

## DIVISION ON DEAF, DEAFBLIND, AND HARD OF HEARING ACT

### Act 72 of 1937

AN ACT to establish the division on deaf, deafblind, and hard of hearing and the advisory council on deaf, deafblind, and hard of hearing within the department of civil rights; to prescribe the powers and duties of the department, the division, the council, and certain state officers; to establish a fund and provide for expenditures from that fund; and to provide for an appropriation.

**History:** 1937, Act 72, Eff. Oct. 29, 1937;—Am. 1988, Act 434, Eff. Mar. 30, 1989;—Am. 2016, Act 240, Eff. Sept. 22, 2016.

*The People of the State of Michigan enact:*

#### 408.201 Short title.

Sec. 1. This act shall be known and may be cited as the "division on deaf, deafblind, and hard of hearing act".

**History:** 1937, Act 72, Eff. Oct. 29, 1937;—CL 1948, 408.201;—Am. 1988, Act 434, Eff. Mar. 30, 1989;—Am. 2016, Act 240, Eff. Sept. 22, 2016.

**Compiler's note:** For transfer of powers and duties of the commission on disability concerns established in Executive Order 1995-11 from the department of labor to the family independence agency, see E.R.O. No. 1996-2, compiled at MCL 445.2001 of the Michigan Compiled Laws.

For transfer of the advisory council on deaf and hard of hearing from the family independence agency to the department of labor and economic growth by type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers and duties of division on deaf and hard of hearing and advisory council on deaf and hard of hearing from department of licensing and regulatory affairs to department of civil rights, see E.R.O. No. 2011-4, compiled at MCL 445.2030.

For renaming of division on deaf and hard of hearing to division on deaf, deafblind and hard of hearing, and renaming of advisory council on deaf and hard of hearing to advisory council on deaf, deafblind and hard of hearing, see E.R.O. No. 2014-5, compiled at MCL 445.2035.

For transfer of powers and duties of division on deaf, deafblind, and hard of hearing within department of licensing and regulatory affairs, see E.R.O. No. 2017-4, compiled at MCL 445.2036.

#### 408.202 Definitions.

Sec. 2. As used in this act:

(a) "Council" means the advisory council on deaf, deafblind, and hard of hearing established in section 5.

(b) "Deaf person" means a person who is not able to process information aurally, with or without amplification, and whose primary means of communication is visual or by receiving spoken language through other sensory input, including, but not limited to, lipreading, sign language, finger spelling, or reading.

(c) "Deafblind person" means a person who has a combination of hearing loss and vision loss, and that combination necessitates specialized interpretation of spoken and written information in a manner appropriate to each person's dual sensory loss.

(d) "Department" means the department of civil rights.

(e) "Division" means the division on deaf, deafblind, and hard of hearing established in section 3.

(f) "Hard of hearing person" means a person who has hearing loss that ranges from mild to profound. A hard of hearing person uses his or her residual hearing, a hearing aid, a cochlear implant, hearing assistive technology, communication access realtime translation (CART), speech reading, or other communication strategies and remains in the hearing world.

**History:** 1937, Act 72, Eff. Oct. 29, 1937;—CL 1948, 408.202;—Am. 1988, Act 434, Eff. Mar. 30, 1989;—Am. 2016, Act 241, Eff. Sept. 22, 2016.

**Compiler's note:** For transfer of the advisory council on deaf and hard of hearing from the family independence agency to the department of labor and economic growth by type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers and duties of division on deaf and hard of hearing and advisory council on deaf and hard of hearing from department of licensing and regulatory affairs to department of civil rights, see E.R.O. No. 2011-4, compiled at MCL 445.2030.

For renaming of division on deaf and hard of hearing to division on deaf, deafblind and hard of hearing, and renaming of advisory council on deaf and hard of hearing to advisory council on deaf, deafblind and hard of hearing, see E.R.O. No. 2014-5, compiled at MCL 445.2035.

For transfer of powers and duties of division on deaf, deafblind, and hard of hearing within department of licensing and regulatory affairs, see E.R.O. No. 2017-4, compiled at MCL 445.2036.

#### 408.203 Division on deaf, deafblind, and hard of hearing; establishment; purpose; appointment and qualifications of director.

Sec. 3. (1) The division on deaf, deafblind, and hard of hearing is established within the department. The purpose of the office is to protect and assist all deaf, deafblind, and hard of hearing persons, with special emphasis on deaf persons.

(2) The division shall be supervised by a director of the division who shall be appointed by the director of

the department. The director of the division shall be a member of the classified state civil service, hold not less than a bachelor's degree, be fluent in American sign language, and have the ability to communicate in various ways with deaf persons.

**History:** 1937, Act 72, Eff. Oct. 29, 1937;—CL 1948, 408.203;—Am. 1988, Act 434, Eff. Mar. 30, 1989;—Am. 2016, Act 130, Eff. Aug. 24, 2016.

**Compiler's note:** For transfer of the advisory council on deaf and hard of hearing from the family independence agency to the department of labor and economic growth by type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers and duties of division on deaf and hard of hearing and advisory council on deaf and hard of hearing from department of licensing and regulatory affairs to department of civil rights, see E.R.O. No. 2011-4, compiled at MCL 445.2030.

For renaming of division on deaf and hard of hearing to division on deaf, deafblind and hard of hearing, and renaming of advisory council on deaf and hard of hearing to advisory council on deaf, deafblind and hard of hearing, see E.R.O. No. 2014-5, compiled at MCL 445.2035.

For transfer of powers and duties of division on deaf, deafblind, and hard of hearing within department of licensing and regulatory affairs, see E.R.O. No. 2017-4, compiled at MCL 445.2036.

