

SENATE BILL NO. 1034

July 23, 2020, Introduced by Senators GEISS, MCMORROW, BULLOCK, CHANG, IRWIN, HERTEL, MOSS, POLEHANKI, BAYER, WOJNO, ALEXANDER, ANANICH and SANTANA and referred to the Committee on Government Operations.

A bill to create an African, Caribbean, and diaspora affairs commission and an office of African, Caribbean, and diaspora affairs; to provide for their powers and duties; and to provide for the powers and duties of certain state governmental officers and entities.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

3 Sec. 3. As used in this act:

1 (a) "African, Caribbean, and diaspora residents of this state"
2 means individuals of African descent, including through Caribbean
3 ancestors of African descent, who reside in this state. The term
4 includes residents of this state who are descendants of peoples
5 from Africa who were subject to mass dispersion in connection with
6 the transatlantic slave trade from the 1500s to the 1800s.

7 (b) "Commission" means the African, Caribbean, and diaspora
8 affairs commission created in section 5.

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

10 (d) "Director" means the director of the office.

11 (e) "Office" means the office of African, Caribbean, and
12 diaspora affairs created in section 13.

13 Sec. 5. (1) The African, Caribbean, and diaspora affairs
14 commission is created in the department. The commission shall
15 exercise its powers and duties independently of the department
16 except for budget, procurement, and housekeeping functions. The
17 commission shall consist of 15 members to be appointed by the
18 governor with the advice and consent of the senate, except as
19 otherwise provided in subsection (3)(b). To be eligible for
20 appointment, a commission member must have a particular interest or
21 expertise in matters that concern African, Caribbean, and diaspora
22 residents of this state, and must have expertise in at least 1 of
23 the following fields:

24 (a) Economics.

25 (b) Law, policy, and immigration.

26 (c) Education.

27 (d) Health, wellness, and nutrition.

28 (e) Technology.

29 (f) Environment and agriculture.

1 (g) Community safety and preparedness.

2 (h) Arts and culture.

3 (i) Media and communications.

4 (2) The commission shall elect a chairperson and vice-
5 chairperson annually and shall elect other officers from its
6 members as the commission considers appropriate.

7 (3) Members of the commission shall serve for a term of 3
8 years or until a successor is appointed, whichever is later, except
9 that of the members first appointed, both of the following apply:

10 (a) Five shall serve for 3 years, 5 shall serve for 2 years,
11 and 5 shall serve for 1 year.

12 (b) A member who serves an initial 2-year term or 1-year term
13 is eligible without appointment to serve a consecutive second term
14 of 3 years.

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

18 (5) The governor shall appoint the commission within 90 days
19 after the effective date of this act.

20 (6) When making appointments to the commission, the governor
21 shall, to the greatest extent possible, try to ensure that
22 commission membership maintains an intergenerational
23 representation, with members who come within each of the following
24 age ranges:

25 (a) 18 to 24 years of age.

26 (b) 25 to 40 years of age.

27 (c) 41 to 55 years of age.

28 (d) 56 or more years of age.

29 Sec. 7. (1) Within 90 days after appointment and confirmation

1 of all members, the commission shall adopt bylaws for the operation
2 of the commission. The bylaws must include, at a minimum, voting
3 procedures and minimum requirements for attendance at meetings.

4 (2) The commission shall hold regular quarterly meetings at
5 places and on dates as determined by the commission. Special
6 meetings may be called by the chairperson or by not fewer than 8
7 commission members on 3 business days' actual notice. Meetings of
8 the commission may be conducted virtually, through technology that
9 facilitates the remote participation of attendees, including
10 commission members, to the fullest extent permitted for meetings
11 subject to the open meetings act, 1976 PA 267, MCL 15.261 to
12 15.275.

13 (3) A majority of the commission members appointed and serving
14 constitute a quorum for the transaction of business at a meeting of
15 the commission. Official action by the commission requires an
16 affirmative vote of a majority of the commission members appointed
17 and serving. A commission member shall not vote by proxy.

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

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

29 (6) The department shall assign professional employees to

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

3 Sec. 9. (1) Meetings of the commission are subject to the open
4 meetings act, 1976 PA 267, MCL 15.261 to 15.275.

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

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

10 (a) Stimulate and encourage the study and review of the status
11 of African, Caribbean, and diaspora residents of this state.

12 (b) Develop a unified policy and plan of action to serve the
13 needs of African, Caribbean, and diaspora residents of this state.

