

ASIAN PACIFIC AMERICAN AFFAIRS COMMISSION ACT

Act 536 of 2008

AN ACT 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.

History: 2008, Act 536, Imd. Eff. Jan. 13, 2009

The People of the State of Michigan enact:

37.121 Short title.

Sec. 1.

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

History: 2008, Act 536, Imd. Eff. Jan. 13, 2009

37.123 Definitions.

Sec. 3.

As used in this act:

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

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

(c) "Department" means the department of energy, labor, and economic growth.

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

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

History: 2008, Act 536, Imd. Eff. Jan. 13, 2009

37.125 Asian Pacific American affairs commission; creation; election of chairperson and vice-chairperson; terms; vacancy; appointment.

Sec. 5.

(1) The Asian Pacific American affairs commission is created within the department of energy, labor, and economic growth. The commission shall exercise its powers and duties independently of the department except for budget, procurement, and housekeeping functions. The commission shall consist of 15 members to be appointed by the governor with the advice and consent of the senate. The commission shall elect a chairperson and vice-chairperson annually and shall elect other officers from its members as the commission considers appropriate.

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

(3) Members of the commission shall serve for a term of 3 years or until a successor is appointed, whichever is

later, except that of the members first appointed, 5 shall serve for 3 years, 5 shall serve for 2 years, and 5 shall serve for 1 year.

(4) If a vacancy occurs on the commission, the governor shall make an appointment for the balance of the unexpired term in the same manner as the original appointment.

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

History: 2008, Act 536, Imd. Eff. Jan. 13, 2009

Compiler's Notes: For transfer the Asian Pacific American Affairs Commission to the new Asian Pacific Affairs Commission by type III transfer, see E.R.O. No. 2009-16, compiled at MCL 445.1992. For the transfer of the Asian Pacific American Affairs commission from the department of licensing and regulatory affairs to the department of labor and economic opportunity, see E.R.O. No. 2019-3, compiled at MCL 125.1998. For transfer of new Asian Pacific American affairs commission and office of Asian Pacific American affairs from department of licensing and regulatory affairs to department of civil rights, see E.R.O. No. 2011-4, compiled at MCL 445.2030. For transfer of Asian Pacific American affairs commission and office of Asian Pacific American affairs from department of civil rights to department of licensing and regulatory affairs, see E.R.O. No. 2016-1, compiled at MCL 445.1993. For the revision of membership of the Asian Pacific American affairs commission, see E.R.O. No. 2024-2, compiled at MCL 16.735.

37.127 Bylaws; meetings; quorum; voting; compensation; administrative services; staff.

Sec. 7.

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

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

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

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

(5) The department shall furnish administrative services to the commission and shall provide secretarial and other staff necessary to allow the proper exercise of the powers and duties of the commission. The department shall provide adequate office space to the commission. The department shall make available the times and places of commission meetings and keep minutes of the meetings and a record of the actions of the commission.

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

History: 2008, Act 536, Imd. Eff. Jan. 13, 2009

37.129 Meetings held pursuant to open meetings act; writings subject to freedom of information act.

Sec. 9.

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

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

History: 2008, Act 536, Imd. Eff. Jan. 13, 2009

37.131 Commission; duties.

Sec. 11.

The commission shall do all of the following:

