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GOVERNMENT CODE - GOV

TITLE 2. GOVERNMENT OF THE STATE OF CALIFORNIA [8000 - 22980] (Title 2 enacted by Stats. 1943, Ch. 134.)

DIVISION 1. GENERAL [8000 - 8899.95] (Division 1 enacted by Stats. 1943, Ch. 134.)

CHAPTER 3.3. Commission on Asian and Pacific Islander American Affairs [8255 - 8260] (Chapter 3.3 added by Stats. 2002, Ch. 716, Sec. 1.)

8255. The Legislature finds and declares all of the following:

(a) The Asian and Pacific Islander American (APIA) community is the fastest growing community in the State of California. According to the last census, the state's APIA population is over 12 percent of the total state population. California also has the largest population of Pacific Islanders in the contiguous United States.

(b) In the 1990 census, the four largest APIA groups, Chinese, Filipino, Korean, and Japanese, made up 70 percent of the state's APIA population. In the 2000 census, these four groups now make up 66 percent of the new state's APIA population. New emerging APIA communities now make up the other half of the state's APIA population. They bring with them many challenges and assets relative to the changing face of California. Many of these groups are not immigrants, but refugees. Many are here because of failed foreign policy strategies. All are here and will for the most part not go back to their countries of origin.

(c) The APIA community comprises, and will continue to comprise, a significant population in the State of California, and have unique interests and concerns that must be addressed on a continuing basis in order for APIA communities to flourish in California. It is, therefore, appropriate and beneficial to create a state advisory commission.

(Added by Stats. 2002, Ch. 716, Sec. 1. Effective January 1, 2003.)

8255.5. The following definitions govern this chapter:

(a) "Commission" means the Commission on Asian and Pacific Islander American Affairs.

(b) "APIA" means Asian and Pacific Islander American.

(Added by Stats. 2002, Ch. 716, Sec. 1. Effective January 1, 2003.)

8256. (a) There is established in state government the Commission on Asian and Pacific Islander American Affairs, which shall be comprised of 13 members appointed in accordance with subdivision (b) and shall conduct its business in accordance with this chapter.

(b) (1) The members of the commission shall be individuals with knowledge or expertise of the APIA community, whether by experience or training, and who are representative of that community in the state, both geographically and demographically.

(2) Commission members shall be appointed as follows:

(A) Four members, appointed by the Senate Committee on Rules.

(B) Four members, appointed by the Speaker of the Assembly.

(C) Five members, appointed by the Governor. The Governor's appointees shall not be subject to confirmation by the Senate.

(3) The Senate Committee on Rules and the Speaker of the Assembly shall make one appointment each from a pool of three nominees selected for each of the respective positions by the Asian and Pacific Islander Legislative Caucus.

(4) Appointments shall be made during the 2003 calendar year. The terms of commission members shall commence on January 1, 2004.

(5) (A) Subject to subparagraph (B), commission members shall serve for terms of four years.

(B) Of the initial appointments by the Governor, four members shall serve four-year terms, and one member shall serve a two-year term. Of the initial appointments by the Senate Committee on Rules and the Speaker of the Assembly, two members appointed by each appointing power shall serve four-year terms, and two members appointed by each appointing power shall serve two-year terms.

(6) Any vacancy in the membership of the commission shall not affect the powers of the commission and shall be filled in the same manner as the original appointment.

(c) The chair of the commission shall be elected by a majority of the appointed members of the commission at the first official meeting of the commission, and shall serve a term of one year or until a successor is elected, whichever occurs later.

(d) The commission may appoint an executive director who shall be exempt from civil service.

(Amended by Stats. 2020, Ch. 264, Sec. 1. (AB 107) Effective September 29, 2020.)

8256.5. (a) A majority of the appointed members of the commission shall constitute a quorum to conduct business, but the commission may establish a lesser quorum for conducting meetings scheduled by the commission. The commission may establish by majority vote any other rules for the conduct of the commission's business, if the rules are not inconsistent with this chapter or other provisions of law.

(b) After its first year, the commission shall establish both of the following:

(1) A schedule of meetings to be held four times a year.

(2) Designated meeting places at locations throughout the State of California.

(c) Members of the commission shall serve without compensation, but may be reimbursed for actual and necessary travel expenses.

(Added by Stats. 2002, Ch. 716, Sec. 1. Effective January 1, 2003.)

8257. The commission shall do all of the following:

(a) Advise the Governor, the Legislature, and state agencies, departments, and commissions on issues relating to the social and economic development, and the rights and interests of APIA communities and on how to respond most effectively to the views, needs, and concerns of the state's APIA communities.

(b) Assist the state in maintaining effective liaison and outreach with APIA communities in California by, among other means, disseminating information about Asian American resources to the public and engaging in effective outreach with APIA communities in the state by communicating information to them concerning public and private programs that are beneficial to their interest.

