

Senate Fiscal Agency
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BILL ANALYSIS

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Senate Bills 352, 353, 355, and 357-360 (as enrolled)
Senate Bill 361 (as enrolled)
Senate Bill 362 (as enrolled)
Senate Bills 363-365, and 367-369 (as enrolled)
Senate Bill 370 (as enrolled)
Senate Bill 371 (as enrolled)
Senate Bill 372 (as enrolled)
Senate Bill 373 (as enrolled)
Senate Bills 374 and 376 (as enrolled)
Senate Bill 377 (as enrolled)
Senate Bills 378-380 (as enrolled)
Senate Bill 381 (as enrolled)
Senate Bill 382 (as enrolled)
Senate Bill 383 (as enrolled)
Senate Bill 384 (as enrolled)
Senate Bills 387 and 388 (as enrolled)
Senate Bill 389 (as enrolled)
Senate Bill 390 (as enrolled)
Senate Bills 391-397 (as enrolled)
Senate Bill 398 (as enrolled)
Senate Bill 399 (as enrolled)
Senate Bill 400 (as enrolled)
Senate Bill 401 (as enrolled)
Senate Bill 402 (as enrolled)

PUBLIC ACTS 21-26 of 1998
PUBLIC ACT 62 of 1998
PUBLIC ACT 67 of 1998
PUBLIC ACTS 34-39 of 1998
PUBLIC ACT 49 of 1998
PUBLIC ACT 68 of 1998
PUBLIC ACT 40 of 1998
PUBLIC ACT 69 of 1998
PUBLIC ACTS 41 and 42 of 1998
PUBLIC ACT 84 of 1998
PUBLIC ACTS 441-443 of 1998
PUBLIC ACT 70 of 1998
PUBLIC ACT 33 of 1998
PUBLIC ACT 43 of 1998
PUBLIC ACT 85 of 1998
PUBLIC ACTS 86 and 87 of 1998
PUBLIC ACT 50 of 1998
PUBLIC ACT 44 of 1998
PUBLIC ACTS 71-77 of 1998
PUBLIC ACT 88 of 1998
PUBLIC ACT 78 of 1998
PUBLIC ACT 89 of 1998
PUBLIC ACT 79 of 1998
PUBLIC ACT 90 of 1998

Sponsor: Senator Alma Wheeler Smith (S.B. 352-353 & 355)
Senator Robert Geake (S.B. 357 & 358)
Senator William Van Regenmorter (S.B. 359-361)
Senator Joel D. Gougeon (S.B. 362 & 363)
Senator Jon Cisky (S.B. 364, 365, & 367)
Senator Virgil C. Smith, Jr. (S.B. 368-370)
Senator Dianne Byrum (S.B. 371-374)
Senator Mike Rogers (S.B. 376 & 377)
Senator Loren Bennett (S.B. 378-380)
Senator Don Koivisto (S.B. 381-383)
Senator Ken DeBeaussaert (S.B. 384 & 387)
Senator John D. Cherry, Jr. (S.B. 388 & 389)
Senator Harry Gast (S.B. 390 & 391)
Senator Jim Berryman (S.B. 392-394)
Senator Gary Peters (S.B. 395-398)
Senator George A. McManus, Jr. (S.B. 399 & 400)
Senator George Z. Hart (S.B. 401 & 402)

Senate Committee: Government Operations
House Committee: Constitutional and Civil Rights

Date Completed: 1-25-99

RATIONALE

The Michigan Handicappers' Civil Rights Act

defines the civil rights of, and prohibits discriminatory practices against, certain individuals. Previously, the Act referred to individuals with

