

# HOUSE BILL No. 6172

May 22, 2008, Introduced by Reps. Hopgood, Alma Smith, Kathleen Law, Byrnes, Huizenga, Meisner, LaJoy, Vagnozzi, Condino, Bieda, Donigan, Tobocman, Dean and Meadows and referred to the Committee on New Economy and Quality of Life.

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

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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 energy,~~  
7 ~~labor, and economic growth>>.~~

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

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

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

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

25 (3) Members of the commission shall serve for a term of 3  
26 years or until a successor is appointed, whichever is later, except  
27 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

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.

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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 Subject to subsection (5), the>>~~ office of Asian  
Pacific American affairs is

23 created in the department of ~~<<civil rights energy, labor, and  
economic growth>>~~.

24 (2) The commission shall select the director of the office  
25 with the concurrence of the director of ~~<<the department of civil  
rights energy, labor, and economic growth>>~~ in accordance with state  
26 civil service procedures.

27 (3) The department shall furnish administrative services to

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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.

<<(5) Creation of the office of Asian Pacific American affairs is  
contingent on an appropriation being made for that purpose.>>

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

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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 <<laboer energy, labor,>> and  
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.