

HOUSE BILL No. 5972

November 13, 2014, Introduced by Reps. Roberts, Geiss, Townsend, Hovey-Wright, Abed, Darany, Faris, Lane, Haugh, Cochran, Cavanagh, Dillon, Yanez, Smiley, Brunner, Phelps, Singh, Barnett, Robinson, Lipton, Switalski, Rutledge, Slavens, Kandrevas, LaVoy, Stallworth, Driskell, Segal, Schor, Kosowski and Oakes and referred to the Committee on Judiciary.

A bill to amend 1976 PA 453, entitled
 "Elliott-Larsen civil rights act,"
 by amending section 601 (MCL 37.2601).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 601. (1) The commission shall **DO ALL OF THE FOLLOWING:**

2 (a) Maintain a principal office in the city of Lansing and
 3 other offices within ~~the~~**THIS** state as it considers necessary.

4 (b) Meet and exercise its powers at any place within ~~the~~**THIS**
 5 state.

6 (c) Appoint an executive director, who ~~shall be~~**IS** the chief
 7 executive officer of the department and exempt from civil service,
 8 and appoint necessary hearing examiners.

9 (d) Accept public grants, private gifts, bequests, or other
 10 amounts or payments.

1 (e) Prepare annually a comprehensive written report to the
2 governor. The report may contain recommendations adopted by the
3 commission for legislative or other action necessary to effectuate
4 the purposes and policies of this act.

5 (f) Promulgate, amend, or repeal rules to carry out this act
6 pursuant to ~~Act No. 306 of the Public Acts of 1969, as amended,~~
7 ~~being sections 24.201 to 24.315 of the Michigan Compiled Laws.~~**THE**
8 **ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201 TO**
9 **24.328. THE COMMISSION SHALL NOT PROMULGATE RULES THAT LIMIT THE**
10 **TIME FOR FILING A SEXUAL HARASSMENT COMPLAINT WITH THE DEPARTMENT**
11 **TO LESS THAN 365 DAYS AFTER THE DATE OF THE MOST RECENT ACT OF**
12 **ALLEGED SEXUAL HARASSMENT.**

13 (g) Request the services of a department or agency of ~~the~~**THIS**
14 state or a political subdivision of ~~the~~**THIS** state.

15 (h) Promote and cooperate with a public or governmental agency
16 as in the commission's judgment will aid in effectuating ~~the~~**THIS**
17 act and the state constitution of 1963.

18 (i) Establish and promulgate rules governing its relationship
19 with local commissions, and establish criteria for certifying local
20 commissions for the deferring of complaints.

21 (2) The commission may hold hearings, administer oaths, issue
22 preliminary notices to witnesses to appear, compel through court
23 authorization the attendance of witnesses and the production for
24 examination of books, papers, or other records relating to matters
25 before the commission, take the testimony of a person under oath,
26 and issue appropriate orders. The commission may promulgate rules
27 as to the issuance of preliminary notices to appear.

1 (3) A majority of the members of the commission constitutes a
2 quorum. A majority of the members is required to take action on
3 matters not of a ministerial nature, but a majority of a quorum may
4 deal with ministerial matters. A vacancy in the commission ~~shall~~
5 **DOES** not impair the right of the remaining members to exercise the
6 powers of the commission. The members of the commission shall
7 receive a per diem compensation and shall be reimbursed for the
8 actual and necessary expenses incurred in the performance of their
9 duties. The per diem compensation of the commission and the
10 schedule for reimbursement of the expenses shall be established
11 annually by the legislature.

12 (4) The business ~~which~~ **THAT** the commission ~~may perform~~
13 **PERFORMS** shall be conducted at a public meeting of the commission
14 held in compliance with ~~Act No. 267 of the Public Acts of 1976,~~
15 ~~being sections 15.261 to 15.275 of the Michigan Compiled Laws.~~
16 ~~Public notice of the time, date, and place of the meeting shall be~~
17 ~~given in the manner required by Act No. 267 of the Public Acts of~~
18 ~~1976.~~ **THE OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO 15.275.**

19 (5) A writing prepared, owned, used, in the possession of, or
20 retained by the commission in the performance of an official
21 function shall be made available to the public in compliance with
22 ~~Act No. 442 of the Public Acts of 1976, being sections 15.231 to~~
23 ~~15.246 of the Michigan Compiled Laws.~~ **THE FREEDOM OF INFORMATION**
24 **ACT, 1976 PA 442, MCL 15.231 TO 15.246.**