



HOUSE BILL No. 4439

February 21, 1995, Introduced by Reps. Voorhees, Martinez, Wetters, Cherry, Goschka, Hanley, Harder, Baade, LaForge, Clack, Stallworth, Saunders, Kelly, Pitoniak, Anthony, Yokich, Freeman, Hood, Horton, Green, Brackenridge, DeLange, Dolan, Jersevic, Law, Cropsey, McNutt, Leland, Rocca, Brater and Oxender and referred to the Committee on Judiciary and Civil Rights.

A bill to amend Act No. 453 of the Public Acts of 1976,
entitled as amended
"Elliott-Larsen civil rights act,"
as amended, being sections 37.2101 to 37.2804 of the Michigan
Compiled Laws, by adding sections 202a and 402a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 453 of the Public Acts of 1976, as
2 amended, being sections 37.2101 to 37.2804 of the Michigan
3 Compiled Laws, is amended by adding sections 202a and 402a to
4 read as follows:

5 SEC. 202A. (1) AN EMPLOYER SHALL DO BOTH OF THE FOLLOWING
6 IF THAT EMPLOYER LISTS RACIAL OR ETHNIC CLASSIFICATIONS IN A
7 WRITING DEVELOPED OR PRINTED 90 OR MORE DAYS AFTER THE EFFECTIVE
8 DATE OF THIS SECTION, AND IF THAT EMPLOYER REQUESTS THAT AN

1 INDIVIDUAL SELECT A CLASSIFICATION TO DESIGNATE HIS OR HER RACE
2 OR ETHNICITY:

3 (A) INCLUDE IN THE WRITING THE TERM "MULTIRACIAL" AS A CLAS-
4 SIFICATION, AND A DEFINITION OF THAT TERM THAT SUBSTANTIALLY PRO-
5 VIDES THAT "MULTIRACIAL" MEANS HAVING PARENTS OF DIFFERENT
6 RACES.

7 (B) EXCLUDE FROM THE WRITING THE TERM "OTHER" AS A
8 CLASSIFICATION.

9 (2) IF A FEDERAL AGENCY REQUIRES AN EMPLOYER TO TRANSMIT
10 INFORMATION OBTAINED FROM AN INDIVIDUAL PURSUANT TO A WRITING
11 DESCRIBED IN SUBSECTION (1), BUT REJECTS THE CLASSIFICATION
12 "MULTIRACIAL", THE EMPLOYER SHALL REDESIGNATE THE INDIVIDUALS
13 IDENTIFIED AS MULTIRACIAL BY ALLOCATING THOSE INDIVIDUALS TO
14 RACIAL OR ETHNIC CLASSIFICATIONS APPROVED BY THE FEDERAL AGENCY
15 IN THE SAME RATIO THAT THOSE CLASSIFICATIONS OCCUR WITHIN THE
16 GENERAL POPULATION OF THE GROUP FROM WHICH THE INFORMATION WAS
17 SOLICITED.

18 (3) AS USED IN THIS SECTION, "WRITING" MEANS THAT TERM AS
19 DEFINED IN SECTION 2 OF THE FREEDOM OF INFORMATION ACT, ACT
20 NO. 442 OF THE PUBLIC ACTS OF 1976, BEING SECTION 15.232 OF THE
21 MICHIGAN COMPILED LAWS.

22 SEC. 402A. (1) AN EDUCATIONAL INSTITUTION SHALL DO BOTH OF
23 THE FOLLOWING IF THAT EDUCATIONAL INSTITUTION LISTS RACIAL OR
24 ETHNIC CLASSIFICATIONS IN A WRITING DEVELOPED OR PRINTED 90 OR
25 MORE DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION, AND IF THAT
26 EDUCATIONAL INSTITUTION REQUESTS THAT AN INDIVIDUAL SELECT 1 OF
27 THOSE CLASSIFICATIONS TO DESIGNATE HIS OR HER RACE OR ETHNICITY:

1 (A) INCLUDE IN THE WRITING THE TERM "MULTIRACIAL" AS A
2 CLASSIFICATION, AND A DEFINITION OF THAT TERM THAT SUBSTANTIALLY
3 PROVIDES THAT "MULTIRACIAL" MEANS HAVING PARENTS OF DIFFERENT
4 RACES.

5 (B) EXCLUDE FROM THE WRITING THE TERM "OTHER" AS A
6 CLASSIFICATION.

7 (2) IF A FEDERAL AGENCY REQUIRES AN EDUCATIONAL INSTITUTION
8 TO TRANSMIT INFORMATION OBTAINED FROM AN INDIVIDUAL PURSUANT TO A
9 WRITING DESCRIBED IN SUBSECTION (1), BUT REJECTS THE CLASSIFICA-
10 TION "MULTIRACIAL", THE EDUCATIONAL INSTITUTION SHALL REDESIGNATE
11 THE INDIVIDUALS IDENTIFIED AS MULTIRACIAL BY ALLOCATING THOSE
12 INDIVIDUALS TO RACIAL OR ETHNIC CLASSIFICATIONS APPROVED BY THE
13 FEDERAL AGENCY IN THE SAME RATIO THAT THOSE CLASSIFICATIONS OCCUR
14 WITHIN THE GENERAL POPULATION OF THE GROUP FROM WHICH THE INFOR-
15 MATION WAS SOLICITED.

16 (3) AS USED IN THIS SECTION, "WRITING" MEANS THAT TERM AS
17 DEFINED IN SECTION 2 OF THE FREEDOM OF INFORMATION ACT, ACT
18 NO. 442 OF THE PUBLIC ACTS OF 1976, BEING SECTION 15.232 OF THE
19 MICHIGAN COMPILED LAWS.