

SENATE BILL No. 1371

June 12, 2008, Introduced by Senators CLARKE, SWITALSKI, JACOBS, BASHAM, HUNTER, BARCIA, GLEASON, SCOTT and CHERRY and referred to the Committee on Local, Urban and State Affairs.

A bill to create an Asian Pacific American affairs commission, an office of Asian Pacific American affairs, and an interagency council on Asian Pacific American affairs; to prescribe their powers and duties; and to prescribe the powers and duties of certain agencies, departments, and officials.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the "Asian
2 Pacific American affairs commission act".

3 Sec. 3. As used in this act:

4 (a) "Asian Pacific American" means a person who has origins in
5 any of the original peoples of the far east, southeast Asia, the
6 Indian subcontinent, or the Pacific islands; is identified by an
7 employer in an EEO-1 report as Asian or Pacific islander; or is

1 regarded in the community as having origins in any of the original
2 peoples of the far east, southeast Asia, the Indian subcontinent,
3 or the Pacific islands.

4 (b) "Commission" means the Asian Pacific American affairs
5 commission created in section 5.

6 (c) "Department" means the department of civil rights.

7 (d) "Director" means the director of the office of Asian
8 Pacific American affairs.

9 (e) "Office" means the office of Asian Pacific American
10 affairs created in section 13.

11 Sec. 5. (1) The Asian Pacific American affairs commission is
12 created within the department of civil rights. The commission shall
13 exercise its powers and duties independently of the department
14 except for budget, procurement, and housekeeping functions. The
15 commission shall consist of 15 members to be appointed by the
16 governor with the advice and consent of the senate. The commission
17 shall elect a chairperson and vice-chairperson annually and shall
18 elect other officers from its members as the commission considers
19 appropriate.

20 (2) Members of the commission shall be individuals who have a
21 particular interest or expertise in Asian or Pacific American
22 concerns.

23 (3) Members of the commission shall serve for a term of 3
24 years or until a successor is appointed, whichever is later, except
25 that of the members first appointed, 5 shall serve for 3 years, 5
26 shall serve for 2 years, and 5 shall serve for 1 year.

27 (4) If a vacancy occurs on the commission, the governor shall

1 make an appointment for the balance of the unexpired term in the
2 same manner as the original appointment.

3 (5) The governor shall appoint the commission within 90 days
4 after the effective date of this act.

5 Sec. 7. (1) Within 90 days after appointment and confirmation
6 of all members, the commission shall adopt bylaws for the operation
7 of the commission. The bylaws shall include, at a minimum, voting
8 procedures and minimum requirements for attendance at meetings.

9 (2) The commission shall hold regular quarterly meetings at
10 places and on dates as determined by the commission. Special
11 meetings may be called by the chairperson or by not fewer than 8
12 commission members on 3 business days' actual notice.

13 (3) A majority of the commission members appointed and serving
14 constitute a quorum for the transaction of business at a meeting of
15 the commission. Official action by the commission shall be only by
16 affirmative vote of a majority of the commission members appointed
17 and serving. A commission member shall not vote by proxy.

18 (4) The legislature annually shall fix the per diem
19 compensation of members of the commission. Expenses of members
20 incurred in the performance of official duties shall be reimbursed
21 as provided by law for state employees.

22 (5) The department shall furnish administrative services to
23 the commission and shall provide secretarial and other staff
24 necessary to allow the proper exercise of the powers and duties of
25 the commission. The department shall provide adequate office space
26 to the commission. The department shall make available the times
27 and places of commission meetings and keep minutes of the meetings

1 and a record of the actions of the commission.

2 (6) The department shall assign professional employees to
3 staff the commission to assist the commission in the performance of
4 its substantive responsibilities under this act.

5 Sec. 9. (1) A meeting of the commission shall be held pursuant
6 to the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

7 (2) A writing prepared, owned, used, in the possession of, or
8 retained by the commission or office in the performance of an
9 official function shall be made available to the public pursuant to
10 the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

11 Sec. 11. The commission shall do all of the following:

12 (a) Stimulate and encourage the study and review of the status
13 of Asian Pacific Americans in this state.

14 (b) Develop a unified policy and plan of action to serve the
15 needs of Asian Pacific Americans in this state.

16 (c) Advise the governor, the legislature, and the office
17 concerning the coordination and administration of state programs
18 serving Asian Pacific Americans.

19 (d) Make recommendations to the governor and legislature
20 regarding changes in state programs, statutes, and policies.

21 (e) Advise the governor and legislature of the nature,
22 magnitude, and priorities of the problems of Asian Pacific
23 Americans in this state.

24 (f) Review and advise the governor and the legislature on this
25 state's policies concerning Asian Pacific American affairs.