“handicaps”; the Michigan Constitution referred to inhabitants who were “handicapped”; and numerous State statutes referred to “handicappers”, persons with a “handicap”, or “handicapped” individuals. It was pointed out that the Federal Americans With Disabilities Act (ADA, enacted July 16, 1990), which requires that individuals with disabilities be given the same consideration for employment and public services that individuals without disabilities are given, uses the term “disabilities” rather than “handicaps”. The ADA Handbook (produced by the Equal Employment Opportunity Commission and the Department of Justice to serve as a basic resource document on the ADA) quotes the House Committee on the Judiciary: “...the use of the term ‘disabilities’ instead of the term ‘handicaps’ reflects the desire of the Committee to use the most current terminology. It reflects the preference of persons with disabilities to use that term rather than ‘handicapped’ as used in previous laws, such as the [Federal] Rehabilitation Act of 1973...”. The ADA Handbook further states that Congress intended that the relevant case law developed under the Rehabilitation Act regarding “handicapped” be generally applicable to the term “disability” in the ADA; and that while Congress had concluded that it was important for the ADA to use terminology in line with the sensibilities of most Americans with disabilities, no change in the definition or substance was intended.

Reportedly, most other states have changed or are moving toward changing references to “handicapped” to “disabled”. It was suggested that the State Constitution, the Michigan Handicappers’ Civil Rights Act, and numerous statutes be amended to make this change. (Senate Joint Resolution I proposed an amendment to Article VIII, Section 8 of the Michigan Constitution, which provided that institutions, programs, and services for inhabitants who were physically, mentally, or otherwise seriously handicapped would always be fostered and supported. The joint resolution, which was submitted to and approved by the voters at the November 1998 general election (as Proposal A), changed the term “handicapped” to “disabled”.)

CONTENT

Senate Bill 352 amended the Michigan Handicappers’ Civil Rights Act to change the name of the Act to the “Persons With Disabilities Civil Rights Act”; and changed the terms “handicap” to “disability” and “handicapper” to “person with a disability” or “disabled person” throughout the Act. The rest

of the bills in the package amended various acts, in general, to change the terms “handicap” to “disability” and “handicapper” to “person with a disability” or “disabled person”; and to change references to the Handicappers’ Civil Rights Act to the “Persons With Disabilities Civil Rights Act”.

Senate Bill 353 amended the Michigan Election Law. Senate Bill 355 amended the Social Welfare Act. Senate Bill 357 amended the Emergency Telephone Service Enabling Act.

Senate Bill 358 amended the Nonprofit Health Care Corporation Reform Act. Senate Bill 359 amended Public Act 31 of 1948, which provides for the incorporation of authorities to acquire, operate, or enlarge stadiums, recreational facilities, buildings, and parking lots. Senate Bill 360 amended the Insurance Code. Senate Bill 361 amended the Municipal Health Facilities Corporations Act. Senate Bill 362 amended the Mental Health Code.

Senate Bill 363 amended the child care licensing Act. Senate Bill 364 amended Public Act 8 of 1973, which provides for the construction and maintenance of sidewalks for use by handicapped persons. Senate Bill 365 amended the condominium Act. Senate Bill 367 amended the Minimum Wage Law.

Senate Bill 368 amended the Michigan Penal Code. Senate Bill 369 amended the General Property Tax Act. Senate Bill 370 amended the Code of Criminal Procedure. Senate Bill 371 amended the Michigan Vehicle Code. Senate Bill 372 amended Public Act 235 of 1969, which authorizes local units of government to regulate traffic in parking areas.

Senate Bill 373 amended Public Act 62 of 1956, which authorizes the Department of State Police to promulgate a uniform traffic code. Senate Bill 374 amended the Michigan Telecommunications Act. Senate Bill 376 amended the State Construction Code Act. Senate Bill 377 amended the Department of Corrections law.

Senate Bill 378 amended Public Act 291 of 1967, which authorizes State universities and colleges to enact parking, traffic, and pedestrian ordinances. Senate Bill 379 amended the Adult Foster Care Facility Licensing Act. Senate Bill 380 amended the Michigan Museum Act. Senate Bill 381 amended the Executive Organization Act. Senate Bill 382 amended the State Housing Development

Authority Act.

