

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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