

SENATE BILL No. 336

March 25, 2003, Introduced by Senator THOMAS and referred to the Committee on Judiciary.

A bill to amend 1976 PA 453, entitled
"Elliott-Larsen civil rights act,"
by amending section 605 (MCL 37.2605), as amended by 1992 PA
124.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 605. (1) If the commission, after a hearing on a
2 charge issued by the department, determines that the respondent
3 has violated this act, ~~or the handicappers' civil rights act,~~
4 ~~Act No. 220 of the Public Acts of 1976, being sections 37.1101 to~~
5 ~~37.1607 of the Michigan Compiled Laws~~ **the persons with**
6 **disabilities civil rights act, 1976 PA 220, MCL 37.1101 to**
7 **37.1607, or the Michigan racial profiling and report statistics**
8 **act,** the commission shall state its findings of fact and
9 conclusions of law and shall issue a final order requiring the
10 respondent to cease and desist from the discriminatory practice

1 and to take ~~such~~ **any** other action ~~as~~ it ~~deems~~ **considers**
 2 necessary to secure equal enjoyment and protection of civil
 3 rights. If at a hearing on a charge, a pattern or practice of
 4 discrimination prohibited by this act, ~~or Act No. 220 of the~~
 5 ~~Public Acts of 1976~~ **the persons with disabilities civil rights**
 6 **act, 1976 PA 220, MCL 37.1101 to 37.1607, or the Michigan racial**
 7 **profiling and report statistics act** appears in the evidence, the
 8 commission may, upon its own motion or on motion of the claimant,
 9 amend the pleadings to conform to the proofs, make findings, and
 10 issue an order based on those findings. ~~A~~ **The commission shall**
 11 **deliver a** copy of the order ~~shall be delivered~~ to the
 12 respondent, the claimant, the attorney general, and ~~to~~ **any**
 13 other public ~~officers and persons as~~ **officer or person** the
 14 commission ~~deems~~ **considers** proper.

15 (2) ~~Action ordered~~ **An order issued** under this section may
 16 include, but is not limited to, **1 or more of the following**
 17 **actions:**

18 (a) Hiring, reinstatement, or upgrading of employees with or
 19 without back pay.

20 (b) Admission or restoration of individuals to labor
 21 organization membership ~~—~~ **or** admission to or participation in a
 22 guidance program, apprenticeship training program, on the job
 23 training program, or other occupational training or retraining
 24 program, with the utilization of objective criteria in the
 25 admission of persons to those programs.

26 (c) Admission of persons to a public accommodation or an
 27 educational institution.

1 (d) Sale, exchange, lease, rental, assignment, or sublease of
2 real property to a person.

3 (e) Extension to all persons of the full and equal enjoyment
4 of the goods, services, facilities, privileges, advantages, or
5 accommodations of the respondent.

6 (f) Reporting as to the manner of compliance.

7 (g) Requiring the posting of notices in a conspicuous place
8 ~~which~~ **that** the commission may publish or cause to be published
9 setting forth requirements for compliance with civil rights law
10 or other relevant information ~~which~~ **that** the commission
11 determines necessary to explain those laws.

12 (h) Payment to an injured party of profits obtained by the
13 respondent through a violation of section 506 of this act or of
14 ~~Act No. 220 of the Public Acts of 1976~~ **the persons with**
15 **disabilities civil rights act, 1976 PA 220, MCL 37.1101 to**
16 **37.1607.**

17 (i) Payment to the complainant of damages for an injury or
18 loss caused by a violation of this act, including a reasonable
19 attorney's fee.

20 (j) Payment to the complainant of all or a portion of the
21 costs of maintaining the action before the commission, including
22 reasonable attorney fees and expert witness fees, if the
23 commission determines that **the** award ~~to be~~ **is** appropriate.

24 (k) Payment of a civil fine for a violation of article 5 of
25 this act, an amount directly related to the cost to the state for
26 enforcing this statute not to exceed **1 of the following:**

27 (i) \$10,000.00 for the first violation.

1 (ii) \$25,000.00 for the second violation within a 5-year
2 period.

3 (iii) \$50,000.00 for 2 or more violations within a 7-year
4 period.

5 (l) Other relief the commission ~~deems~~ **considers**
6 appropriate.

7 (3) ~~In the case of~~ **If** a respondent **is** operating by virtue
8 of a license issued by ~~the~~ **this** state, a political subdivision,
9 or an agency of ~~the~~ **this** state or political subdivision, ~~if~~
10 **and** the commission, upon notice and hearing, determines that the
11 respondent has violated this act and that the violation was
12 authorized, requested, commanded, performed, or knowingly
13 permitted by the board of directors of the respondent or by an
14 officer or executive agent acting within the scope of his or her
15 employment, the commission shall so certify to the licensing
16 agency. Unless the commission's finding is reversed in the
17 course of judicial review, the finding of the commission may be
18 grounds for revocation of the respondent's license.

19 (4) ~~In the case of~~ **If** a respondent ~~who~~ violates this act
20 in the course of performing under a contract or subcontract with
21 ~~the~~ **this** state, a political subdivision, or an agency of ~~the~~
22 **this** state or political subdivision, ~~where~~ **and** the violation
23 was authorized, requested, commanded, performed, or knowingly
24 permitted by the board of directors of the respondent or by an
25 officer or executive agent acting within the scope of his or her
26 employment, the commission shall so certify to the contracting
27 agency. Unless the commission's finding is reversed in the

1 course of judicial review, the finding is binding on the
2 contracting agency.

3 Enacting section 1. This amendatory act does not take
4 effect unless Senate Bill No. 87 of the 92nd Legislature is
5 enacted into law.