Senate Bill 383 amended the Rehabilitation Act. Senate Bill 384 amended the Public School Employees Retirement Act. Senate Bill 387 amended the Natural Resources and Environmental Protection Act.

Senate Bill 388 amended the Michigan Transportation Act. Senate Bill 389 amended the Building Officials and Inspection Registration Act. Senate Bill 390 amended Public Act 260 of 1978, which provides for assistance to blind and visually disabled persons. Senate Bill 391 amended the Michigan Civilian Conservation Corps Act. Senate Bill 392 amended the Truth in Renting Act.

Senate Bill 393 amended the Handicapper Business Opportunity Act and renamed it the "Business Opportunity Act For Persons With Disabilities". Senate Bill 394 amended the Worker's Disability Compensation Act. Senate Bill 395 amended the Metropolitan Transportation Authorities Act. Senate Bill 396 amended the Michigan Economic and Social Opportunity Act. Senate Bill 397 amended Public Act 146 of 1990, which provides for the promotion of services by organizations pursuant to the Federal Job Training Partnership Act.

Senate Bill 398 amended the Public Health Code. Senate Bill 399 amended the Michigan Legislative Retirement System Act. Senate Bill 400 amended the State Food Stamp Distribution Act. Senate Bill 401 amended the Third Party Administrator Act. Senate Bill 402 amended the Occupational Code.

Senate Bills 362 and 369 were tie-barred to Senate Joint Resolution I. Senate Bills 353, 368, and 392 were tie-barred to Senate Bill 352; Senate Bill 365 was tie-barred to Senate Bill 376; Senate Bill 378 was tie-barred to Senate Bill 371.

MCL 37.1101 et al. (S.B. 352)
168.29 et al. (S.B. 353)
400.115f (S.B. 355)
484.1205 (S.B. 357)
550.1211a (S.B. 358)
123.952a (S.B. 359)
500.2027 et al. (S.B. 360)
331.1306 (S.B. 361)
330.1116 (S.B. 362)
722.115 (S.B. 363)
125.1361 (S.B. 364)
559.147a & 559.204b (S.B. 365)
408.387 & 408.394 (S.B. 367)
750.49 et al. (S.B. 368)

211.7d (S.B. 369)
771.3b & 775.19a (S.B. 370)
257.19a et al. (S.B. 371)
257.942a (S.B. 372)
257.951 (S.B. 373)
484.2102 & 484.2304b (S.B. 374)
125.1502 (S.B. 376)
791.234a (S.B. 377)
390.891 & 390.892a (S.B. 378)
400.703 & 400.706 (S.B. 379)
399.410 & 399.510 (S.B. 380)
16.496 (S.B. 381)
125.1401 et al. (S.B. 382)
395.82 (S.B. 383)
38.1391 (S.B. 384)
324.509b et al. (S.B. 387)
247.660e (S.B. 388)
338.2303 (S.B. 389)
393.354 & 393.356 (S.B. 390)
409.306 (S.B. 391)
554.633 (S.B. 392)
450.791 et al. (S.B. 393)
418.700a et al. (S.B. 394)
124.404a (S.B. 395)
400.1111 (S.B. 396)
421.151 (S.B. 397)
333.5431 (S.B. 398)
38.1013a (S.B. 399)
400.753 et al. (S.B. 400)
550.940 & 550.944 (S.B. 401)
339.316 et al. (S.B. 402)

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

The Federal ADA and other states have acknowledged that most persons with disabilities would prefer that references to "handicappers" or "handicapped" persons in Federal and state laws be changed to the word "disabled" or variations thereof. The bills amended various State statutes to recognize this preference. In addition, the voters approved Proposal A at the November 1998 election, which amended the State Constitution to change the term "handicapped" to "disabled" in Article VIII, Section 8.

Legislative Analyst: G. Towne

FISCAL IMPACT

The bills will have no fiscal impact on State or local government.

Fiscal Analyst: E. Limbs

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.