

# HOUSE BILL No. 5769

April 23, 1998, Introduced by Reps. Stallworth, Kilpatrick, Hale and Thomas and referred to the Committee on Labor and Occupational Safety.

A bill to amend 1976 PA 453, entitled "Elliott-Larsen civil rights act," by amending sections 602, 603, and 604 (MCL 37.2602, 37.2603, and 37.2604), section 602 as amended by 1992 PA 258, and by adding section 212.

## **THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1        SEC. 212. A PERSON WHO VIOLATES THIS ARTICLE IS GUILTY OF A  
2 CRIME AS FOLLOWS:

3        (A) FOR A FIRST VIOLATION, THE PERSON IS GUILTY OF A MISDE-  
4 MEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 6 MONTHS OR A  
5 FINE OF NOT MORE THAN \$10,000.00.

6        (B) FOR A SECOND OR SUBSEQUENT VIOLATION, THE PERSON IS  
7 GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 1  
8 YEAR OR A FINE OF NOT MORE THAN \$50,000.00, OR BOTH.

1       Sec. 602. The department shall:

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

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

10       (c) Receive, initiate, investigate, conciliate, adjust, dis-  
11 pose of, issue charges, and hold hearings on complaints, OTHER  
12 THAN COMPLAINTS ARISING UNDER ARTICLE 2, alleging a violation of  
13 this act, and approve or disapprove plans to correct past dis-  
14 criminatory practices which have caused or resulted in a denial  
15 of equal opportunity with respect to groups or persons protected  
16 by this act.

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

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

26       (f) Monitor the awarding and execution of contracts to  
27 ensure compliance by a contractor or a subcontractor with a

1 covenant entered into or to be entered into pursuant to section  
2 209.

3       Sec. 603. At any time after a complaint DESCRIBED IN  
4 SECTION 602(C) is filed, the department may file a petition in  
5 the circuit court for the county in which the subject of the com-  
6 plaint occurs, or for the county in which a respondent resides or  
7 transacts business, seeking appropriate temporary relief against  
8 the respondent, pending final determination of proceedings under  
9 this section, including an order or decree restraining the  
10 respondent from doing or procuring an act tending to render inef-  
11 fectual an order the commission may enter with respect to the  
12 complaint. If the complaint alleges a violation of article 5,  
13 upon the filing of the petition the department shall file for the  
14 record a notice of pendency of the action. The court may grant  
15 temporary relief or a restraining order as it deems just and  
16 proper, but the relief or order shall not extend beyond 5 days  
17 except by consent of the respondent, or after hearing upon notice  
18 to the respondent and a finding by the court that there is rea-  
19 sonable cause to believe that the respondent has engaged in a  
20 discriminatory practice.

21       Sec. 604. If the commission, after a hearing on a charge  
22 issued by the department UNDER SECTION 602, determines that the  
23 respondent has not engaged in a discriminatory practice prohib-  
24 ited by this act, the commission shall state its findings of fact  
25 and conclusions of law and shall issue a final order dismissing  
26 the complaint. The commission shall furnish a copy of the order  
27 to the claimant, the respondent, the attorney general, and other

1 public officers and persons as the commission ~~deems~~ DETERMINES  
2 proper.