

SENATE No. 1819

The Commonwealth of Massachusetts

PRESENTED BY:

Nick Collins

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act establishing a commission on the status of citizens of Haitian descent.

PETITION OF:

NAME:

Nick Collins

DISTRICT/ADDRESS:

First Suffolk

SENATE No. 1819

By Mr. Collins, a petition (accompanied by bill, Senate, No. 1819) of Nick Collins for legislation to establish a commission on the status of citizens of Haitian descent. Revenue.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act establishing a commission on the status of citizens of Haitian descent.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 3 of the General Laws is hereby amended by adding the following
2 section:-

3 Section 71. (a) There shall be a permanent commission on the status of citizens of Haitian
4 descent consisting of 12 persons as follows: 2 persons appointed by the governor; 2 persons
5 appointed by the speaker of the house of representatives; 2 persons appointed by the president of
6 the senate; 2 persons appointed by the state treasurer; 2 persons appointed by the state secretary;
7 and 2 persons appointed by the attorney general. Members of the commission shall be drawn
8 from citizens of the commonwealth who have demonstrated a commitment to the Haitian
9 American community. Members shall be subject to the provisions of chapter 268A as they apply
10 o special state employees.

11 (b) Members shall serve terms of 3 years and until their successors are appointed.
12 Vacancies in the membership of the commission shall be filled by the original appointing

13 authority for the balance of the unexpired term. All appointments shall be made in consultation
14 with Haitian American organizations in the commonwealth. Nominations for members shall be
15 solicited by the appointing authorities between August 1 and September 16 of each year through
16 an open application process using a uniform application that is widely distributed throughout the
17 state.

18 (c) The commission shall elect from among its members a chair, a vice chair, a treasurer
19 and any other officers it considers necessary. The members of the commission shall receive no
20 compensation for their services, but shall be reimbursed for any usual and customary expenses
21 incurred in the performance of their duties.

22 (d) The commission shall be a resource to the commonwealth on issues affecting Haitian
23 American communities in the commonwealth. In furtherance of that responsibility, the
24 commission shall: (1) promote research and serve as a clearinghouse and source of information
25 on issues pertaining to Haitian Americans in the commonwealth; (2) inform the public and
26 leaders of business, education, human services, health care, state and local governments and the
27 communications media of the unique cultural, social, ethnic, economic and educational issues
28 affecting Haitian Americans in the commonwealth; (3) foster unity among the Haitian American
29 community and organizations in the commonwealth by promoting cooperation and sharing of
30 information and encouraging collaboration and joint activities; (4) serve as a liaison between
31 government and private interest groups with regard to matters of unique interest and concern to
32 Haitian Americans in the commonwealth; (5) identify opportunities to expand and improve
33 commercial and cultural ties with Haiti; (6) identify and recommend qualified Haitian
34 Americans for appointive positions at all levels of government, including boards and

35 commissions, as the commission considers necessary and appropriate; (7) assess programs and
36 practices in all state agencies as they affect Haitian Americans, as the commission considers
37 necessary and appropriate; (8) advise executive and legislative bodies on the potential effect on
38 Haitian Americans of proposed legislation, as the commission considers necessary and
39 appropriate; and (9) generally undertake activities designed to enable the commonwealth to
40 realize the full benefit of the skills, talents and cultural heritage of Haitian Americans in the
41 commonwealth.

42 (e) The commission shall annually, on or before June 2, report the results of its findings
43 and activities of the preceding year and its recommendations to the governor and to the clerks of
44 the senate and house of representatives.

45 (f) The powers of the commission shall include, but not be limited, to: (1) using the
46 voluntary and uncompensated services of private individuals, agencies and organizations that
47 may from time to time be offered and needed, including the provision of meeting places and
48 refreshments; (2) holding regular, public meetings and holding fact-finding hearings and other
49 public forums as it considers necessary; (3) directing staff to perform its duties; (4) establishing
50 and maintaining offices that it considers necessary, subject to appropriation; (5) enacting by-laws
51 for its own governance that are not inconsistent with any general or special law; and (6)
52 recommending policies and making recommendations to agencies and officers of the state and
53 local subdivisions of government to effectuate the purposes of subsection (d).

54 (g) The commission may request from all state agencies whatever information and
55 assistance the commission requires.

