

[No. 79]

(HB 4957)

AN ACT to amend 1998 PA 409, entitled "An act to create the Michigan freedom trail commission; and to prescribe the powers and duties of certain state departments, agencies, commissions, and officers," by amending sections 2 and 3 (MCL 399.82 and 399.83).

The People of the State of Michigan enact:

399.82 Definitions.

Sec. 2. As used in this act:

(a) "Department" means the department of history, arts, and libraries.

(b) "Michigan freedom trail commission" or "commission" means the Michigan freedom trail commission created in section 3.

399.83 Michigan freedom trail commission; creation; functions; composition; appointment and terms of members; vacancy; removal; election of officers; meetings; quorum; business conducted at public meeting; writing subject to freedom of information act; compensation; reimbursement.

Sec. 3. (1) The Michigan freedom trail commission is created within the department. The budgeting, procurement, and related functions of the commission and administrative responsibilities for the staff of the commission shall be performed under the direction and supervision of the department.

(2) The commission shall consist of the following members:

(a) One member appointed by the speaker of the house of representatives.

(b) One member appointed by the senate majority leader.

(c) Nine members appointed by the governor, as follows:

(i) Three members from the academic community knowledgeable in African-American history.

(ii) One member actively involved in civil rights issues.

(iii) One member knowledgeable in historic preservation.

(iv) One member representing local communities in which the underground railroad had a significant presence.

(v) Three members at large, 1 of whom shall be a representative of the museum of African American history located in the city of Detroit.

(d) Three members serving ex officio without vote as follows:

(i) The chief executive officer of the Michigan economic development corporation or his or her representative.

(ii) The state librarian or his or her representative.

(iii) The director of the department or his or her representative.

(3) The members appointed under subsection (2)(c) first appointed to the commission shall be appointed within 90 days after December 21, 1998.

(4) Members of the commission appointed under subsection (2)(c) shall serve for terms of 4 years or until a successor is appointed, whichever is later, except that of the members

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first appointed 3 shall serve for 1 year, 3 shall serve for 2 years, and 3 shall serve for 3 years. A member of the commission appointed by the speaker of the house of representatives or the senate majority leader under subsection (2)(a) or (b), respectively, shall hold office for a term of 2 years to coincide with the term of office of state representative.

(5) A vacancy on the commission shall be filled for the unexpired term in the same manner as the original appointment.

(6) The governor, speaker of the house of representatives, or senate majority leader may remove a member of the commission appointed by him or her for incompetency, dereliction of duty, malfeasance, misfeasance, or nonfeasance in office, or any other good cause.

(7) At the first meeting, the commission shall elect from among its members a chairperson and other officers as it considers necessary or appropriate. After the first meeting, the commission shall meet at least quarterly, or more frequently at the call of the chairperson or if requested by 7 or more members appointed under subsection (2)(a), (b), and (c).

(8) A majority of the members of the commission appointed under subsection (2)(a), (b), and (c) constitute a quorum for the transaction of business at a meeting of the commission. A majority of the members appointed under subsection (2)(a), (b), and (c) present and serving are required for official action of the commission.

(9) The business that the commission may perform shall be conducted at a public meeting of the commission held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

(10) A writing prepared, owned, used, in the possession of, or retained by the commission in the performance of an official function is subject to the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(11) Members of the commission shall serve without compensation. However, members of the commission may be reimbursed for their actual and necessary expenses incurred in the performance of their official duties as members of the commission.

Conditional effective date.

Enacting section 1. This amendatory act does not take effect unless House Bill No. 4941 of the 91st Legislature is enacted into law.

This act is ordered to take immediate effect.

Approved July 23, 2001.

Filed with Secretary of State July 24, 2001.

Compiler's note: House Bill No. 4941, referred to in enacting section 1, was filed with the Secretary of State July 24, 2001, and became P.A. 2001, No. 63, Eff. August 6, 2001.
