

**SUBSTITUTE FOR
SENATE BILL NO. 90**

A bill to create an African-American affairs commission, an office of African-American affairs, and an interagency council on African-American affairs; to prescribe their powers and duties; 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. 3. As used in this act:

4 (a) "African-American" means a person who has origins in
5 Africa. It refers to an individual descended from any of the Black
6 racial groups of Africa, such as Kenyan and Nigerian in sub-Saharan
7 Africa, and also applies to individuals of Afro-Caribbean descent

1 through countries such as Haiti and Jamaica.

2 (b) "Commission" means the African-American affairs commission
3 created in section 5.

4 (c) "Department" means the department of civil rights.

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

7 (e) "Office" means the office of African-American affairs
8 created in section 13.

9 Sec. 5. (1) The African-American affairs commission is created
10 within the department of civil rights. The commission shall
11 exercise its powers and duties independently of the department
12 except for budget, procurement, and housekeeping functions. The
13 commission shall consist of 15 members appointed by the governor
14 with the advice and consent of the senate. The commission shall
15 elect a chairperson and vice-chairperson annually and shall elect
16 other officers from its members as the commission considers
17 appropriate.

18 (2) Members of the commission shall be individuals who have a
19 particular interest or expertise in African-American concerns.

20 (3) A member of the commission shall serve for a term of 3
21 years or until a successor is appointed, whichever is later, except
22 that of the members first appointed, 5 shall serve for 3 years, 5
23 shall serve for 2 years, and 5 shall serve for 1 year.

24 (4) If a vacancy occurs on the commission, the governor shall
25 make an appointment for the balance of the unexpired term in the
26 same manner as the original appointment.

27 (5) The governor shall appoint the commission within 90 days

1 after the effective date of this act.

2 Sec. 7. (1) Within 90 days after appointment and confirmation
3 of all members, the commission shall adopt bylaws for the operation
4 of the commission. The bylaws shall include, at a minimum, voting
5 procedures and minimum requirements for attendance at meetings.

6 (2) The commission shall hold regular quarterly meetings at
7 places and on dates as determined by the commission. Special
8 meetings may be called by the chairperson or by not fewer than 8
9 commission members on 3 business days' actual notice.

10 (3) A majority of the commission members appointed and serving
11 constitutes a quorum for the transaction of business at a meeting
12 of the commission. Official action by the commission shall be only
13 by affirmative vote of a majority of the commission members
14 appointed and serving. A commission member shall not vote by proxy.

15 (4) The legislature annually shall fix the per diem
16 compensation of members of the commission. Expenses of members
17 incurred in the performance of official duties shall be reimbursed
18 as provided by law for state employees.

19 (5) The department shall furnish administrative services to
20 the commission and shall provide secretarial and other staff
21 necessary to allow the proper exercise of the powers and duties of
22 the commission. The department shall provide adequate office space
23 to the commission. The department shall give notice of the times
24 and places of commission meetings and keep minutes of the meetings
25 and a record of the actions of the commission.

26 (6) The department shall assign professional employees to
27 staff the commission to assist the commission in the performance of

1 its substantive responsibilities under this act.

2 Sec. 9. (1) A meeting of the commission shall be held pursuant
3 to the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

4 (2) A writing prepared, owned, used, in the possession of, or
5 retained by the commission or office in the performance of an
6 official function shall be made available to the public pursuant to
7 the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

8 Sec. 11. The commission shall do all of the following:

9 (a) Stimulate and encourage the study and review of the status
10 of African-Americans in this state.

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

13 (c) Advise the governor, the legislature, and the office
14 concerning the coordination and administration of state programs
15 serving African-Americans.

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

18 (e) Advise the governor and legislature of the nature,
19 magnitude, and priorities of the problems of African-Americans in
20 this state.

21 (f) Review and advise the governor and the legislature on this
22 state's policies concerning African-American affairs.

23 (g) Secure appropriate recognition of African-American
24 accomplishments and contributions to this state.

25 (h) Review and approve the annual report by the office of
26 African-American affairs as described in section 15(j).

27 (i) Make recommendations to the governor and legislature

1 regarding methods of overcoming discrimination against African-
2 Americans in public and private employment and civil and political
3 rights.

4 (j) Work to ensure equal access to all levels of education for
5 African-Americans.

