

Act No. 258  
Public Acts of 1992  
Approved by the Governor  
December 7, 1992  
Filed with the Secretary of State  
December 7, 1992

**STATE OF MICHIGAN  
86TH LEGISLATURE  
REGULAR SESSION OF 1992**

Introduced by Reps. Hood, Richard A. Young, Wallace, Keith, Bennane and Hollister

# **ENROLLED HOUSE BILL No. 5856**

AN ACT to amend the title and section 602 of Act No. 453 of the Public Acts of 1976, entitled as amended "An act to define civil rights; to prohibit discriminatory practices, policies, and customs in the exercise of those rights based upon religion, race, color, national origin, age, sex, height, weight, familial status, or marital status; to preserve the confidentiality of records regarding arrest, detention, or other disposition in which a conviction does not result; to prescribe the powers and duties of the civil rights commission and the department of civil rights; to provide remedies and penalties; and to repeal certain acts and parts of acts," being section 37.2602 of the Michigan Compiled Laws; to add section 602a; and to repeal certain parts of the act on a specific date.

*The People of the State of Michigan enact:*

Section 1. The title and section 602 of Act No. 453 of the Public Acts of 1976, being section 37.2602 of the Michigan Compiled Laws, are amended and section 602a is added to read as follows:

## **TITLE**

An act to define civil rights; to prohibit discriminatory practices, policies, and customs in the exercise of those rights based upon religion, race, color, national origin, age, sex, height, weight, familial status, or marital status; to preserve the confidentiality of records regarding arrest, detention, or other disposition in which a conviction does not result; to prescribe the powers and duties of the civil rights commission and the department of civil rights; to provide remedies and penalties; to provide for fees; and to repeal certain acts and parts of acts.

Sec. 602. The department shall:

(a) Be responsible to the executive director, who shall be the principal executive officer of the department and shall be responsible for executing the policies of the commission.

(b) Appoint necessary employees and agents and fix their compensation in accordance with civil service rules. The attorney general shall appear for and represent the department or the commission in a court having jurisdiction of a matter under this act.

(c) Receive, initiate, investigate, conciliate, adjust, dispose of, issue charges, and hold hearings on complaints alleging a violation of this act, and approve or disapprove plans to correct past discriminatory practices which have caused or resulted in a denial of equal opportunity with respect to groups or persons protected by this act.

(d) Require answers to interrogatories, order the submission of books, papers, records, and other materials pertinent to a complaint, and require the attendance of witnesses, administer oaths, take testimony, and compel, through court authorization, compliance with its orders or an order of the commission.

(e) Cooperate or contract with persons and state, local, and other agencies, both public and private, including agencies of the federal government and of other states.

(f) Monitor the awarding and execution of contracts to ensure compliance by a contractor or a subcontractor with a covenant entered into or to be entered into pursuant to section 209.

Sec. 602a. (1) If a person who is conducting business or seeking to conduct business with the state or an agency of the state requests the department to review the person's equal employment opportunity practices for the purpose of determining the person's compliance with a covenant entered into, or willingness to comply with a covenant to be entered into, pursuant to section 209, the department may conduct the review.

(2) The department may charge a contractor that is a party to a contract with the state or an agency of the state a fee in an amount equal to .0005 of the contract amount to defray the costs of monitoring the contract pursuant to section 602(f). This subsection only applies to a contractor if the contract amount between the state or an agency of the state and the contractor is \$100,000.00 or more.

(3) A fee imposed pursuant to subsection (2) is due and payable to the department as follows:

(a) Except as otherwise provided in subdivision (c), if the contract amount is paid to the contractor in a lump sum payment, the fee is due and payable at the time the contract payment is made to the contractor.

(b) Except as otherwise provided in subdivision (c), if the contract amount is paid to the contractor in 2 or more payments, the fee is due and payable in installments at the time each contract payment is made to the contractor in an amount proportional to the percentage of the entire contract amount represented by the contract payment.

(c) Upon the written approval of the department, the state or an agency of the state and a contractor may specify a fee payment schedule in the contract to provide for prompt payment of the fee during the term of the contract.

(4) If a contract amount is reduced or increased in a contract on which a fee is imposed pursuant to subsection (2), the fee shall be refunded or increased on a proportional basis to the reduction or increase in the contract amount.

(5) Fees imposed and collected by the department pursuant to this section shall be deposited in the state treasury and credited to the civil rights contract monitoring fund created in subsection (6).

(6) The civil rights contract monitoring fund is created as a separate fund in the state treasury to be administered and expended by the department as provided in this subsection. The department shall only use the fund to defray the cost of monitoring contracts pursuant to section 602(f) on which a fee is imposed pursuant to this section. All interest earned by the fund shall be credited to the fund. Any money, including interest earned by the fund, remaining in the fund at the end of a fiscal year shall be carried over in the fund to the next and succeeding fiscal years and shall not be credited to or revert to the general fund.

(7) Every 90 days, the department shall submit a report to the standing committees of the senate and house of representatives that are responsible for civil rights matters, the senate and house appropriations subcommittees on civil rights matters, and the senate and house fiscal agencies. The report required by this subsection shall include the following:

(a) The total number of fees imposed pursuant to subsection (1).

(b) The total amount of fees collected pursuant to subsection (1).

(c) The total number of monitoring activities conducted pursuant to section 602(f).

(d) A detailed explanation of how fees collected pursuant to this section have been expended to monitor contracts pursuant to section 602(f).

(e) Any additional information the department considers necessary.

(8) This section applies to contracts described in this section that are entered into on or after the effective date of this section.

Section 2. Section 602a of Act No. 453 of the Public Acts of 1976, being section 37.2602a of the Michigan Compiled Laws, is repealed effective upon the expiration of 2 years after the effective date of this amendatory act.

This act is ordered to take immediate effect.

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Clerk of the House of Representatives.

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Secretary of the Senate.

Approved.....

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Governor.