56 (h) The commission may accept and solicit funds, including any gifts, donations, grants,
57 or bequests, or any federal funds for any of the purposes of this section. These funds shall be
58 deposited in the Haitian American Economic Development Fund, established pursuant to section
59 35DDD of chapter 10, with the state treasurer, be received by the treasurer on behalf of the
60 commonwealth, and be expended by the commission in accordance with law, including making
61 grants to agencies to promote goals identified by the commission.

62 (i) The commission staff shall consist of an executive director, employees and volunteers
63 who assist the commission in effecting its statutory duties. The commission shall appoint the
64 executive director for a term of 3 years.

65 SECTION 2. Chapter 10 of the General Laws is hereby amended by inserting after
66 section 35CCC, as inserted by section 32 of chapter 46 of the acts of 2015, the following
67 section:-

68 Section 35DDD. There shall be established and set up on the books of the commonwealth
69 a separate fund to be known as the Haitian American Economic Development Fund to be used
70 for the purposes of funding the commission on the status of citizens of Haitian descent,
71 established pursuant to section 71 of chapter 3. The fund shall be administered by the state
72 treasurer. The fund shall consist of all revenues received by the commonwealth pursuant to the
73 voluntary check-off donation indicated on the department of revenue's annual income tax return
74 authorized by section 6O of chapter 62 and from public and private sources such as gifts, grants
75 and donations to further fund the commission on the status of citizens of Haitian descent. The
76 state treasurer shall deposit amounts in the fund in accordance with section 34 of chapter 29 in a

77 manner that will secure the highest interest rate available consistent with the safety of the
78 fund and with the requirement that all amounts on deposit shall be available for immediate
79 withdrawal at any time. The monies shall be expended by the commission on the status of
80 citizens of Haitian descent without further appropriation for the purpose of promoting goals
81 identified by the commission and any funds remaining at the end of any fiscal year shall not
82 revert to the General Fund and shall be available for use in subsequent fiscal years.

83 SECTION 3. Chapter 62 of the General Laws is hereby amended by inserting after
84 section 6N the following section:-

85 Section 6O. Every individual who files a separate return and every husband and wife
86 filing a return jointly may voluntarily contribute all or part of any refund to which they are
87 entitled, or may voluntarily add an amount onto any amount due, to be credited to the Haitian
88 American Economic Development Fund, established pursuant to section 35DDD of chapter 10.

89 A contribution made under this section may be made with respect to any taxable year at
90 the time of filing a return of the tax established by this chapter for such taxable year. The
91 commissioner shall prescribe the manner in which such contribution shall be made on the face of
92 the return required by section 5 of chapter 62C; provided that the commissioner shall assure that
93 taxpayers filing any such forms are made clearly aware of their ability to make the contributions
94 provided for by this section.

95 The commissioner shall annually report the total amount designated under this section to
96 the state treasurer, who shall credit such amount to the commission on the status of citizens of
97 Haitian descent.

98 SECTION 4. Notwithstanding section 1, the initial members of the Haitian American
99 commission shall be appointed for the following terms:-

100 (a) The treasurer shall appoint, on or before October 1, 2022, 1 member for a term of 1
101 year and 1 member for a term of 2 years.

102 (b) The governor shall appoint, on or before October 1, 2022, 1 member for a term of 1
103 year and 1 member for a term of 2 years.

104 (c) The speaker of the house of representatives shall appoint, on or before October 1,
105 2022, 1 member for a term of 1 year and 1 member for a term of 2 years.

106 (d) The president of the senate shall appoint, on or before October 1, 2022, 1 member for
107 a term of 1 year and 1 member for a term of 2 years.

108 (e) The state secretary shall appoint, on or before October 1, 2022, 1 member for a term
109 of 1 year and 1 member for a term of 2 years.

110 (f) The attorney general shall appoint, on or before October 1, 2022, 1 member for a term
111 of 1 year and 1 member for a term of 2 years.

112 SECTION 5. The executive director of the Haitian American commission, established by
113 section 1, shall initially be appointed by the state treasurer for the term of 3 years on or before
114 October 1, 2022.

115 SECTION 6. Sections 1 to 3, inclusive, shall take effect on October 2, 2022.

116 SECTION 7. Sections 4 and 5 shall take effect on July 1, 2022.