(c) Examine issues of access and cultural and language sensitivity by state agencies, departments, and commissions and compile research about APIA communities relative to the use of state services, including the development and maintenance of data relative to this use.

(d) Provide assistance to policymakers and state agencies on identifying the needs or problems affecting APIA communities and in developing appropriate responses and programs.

(e) Educate the public about hate crimes against APIA communities and other key issue areas identified by the commission.

(Added by Stats. 2002, Ch. 716, Sec. 1. Effective January 1, 2003.)

8258. By December 1 of each year, the commission shall submit an annual report to the Governor and the Legislature detailing activities undertaken by the commission in the preceding 12-month period. The report shall set forth the commission's proposed action plan for the following year and its recommendations on how to improve the delivery of state services to APIA communities.

(Added by Stats. 2002, Ch. 716, Sec. 1. Effective January 1, 2003.)

8259. With respect to its duties under Section 8257, the commission shall be an advisory commission only, and there shall be no right or obligation on the part of the state, or the parties meeting and conferring, to implement the findings of the commission without further legislation that specifically authorizes that the evaluations, determinations, and findings of the commission be implemented.

(Added by Stats. 2002, Ch. 716, Sec. 1. Effective January 1, 2003.)

8259.5. (a) The commission may apply for and accept grants and receive gifts, donations, and other financial support from public or private sources for purposes of this chapter, subject to the requirements of Sections 11005 and 11005.1 of the Government Code.

(b) The commission may also accept any other funds appropriated by the Legislature expressly for the purposes of this chapter.

8260. (a) The State Department of Social Services, in consultation with the Commission on Asian and Pacific Islander American Affairs, shall administer a grant program that provides support and services to victims and survivors of hate incidents and hate crimes and their families and facilitates hate incident or hate crime prevention measures. The grant program shall prioritize victims, survivors, and vulnerable populations with high or increasing levels of hate incidents or hate crimes who have historically faced barriers to accessing appropriate care and services. In developing the grant program criteria, the department shall consult with the Commission on Asian Pacific Islander American Affairs and may consult with other state departments as necessary.

(b) The department, in consultation with the Commission on the Asian Pacific Islander American Affairs, shall develop a process to award grants to qualified grantees to be used to provide at least one of the following:

(1) Community-based supports and services to victims and survivors of hate incidents or hate crimes, and their families, which may include health care services, mental health services, and legal services.

(2) Hate incident and hate crime prevention measures, which may include community engagement and education, community conflict resolution, in-language outreach, services to escort community members in public, community healing, collaboration, cross-racial building, and community diversity training.

(c) (1) Qualified grantees shall include nonprofit entities that meet the requirements set forth in either paragraph (3) or paragraph (5) of subdivision (c) of Section 501 of the Internal Revenue Code. An entity may partner with another entity to meet the requirements of this paragraph.

(2) Qualified grantees shall have experience providing supports and services to victims and survivors of hate incidents and hate crimes and hate incident and hate crime prevention measures in a language competent and culturally competent manner or funding organizations that provide such services. A qualified grantee that is awarded funds pursuant to this section shall comply with tracking and reporting procedures to be determined by the department.

(d) The department may use up to five percent of the funds appropriated for department administrative costs. Any funds in excess of five percent may be authorized pursuant to this section not sooner than 30 days after notification in writing of the necessity therefor is provided to the Chairperson of the Joint Legislative Budget Committee, or not sooner than whatever lesser time after that notification the Chairperson of the Joint Legislative Budget Committee, or the Chairperson's designee, may in each instance determine.

(e) The department may enter into a contract with an independent evaluation and research agency to evaluate the impacts of the program.

(f) Notwithstanding any other law, contracts issued pursuant to this section shall be exempt from the personal services contracting requirements of Article 4 (commencing with Section 19130) of Chapter 5 of Part 2 of Division 5, and from the Public Contract Code and the State Contracting Manual, and shall not be subject to the approval of the Department of General Services.

(g) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3), the State Department of Social Services may implement and administer this provision without adopting regulations.

(h) The Legislature finds and declares that this section is a state law that provides assistance and services for undocumented persons within the meaning of subdivision (d) of Section 1621 of Title 8 of the United States Code.

(i) Beginning on October 1, 2022, and annually thereafter until October 1, 2025, the department, in consultation with the Commission on Asian Pacific Islander American Affairs, shall submit a report for the prior fiscal year to the budget committees of both houses. The report shall include a list of the grant recipients and the amounts allocated to each grantee, the supports and services and hate incident and hate crime prevention measures provided by each grantee, and the geographic location of each grantee.

(j) This section shall remain in effect only until June 30, 2026, and as of that date is repealed.

(Amended by Stats. 2021, Ch. 251, Sec. 5. (AB 163) Effective September 23, 2021. Repealed as of June 30, 2026, by its own provisions.)