

HOUSE BILL No. 5271

October 17, 1991, Introduced by Reps. Jondahl, Gubow, Brown, Scott, Hollister, DeMars, Pitoniak, Joe Young, Jr., Wallace, Berman and Keith and referred to the Committee on Civil Rights.

A bill to create an Asian Pacific American affairs commission and an office of Asian Pacific American affairs and to prescribe their powers and duties; and to prescribe the powers and duties of certain state 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
2 "Asian Pacific American affairs commission act".

3 Sec. 2. As used in this act:

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

1 (b) "Commission" means the Asian Pacific American affairs
2 commission created in section 3.

3 (c) "Department" means the department of management and
4 budget.

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

7 (e) "Office" means the office of Asian Pacific American
8 affairs created in section 11.

9 Sec. 3. (1) An Asian Pacific American affairs commission is
10 created in the department of management and budget. The commis-
11 sion shall exercise its powers and duties independently of the
12 department except for budget, procurement, and housekeeping
13 functions. The commission shall consist of 15 members appointed
14 by the governor with the advice and consent of the senate. The
15 commission annually shall elect a chairperson and
16 vice-chairperson, and shall elect other officers from its members
17 as it considers advisable.

18 (2) Members of the commission shall be of Asian or Pacific
19 islander origin or descent. The membership of the commission
20 shall consist of both men and women and shall be appointed from
21 geographical areas representative of Asian Pacific Americans
22 throughout this state.

23 (3) Except for initial members, a member of the commission
24 shall serve for a term of 3 years or until a successor is
25 appointed. Of the members initially appointed, 5 of the members
26 shall be appointed for a term of 3 years, 5 of the members shall
27 be appointed for a term of 2 years, and 5 of the members shall be

1 appointed for a term of 1 year. A vacancy on the commission
2 shall be filled by the governor for the balance of the unexpired
3 term.

4 (4) The commission shall be appointed within 90 days after
5 the effective date of this act.

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

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

15 (3) A majority of the commission members appointed and serv-
16 ing constitutes a quorum. Final action by the commission shall
17 be only by affirmative vote of a majority of the commission mem-
18 bers appointed and serving. A commission member shall not vote
19 by proxy.

20 (4) The legislature annually shall fix the per diem compen-
21 sation of members of the commission. Expenses of members
22 incurred in the performance of official duties shall be reim-
23 bursed as provided by law for state employees.

24 (5) The department shall furnish administrative services to
25 the commission and shall provide secretarial and other staff nec-
26 essary to allow the proper exercise of the powers and duties of
27 the commission. The department shall provide adequate office

1 space to the commission. The department shall make available the
2 times and places of commission meetings and keep minutes of the
3 meetings and a record of the actions of the commission.

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

7 Sec. 7. (1) A meeting of the commission shall be held pur-
8 suant to the open meetings act, Act No. 267 of the Public Acts of
9 1976, being sections 15.261 to 15.275 of the Michigan Compiled
10 Laws. Public notice of the time, date, and place of the meeting
11 shall be given in the manner required by Act No. 267 of the
12 Public Acts of 1976.

13 (2) A writing prepared, owned, used, in the possession of,
14 or retained by the commission or office in the performance of an
15 official function shall be made available to the public pursuant
16 to the freedom of information act, Act No. 442 of the Public Acts
17 of 1976, being sections 15.231 to 15.246 of the Michigan Compiled
18 Laws.

19 Sec. 9. The commission shall do all of the following:

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

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

24 (c) Advise the governor, the legislature, and the office
25 concerning the coordination and administration of state programs
26 serving Asian Pacific Americans.

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

3 (e) Advise the governor and legislature of the nature, mag-
4 nitude, and priorities of the problems of Asian Pacific Americans
5 in this state.

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

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

10 (h) Review and approve the annual report by the office of
11 Asian Pacific American affairs as described in section 13(j).

12 (i) Make recommendations to the governor and legislature
13 regarding methods of overcoming discrimination against Asian
14 Pacific Americans in public and private employment and civil and
15 political rights.

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

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

20 (l) Cooperate with and coordinate activities with the Indian
21 affairs commission, the commission on Spanish-speaking affairs,
22 the Michigan women's commission, and any other commission which
23 deals with minority or ethnic affairs.

24 (m) Monitor, evaluate, investigate, advocate, and initiate
25 programs for the betterment of Asian Pacific Americans in this
26 state.

1 (n) Serve as a clearinghouse for incidents of anti-Asian and
2 anti-Pacific islander American harassment in this state.

3 (o) Promote public awareness of Asian and Pacific islander
4 cultures.

5 Sec. 11. (1) The office of Asian Pacific American affairs
6 is created in the department of management and budget.

7 (2) The commission shall select the director of the office
8 with the concurrence of the director of the department of manage-
9 ment and budget in accordance with state civil service
10 procedures.

11 (3) The department shall furnish administrative services to
12 the office and shall provide secretarial and other staff neces-
13 sary to allow the proper exercise of the powers and duties of the
14 office. The department shall provide adequate office space to
15 the office.

16 (4) The department shall assign professional employees to
17 staff the office necessary to assist the office in the per-
18 formance of its substantive responsibilities under this act.

19 Sec. 13. The office shall do all of the following:

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

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

1 (c) Recommend to federal, state, and local governmental
2 departments and agencies the creation of services and facilities
3 as needed.

4 (d) Serve as a clearinghouse for the collection and distri-
5 bution of information on Asian Pacific American affairs.

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

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

12 (g) Cooperate with departments and agencies to aid in effec-
13 tuating the purposes of this act.

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

19 (i) Review the curriculum programs and policies of elementa-
20 ry, secondary, and postsecondary educational institutions of this
21 state regarding Asian Pacific Americans and the admissions pro-
22 grams and policies of postsecondary educational institutions of
23 this state regarding Asian Pacific Americans.

24 (j) Submit a full written report of its activities and rec-
25 ommendations each year to the governor, legislature, and various
26 Asian Pacific American communities throughout the state.