26 (g) Secure appropriate recognition of Asian Pacific American
27 accomplishments and contributions to this state.

1 (h) Review and approve the annual report by the office of
2 Asian Pacific American affairs as described in section 15(j).

3 (i) Make recommendations to the governor and legislature
4 regarding methods of overcoming discrimination against Asian
5 Pacific Americans in public and private employment and civil and
6 political rights.

7 (j) Work to ensure equal access to all levels of education for
8 Asian Pacific Americans.

9 (k) Promote methods to ensure equal access to state services
10 for Asian Pacific Americans.

11 (l) Cooperate with and coordinate activities with the
12 commission on Spanish-speaking affairs, the Michigan women's
13 commission, and any other commission that deals with minority or
14 ethnic affairs.

15 (m) Monitor, evaluate, investigate, advocate, and initiate
16 programs for the betterment of Asian Pacific Americans in this
17 state.

18 (n) Serve as a reporting agency for incidents of anti-Asian
19 and anti-Pacific islander American harassment in this state.

20 (o) Promote public awareness of Asian and Pacific islander
21 cultures.

22 Sec. 13. (1) The office of Asian Pacific American affairs is
23 created in the department of civil rights.

24 (2) The commission shall select the director of the office
25 with the concurrence of the director of the department of civil
26 rights in accordance with state civil service procedures.

27 (3) The department shall furnish administrative services to

1 the office and shall provide secretarial and other staff necessary
2 to allow the proper exercise of the powers and duties of the
3 office. The department shall provide adequate office space to the
4 office.

5 (4) The department shall assign professional employees to
6 staff the office necessary to assist the office in the performance
7 of its substantive responsibilities under this act.

8 Sec. 15. The office shall do all of the following:

9 (a) Provide the commission with information concerning the
10 problems of Asian Pacific Americans and implement commission
11 policy.

12 (b) Conduct studies and recommend solutions to the problems of
13 Asian Pacific Americans in the areas of education, employment,
14 civil rights, health, housing, senior citizens, mental health,
15 social service, commerce, and other related areas.

16 (c) Recommend to federal, state, and local governmental
17 departments and agencies the creation of services and facilities as
18 the commission considers appropriate.

19 (d) Serve as a reporting agency for the collection and
20 distribution of information on Asian Pacific American affairs.

21 (e) Apply for and accept grants and gifts from governmental
22 and private sources.

23 (f) Request the services of all state and local governmental
24 departments and agencies to assure that Asian Pacific Americans
25 have access to decision-making bodies, the policies of which affect
26 Asian Pacific Americans in this state.

27 (g) Cooperate with departments and agencies to aid in

1 effectuating the purposes of this act.

2 (h) Review the performance of state departments and agencies
3 regarding the hiring and promotion of Asian Pacific Americans by
4 state departments and agencies and the provision of services to
5 Asian Pacific Americans by state departments and agencies.

6 (i) Review the curriculum, programs, and policies of
7 elementary, secondary, and postsecondary educational institutions
8 of this state regarding Asian Pacific Americans and the admissions
9 programs and policies of postsecondary educational institutions of
10 this state regarding Asian Pacific Americans.

11 (j) Submit a full written report of its activities and
12 recommendations each year to the governor, legislature, and various
13 Asian Pacific American communities throughout this state.

14 Sec. 17. (1) A state interagency council on Asian Pacific
15 American affairs is created within the office.

16 (2) The council shall consist of:

17 (a) The director of the department of community health or his
18 or her authorized representative.

19 (b) The director of the department of human services or his or
20 her authorized representative.

21 (c) The director of the department of natural resources or his
22 or her authorized representative.

23 (d) The superintendent of public instruction or his or her
24 authorized representative.

25 (e) The state treasurer or his or her authorized
26 representative.

27 (f) The director of the department of agriculture or his or

1 her authorized representative.

2 (g) The state personnel director or his or her authorized
3 representative.

4 (h) The executive director of the department of civil rights
5 or his or her authorized representative.

6 (i) The attorney general or his or her authorized
7 representative.

8 (j) The secretary of state or his or her authorized
9 representative.

10 (k) The director of the department of corrections or his or
11 her authorized representative.

12 (l) The executive director of the women's commission or his or
13 her authorized representative.

14 (m) The director of management and budget or his or her
15 authorized representative.

16 (n) The director of the department of labor and economic
17 growth or his or her authorized representative.

18 (o) The chair of the state housing development authority or
19 his or her authorized representative.

20 (3) The purpose of the interagency council is to coordinate
21 and provide for the exchange of information on all programs
22 relating to services for Asian Pacific American people. The
23 interagency council shall also assist the office and commission in
24 the development of an annual report which is to be submitted to the
25 governor, the legislature, and Asian Pacific American communities
26 throughout the state.