- (a) Stimulate and encourage the study and review of the status of Asian Pacific Americans in this state.
- (b) Develop a unified policy and plan of action to serve the needs of Asian Pacific Americans in this state.
- (c) Advise the governor, the legislature, and the office concerning the coordination and administration of state programs serving Asian Pacific Americans.
- (d) Make recommendations to the governor and legislature regarding changes in state programs, statutes, and policies.
- (e) Advise the governor and legislature of the nature, magnitude, and priorities of the problems of Asian Pacific Americans in this state.
- (f) Review and advise the governor and the legislature on this state's policies concerning Asian Pacific American affairs.
- (g) Secure appropriate recognition of Asian Pacific American accomplishments and contributions to this state.
- (h) Review and approve the annual report by the office of Asian Pacific American affairs as described in section 15(j).
- (i) Make recommendations to the governor and legislature regarding methods of overcoming discrimination against Asian Pacific Americans in public and private employment and civil and political rights.
- (j) Work to ensure equal access to all levels of education for Asian Pacific Americans.
- (k) Promote methods to ensure equal access to state services for Asian Pacific Americans.
- (l) Cooperate with and coordinate activities with the commission on Spanish-speaking affairs, the Michigan women's commission, and any other commission that deals with minority or ethnic affairs.
- (m) Monitor, evaluate, investigate, advocate, and initiate programs for the betterment of Asian Pacific Americans in this state.
- (n) Serve as a reporting agency for incidents of anti-Asian and anti-Pacific islander American harassment in this state.
- (o) Promote public awareness of Asian and Pacific islander cultures.

History: 2008, Act 536, Imd. Eff. Jan. 13, 2009

37.133 Office of Asian Pacific American affairs; creation; director; administration services; staff; appropriation as condition.

Sec. 13.

- (1) Subject to subsection (5), the office of Asian Pacific American affairs is created in the department of energy, labor, and economic growth.
- (2) The commission shall select the director of the office with the concurrence of the director of the department of energy, labor, and economic growth in accordance with state civil service procedures.
- (3) The department shall furnish administrative services to the office and shall provide secretarial and other staff necessary to allow the proper exercise of the powers and duties of the office. The department shall provide adequate office space to the office.
- (4) The department shall assign professional employees to staff the office necessary to assist the office in the performance of its substantive responsibilities under this act.
- (5) Creation of the office of Asian Pacific American affairs is contingent on an appropriation being made for that purpose.

History: 2008, Act 536, Imd. Eff. Jan. 13, 2009

Compiler's Notes: For transfer of new Asian Pacific American affairs commission and office of Asian Pacific American affairs from department of licensing and regulatory affairs to department of civil rights, see E.R.O. No. 2011-4, compiled at MCL 445.2030. For transfer of Asian Pacific American affairs commission and office of Asian Pacific American affairs from department of civil rights to department of licensing and regulatory affairs, see E.R.O. No. 2016-1, compiled at MCL 445.1993. For the transfer of the Asian Pacific American Affairs commission from the department of licensing and regulatory affairs to the department of labor and economic opportunity and the abolishment of the office of Asian Pacific American affairs and the position of its director, see E.R.O. No. 2019-3, compiled at MCL 125.1998.

37.135 Office of Asian Pacific American affairs; duties.

Sec. 15.

The office shall do all of the following:

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

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

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

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

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

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

(g) Cooperate with departments and agencies to aid in effectuating the purposes of this act.

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

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

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

History: 2008, Act 536, Imd. Eff. Jan. 13, 2009

Compiler's Notes: For transfer of new Asian Pacific American affairs commission and office of Asian Pacific American affairs from department of licensing and regulatory affairs to department of civil rights, see E.R.O. No. 2011-4, compiled at MCL 445.2030. For transfer of Asian Pacific American affairs commission and office of Asian Pacific American affairs from department of civil rights to department of licensing and regulatory affairs, see E.R.O. No. 2016-1, compiled at MCL 445.1993. For the transfer of the Asian Pacific American Affairs commission from the department of licensing and regulatory affairs to the department of labor and economic opportunity and the abolishment of the office of Asian Pacific American affairs and the position of its director, see E.R.O. No. 2019-3, compiled at MCL 125.1998.

37.137 State interagency council on Asian Pacific American affairs; creation; membership; purpose.

Sec. 17.

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

(2) The council shall consist of:

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

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

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

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

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

(f) The director of the department of agriculture or his or her authorized representative.

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

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

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

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

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

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

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

(n) The director of the department of energy, labor, and economic growth or his or her authorized

representative.

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

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

History: 2008, Act 536, Imd. Eff. Jan. 13, 2009