14 (c) Advise the governor, the legislature, and the office
15 concerning the coordination and administration of state programs
16 serving African, Caribbean, and diaspora residents of this state.

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

19 (e) Advise the governor and legislature of the nature,
20 magnitude, and priorities of the problems of African, Caribbean,
21 and diaspora residents of this state.

22 (f) Review and advise the governor and the legislature on this
23 state's policies that affect African, Caribbean, and diaspora
24 residents of this state.

25 (g) Secure appropriate recognition of the accomplishments and
26 contributions made to this state by persons of African and
27 Caribbean descent, including descendants of peoples who were
28 subject to the African diaspora.

29 (h) Review and approve the annual report by the office of

1 African, Caribbean, and diaspora affairs as described in section
2 15(j).

3 (i) Make recommendations to the governor and legislature
4 regarding methods of overcoming discrimination, anti-blackness, and
5 racism as a public health crisis against African, Caribbean, and
6 diaspora residents of this state in public and private employment
7 and civil and political rights.

8 (j) Work to ensure equal access to all levels of education for
9 African, Caribbean, and diaspora residents of this state.

10 (k) Promote methods to ensure equal access to state services
11 for African, Caribbean, and diaspora residents of this state.

12 (l) Cooperate with and coordinate activities with the
13 Hispanic/Latino commission of Michigan, the Michigan women's
14 commission, and any other commission that deals with minority or
15 ethnic affairs.

16 (m) Monitor, evaluate, investigate, advocate, and initiate
17 programs for the betterment of African, Caribbean, and diaspora
18 residents of this state.

19 (n) Serve as a reporting agency for incidents of race- or
20 ethnicity-based harassment of African, Caribbean, and diaspora
21 residents of this state.

22 (o) Promote public awareness of the cultures of persons of
23 African and Caribbean descent, including descendants of peoples who
24 were subject to the African diaspora.

25 Sec. 13. (1) Subject to subsection (5), the office of African,
26 Caribbean, and diaspora affairs is created in the department.

27 (2) The commission shall select the director of the office
28 with the concurrence of the director of the department in
29 accordance with state civil service procedures.

1 (3) The department shall furnish administrative services to
2 the office and shall provide secretarial and other staff necessary
3 to allow the proper exercise of the powers and duties of the
4 office. The department shall provide adequate office space to the
5 office.

6 (4) The department shall assign professional employees to
7 staff the office necessary to assist the office in the performance
8 of its substantive responsibilities under this act.

9 (5) Creation of the office is contingent on an appropriation
10 being made for that purpose.

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

12 (a) Provide the commission with information concerning the
13 problems of African, Caribbean, and diaspora residents of this
14 state and implement commission policy.

15 (b) Conduct studies and recommend solutions to the problems of
16 African, Caribbean, and diaspora residents of this state in the
17 areas of education, employment, civil rights, health, housing,
18 senior citizens, mental health, social service, commerce, and other
19 related areas.

20 (c) Recommend to federal, state, and local governmental
21 departments and agencies the creation of services and facilities as
22 the commission considers appropriate.

23 (d) Serve as a reporting agency for the collection and
24 distribution of information on African, Caribbean, and diaspora
25 affairs.

26 (e) Apply for and accept grants and gifts from governmental
27 and private sources.

28 (f) Request the services of all state and local governmental
29 departments and agencies to ensure that African, Caribbean, and

1 diaspora residents of this state have access to decision-making
2 bodies, the policies of which affect African, Caribbean, and
3 diaspora residents of this state.

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

6 (h) Review the performance of state departments and agencies
7 regarding the hiring and promotion of African, Caribbean, and
8 diaspora residents of this state by state departments and agencies
9 and the provision of services to African, Caribbean, and diaspora
10 residents of this state by state departments and agencies.

11 (i) Review the curriculum, programs, and policies of
12 elementary, secondary, and postsecondary educational institutions
13 of this state regarding persons of African and Caribbean descent,
14 including descendants of peoples who were subject to the African
15 diaspora, and the admissions programs and policies of postsecondary
16 educational institutions of this state regarding African,
17 Caribbean, and diaspora residents of this state.

18 (j) Submit a full written report of its activities and
19 recommendations each year to the governor, the legislature, the
20 Michigan legislative black caucus, and various communities in which
21 there reside significant populations of persons of African and
22 Caribbean descent, including descendants of peoples who were
23 subject to the African diaspora.