6 (k) Promote methods to ensure equal access to state services
7 for African-Americans.

8 (l) Cooperate with and coordinate activities with the
9 Hispanic/Latino commission of Michigan, the Michigan women's
10 commission, and any other commission that deals with minority or
11 ethnic affairs.

12 (m) Monitor, evaluate, investigate, advocate, and initiate
13 programs for the betterment of African-Americans in this state.

14 (n) Serve as a reporting agency for incidents of anti-African-
15 American harassment in this state.

16 (o) Promote public awareness of cultures.

17 Sec. 13. (1) Subject to subsection (5), the office of African-
18 American affairs is created in the department of civil rights.

19 (2) The commission shall select the director of the office
20 with the concurrence of the director of the department in
21 accordance with state civil service procedures.

22 (3) The department shall furnish administrative services to
23 the office and shall provide secretarial and other staff necessary
24 to allow the proper exercise of the powers and duties of the
25 office. The department shall provide adequate office space to the
26 office.

27 (4) The department shall assign professional employees to

1 staff the office necessary to assist the office in the performance
2 of its substantive responsibilities under this act.

3 (5) Creation of the office of African-American affairs is
4 contingent on an appropriation being made for that purpose.

5 Sec. 15. The office shall do all of the following:

6 (a) Provide the commission with information concerning the
7 problems of African-Americans and implement commission policy.

8 (b) Conduct studies and recommend solutions to the problems of
9 African-Americans in the areas of education, employment, civil
10 rights, health, housing, senior citizens, mental health, social
11 service, commerce, and other related areas.

12 (c) Recommend to federal, state, and local governmental
13 departments and agencies the creation of services and facilities as
14 the commission considers appropriate.

15 (d) Serve as a reporting agency for the collection and
16 distribution of information on African-American affairs.

17 (e) Apply for and accept grants and gifts from governmental
18 and private sources.

19 (f) Request the services of all state and local governmental
20 departments and agencies to assure that African-Americans have
21 access to decision-making bodies, the policies of which affect
22 African-Americans in this state.

23 (g) Cooperate with departments and agencies to aid in
24 effectuating the purposes of this act.

25 (h) Review the performance of state departments and agencies
26 regarding the hiring and promotion of African-Americans by state
27 departments and agencies and the provision of services to African-

1 Americans by state departments and agencies.

2 (i) Review the curriculum, programs, and policies of
3 elementary, secondary, and postsecondary educational institutions
4 of this state regarding African-Americans and the admissions
5 programs and policies of postsecondary educational institutions of
6 this state regarding African-Americans.

7 (j) Submit a full written report of its activities and
8 recommendations each year to the governor, legislature, and various
9 African-American communities throughout this state.

10 Sec. 17. (1) A state interagency council on African-American
11 Affairs is created within the office.

12 (2) The council shall consist of:

13 (a) The director of the department of health and human
14 services or his or her authorized representative.

15 (b) The director of the department of natural resources or his
16 or her authorized representative.

17 (c) The superintendent of public instruction or his or her
18 authorized representative.

19 (d) The state treasurer or his or her authorized
20 representative.

21 (e) The director of the department of agriculture and rural
22 development or his or her authorized representative.

23 (f) The state personnel director or his or her authorized
24 representative.

25 (g) The director of the department of civil rights or his or
26 her authorized representative.

27 (h) The attorney general or his or her authorized

1 representative.

2 (i) The secretary of state or his or her authorized
3 representative.

4 (j) The director of the department of corrections or his or
5 her authorized representative.

6 (k) The executive director of the Michigan women's commission
7 or his or her authorized representative.

8 (l) The director of the department of technology, management,
9 and budget or his or her authorized representative.

10 (m) The director of the department of licensing and regulatory
11 affairs or his or her authorized representative.

12 (n) The chair of the state housing development authority or
13 his or her authorized representative.

14 (o) The director of the department of state police or his or
15 her authorized representative.

16 (3) The purpose of the interagency council is to coordinate
17 and provide for the exchange of information on all programs
18 relating to services for African-American people. The interagency
19 council shall also assist the office and commission in the
20 development of an annual report, which shall be submitted to the
21 governor, the legislature, and representatives of African-American
22 communities throughout the state.

23 Enacting section 1. This act takes effect 90 days after the
24 date it is enacted into law.