

HOUSE BILL No. 4621

April 24, 2013, Introduced by Reps. Dillon, Tlaib, Irwin, Zemke, Singh, Schor, Hovey-Wright, Santana, Robinson, Stallworth, Lipton, Rutledge and Ananich and referred to the Committee on Government Operations.

A bill to create a commission to study the impact of 2008 PA 7, 2008 PA 31, 2011 PA 158, and 2011 PA 159; to provide for certain powers and duties for state agencies; and to provide for the issuance of certain reports and recommendations.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (a) "Commission" means the commission created under section 2
3 to assess the economic, social, and security impact of the legal
4 presence requirement.

5 (b) "Legal presence requirement" means all of the following:

6 (i) Requiring an applicant for an operator's license and
7 chauffer's license to submit documentation to prove that he or she

1 is a citizen of the United States or legally present in the United
2 States as required under 2008 PA 7 and 2011 PA 159.

3 (ii) Requiring an applicant for an official state personal
4 identification card to submit documentation to prove that he or she
5 is a citizen of the United States or legally present in the United
6 States as required by 2008 PA 31 and 2011 PA 158.

7 Sec. 2. (1) The commission is created within the department of
8 civil rights in conjunction with the Michigan economic development
9 corporation.

10 (2) The commission consists of all of the following:

11 (a) The director of the department of agriculture and rural
12 development or his or her designee.

13 (b) The chair of the civil rights commission or his or her
14 designee.

15 (c) The director of the department of community health or his
16 or her designee.

17 (d) The director of the department of human services or his or
18 her designee.

19 (e) The director of the department of licensing and regulatory
20 affairs or his or her designee.

21 (f) The chief executive officer of the Michigan economic
22 development corporation or his or her designee.

23 (g) The secretary of state or his or her designee.

24 (h) The chairperson of the Hispanic/Latino commission of
25 Michigan or his or her designee.

26 (i) The chairperson of the Asian Pacific American affairs
27 commission or his or her designee.

1 (j) Three additional members, appointed by the governor as
2 follows:

3 (i) One representative of the insurance industry.

4 (ii) One representative of the agricultural industry.

5 (iii) One member of the advisory council on Arab and Chaldean
6 American affairs.

7 (3) The members first appointed to the commission shall be
8 appointed within 60 days after the effective date of this act.

9 (4) Members of the commission shall serve for a term of 3
10 years.

11 (5) If a vacancy occurs on the commission, the person who
12 appointed the member shall make an appointment for the unexpired
13 term in the same manner as the original appointment.

14 (6) The person who appointed the member may remove a member of
15 the commission for incompetency, dereliction of duty, malfeasance,
16 misfeasance, or nonfeasance in office, or any other good cause.

17 (7) The first meeting of the commission shall be called by the
18 chair of the civil rights commission in consultation with the chief
19 executive officer of the Michigan economic development corporation.
20 At the first meeting, the commission shall elect from among its
21 members a chairperson and other officers as it considers necessary
22 or appropriate. After the first meeting, the commission shall meet
23 at least monthly until it issues the report under subsection (13),
24 or more frequently at the call of the chairperson or if requested
25 by 3 or more members.

26 (8) A majority of the members of the commission constitute a
27 quorum for the transaction of business at a meeting of the

1 commission. A majority of the members present and serving are
2 required for official action of the commission.

3 (9) The business that the commission may perform shall be
4 conducted at a public meeting of the commission held in compliance
5 with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

6 (10) A writing prepared, owned, used, in the possession of, or
7 retained by the commission in the performance of an official
8 function is subject to the freedom of information act, 1976 PA 442,
9 MCL 15.231 to 15.246.

10 (11) Members of the commission shall serve without
11 compensation. However, members of the commission may be reimbursed
12 for reasonable and necessary expenses incurred in the performance
13 of their official duties as members of the commission.

14 (12) The commission shall do all of the following:

15 (a) Determine if the department of state promulgated rules to
16 implement the legal presence requirement pursuant to the
17 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
18 24.328.

19 (b) Determine if the department of state has administered the
20 legal presence requirement fairly and efficiently.

21 (c) Evaluate how the legal presence requirement has affected
22 individuals relating to citizenship and immigration status.

23 (d) Assess the economic impact the legal presence requirement
24 is having on this state. The assessment under this subdivision
25 includes, but is not limited to, the legal presence requirement's
26 impact on the insurance industry and the agricultural industry.

27 (e) Assess the legal presence requirement's impact on public

1 safety and security.

2 (f) Assess the legal presence requirement's impact on the
3 delivery of health and human services in this state.

4 (g) Develop findings and recommendations related to the topics
5 listed in subdivisions (a) to (f), including suggestions for
6 legislation it considers appropriate.

7 (13) Not later than 18 months after the effective date of this
8 act, the commission shall issue a report of its findings and
9 recommendations to the legislature.

10 (14) In connection with its duties under this section, the
11 commission may issue subpoenas, direct the service of the subpoena
12 by any police officer, and compel the attendance and testimony of
13 witnesses; administer oaths and examine any person as necessary;
14 and compel the production of books, accounts, papers, documents,
15 and records. The orders and subpoenas the commission issues may be
16 enforced upon application to any circuit court as provided by law.