts of 1976.

17 (2) A writing prepared, owned, used, in the possession of,
18 or retained by the commission or office in the performance of an
19 official function shall be made available to the public pursuant
20 to the freedom of information act, Act No. 442 of the Public Acts
21 of 1976, being sections 15.231 to 15.246 of the Michigan Compiled
22 Laws.

23 Sec. 6. The commission shall do all of the following:

24 (a) Stimulate and encourage the study and review of the
25 status of African Americans in this state.

26 (b) Develop a unified policy and plan of action to serve the
27 needs of African Americans in this state.

1 (c) Advise the governor, the legislature, and the office
2 concerning the coordination and administration of state programs
3 serving African Americans.

4 (d) Make recommendations to the governor and legislature
5 regarding changes in state programs, statutes, and policies.

6 (e) Advise the governor and legislature of the nature, mag-
7 nitude, and priorities of the problems of African Americans in
8 this state.

9 (f) Review and approve grants to be made from federal,
10 state, or private funds that are administered by the office.

11 (g) Review and advise the governor and the legislature on
12 the state's policies concerning African American affairs.

13 (h) Secure appropriate recognition of African American
14 accomplishments and contributions to this state.

15 (i) Review and approve the annual report by the office of
16 African American affairs as described in section 8(h).

17 (j) Make recommendations to the governor and legislature
18 regarding methods of overcoming discrimination against African
19 Americans in public and private employment and civil and politi-
20 cal rights.

21 (k) Strengthen home life by directing attention to critical
22 problems confronting African Americans in single parent
23 households.

24 (l) Promote more effective methods for enabling African
25 Americans to develop their skills, to continue their education,
26 and to be trained in employment skills.

1 (m) Cooperate with and coordinate activities with the Indian
2 affairs commission, the commission on Spanish-speaking affairs,
3 and the Michigan women's commission.

4 (n) Monitor, evaluate, investigate, advocate, and initiate
5 programs for the betterment of African Americans in this state.

6 (o) Promote African American entrepreneurship.

7 Sec. 7. (1) The office of African American affairs is cre-
8 ated in the department of management and budget.

9 (2) The commission shall select the director of the office
10 with the concurrence of the director of the department of manage-
11 ment and budget in accordance with state civil service
12 procedures.

13 (3) The department shall furnish administrative services to
14 the office and shall provide secretarial and other staff neces-
15 sary to allow the proper exercise of the powers and duties of the
16 office. The department shall provide adequate office space to
17 the office.

18 (4) The department shall assign professional employees to
19 staff the office necessary to assist the office in the per-
20 formance of its substantive responsibilities under this act.

21 Sec. 8. The office shall do all of the following:

22 (a) Provide the commission with information concerning the
23 problems of African Americans and implement commission policy.

24 (b) Conduct studies and recommend solutions to the problems
25 of African Americans in the areas of education, employment, civil
26 rights, health, housing, senior citizens, and other related
27 areas.

1 (c) Recommend to federal, state, and local governmental
2 departments and agencies the creation of services and facilities
3 as needed.

4 (d) Serve as a clearinghouse for the collection and distri-
5 bution of information on African American affairs.

6 (e) Apply for and accept grants and gifts from governmental
7 and private sources.

8 (f) Request the services of all state and local governmental
9 departments and agencies to assure that African Americans have
10 access to decision making bodies, the policies of which affect
11 African Americans in this state.

12 (g) Cooperate with departments and agencies to aid in effec-
13 tuating the purposes of this act.

14 (h) Submit a full written report of its activities and rec-
15 ommendations each year to the governor, legislature, and various
16 African American communities throughout the state.