#### **408.204 Duties of division; fees.**

Sec. 4. (1) Under the supervision of the department, the division shall do all of the following:

(a) Advocate for deaf, deafblind, and hard of hearing persons who encounter communication and other difficulties in employment, education, public accommodation, public service, and housing.

(b) Work closely with all public and privately funded organizations that provide developmental, educational, financial, preventative, protective, placement, recreational, rehabilitative, or health services to deaf, deafblind, and hard of hearing persons.

(c) Encourage providers of services to deaf, deafblind, and hard of hearing persons to improve the quality and coordination of their delivery systems.

(d) Provide information on deafness to deaf, deafblind, and hard of hearing persons and the public.

(e) Provide information and referral services to deaf, deafblind, and hard of hearing persons to ensure that their rights are protected.

(f) Provide information to deaf, deafblind, and hard of hearing persons on programs and services provided for them by each level of government.

(g) Promote new services, when necessary, for deaf, deafblind, and hard of hearing persons.

(h) Sponsor or cosponsor conferences, workshops, or seminars to educate deaf, deafblind, and hard of hearing persons and the public about deafness.

(i) Maintain statistics, facts, and data pertaining to deaf, deafblind, and hard of hearing persons of all ages and degrees of hearing loss.

(j) Provide technical assistance to state agencies and the public regarding communication accessibility for deaf, deafblind, and hard of hearing persons.

(k) Coordinate with state agencies, the legislature, and the governor on requests for direct interpreter services.

(l) Fulfill its duties under the deaf persons' interpreters act, 1982 PA 204, MCL 393.501 to 393.509.

(2) The division may assess reasonable fees for conferences sponsored or cosponsored by the division, the use of materials developed by the division, and for services provided by the division.

**History:** 1937, Act 72, Eff. Oct. 29, 1937;—CL 1948, 408.204;—Am. 1988, Act 434, Eff. Mar. 30, 1989;—Am. 2016, Act 135, Eff. Aug. 24, 2016.

**Compiler's note:** For transfer of the advisory council on deaf and hard of hearing from the family independence agency to the department of labor and economic growth by type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers and duties of division on deaf and hard of hearing and advisory council on deaf and hard of hearing from department of licensing and regulatory affairs to department of civil rights, see E.R.O. No. 2011-4, compiled at MCL 445.2030.

For renaming of division on deaf and hard of hearing to division on deaf, deafblind and hard of hearing, and renaming of advisory council on deaf and hard of hearing to advisory council on deaf, deafblind and hard of hearing, see E.R.O. No. 2014-5, compiled at MCL 445.2035.

For transfer of powers and duties of division on deaf, deafblind, and hard of hearing within department of licensing and regulatory affairs, see E.R.O. No. 2017-4, compiled at MCL 445.2036.

#### **408.205 Advisory council on deaf, deafblind, and hard of hearing; establishment; duty; appointment, qualifications, and terms of members; vacancy; quorum; meetings; expenses.**

Sec. 5. (1) An advisory council on deaf, deafblind, and hard of hearing is established within the department. The council shall advise the division on matters pertaining to deaf, deafblind, and hard of hearing persons.

(2) The council shall consist of 13 members appointed by the governor. The governor shall select members who are knowledgeable in the field of deaf, deafblind, and hard of hearing matters. Not less than 7 members

of the council shall be deaf, deafblind, or hard of hearing persons. The governor shall designate a chairperson of the council who shall serve in that capacity at the pleasure of the governor. The director of the division or his or her designee shall serve as secretary to the council.

(3) Except for members first appointed, the term of office of each member shall be 3 years. Of the members first appointed, 5 shall serve for 3 years, 4 for 2 years, and 4 for 1 year. A vacancy on the council shall be filled in the same manner as the original appointment for the remainder of the unexpired term.

(4) Seven members of the council constitute a quorum for the transaction of business at a meeting of the council. Except as provided by rule, action by the council shall be by vote of a majority of the members present at a meeting. The council shall meet not less than twice a year at the call of the chairperson.

(5) A member of the council may be reimbursed for actual and necessary expenses incurred in the performance of an official duty of the council.

**History:** 1937, Act 72, Eff. Oct. 29, 1937;—CL 1948, 408.205;—Am. 1988, Act 434, Eff. Mar. 30, 1989;—Am. 2016, Act 131, Eff. Aug. 24, 2016.

**Compiler's note:** For transfer of the advisory council on deaf and hard of hearing from the family independence agency to the department of labor and economic growth by type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers and duties of division on deaf and hard of hearing and advisory council on deaf and hard of hearing from department of licensing and regulatory affairs to department of civil rights, see E.R.O. No. 2011-4, compiled at MCL 445.2030.

For renaming of division on deaf and hard of hearing to division on deaf, deafblind and hard of hearing, and renaming of advisory council on deaf and hard of hearing to advisory council on deaf, deafblind and hard of hearing, see E.R.O. No. 2014-5, compiled at MCL 445.2035.

For transfer of powers and duties of division on deaf, deafblind, and hard of hearing within department of licensing and regulatory affairs, see E.R.O. No. 2017-4, compiled at MCL 445.2036.

#### **408.206 Conducting business of council at public meeting; notice; availability of writings to public.**

Sec. 6. (1) The business which the council may perform shall be conducted at a public meeting held in compliance with the open meetings act, Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws. Public notice of the time, date, and place of the meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976.

(2) A writing prepared, owned, used, in the possession of, or retained by the council in the performance of an official function shall be made available to the public in compliance with the freedom of information act, Act No. 442 of the Public Acts of 1976, being sections 15.231 to 15.246 of the Michigan Compiled Laws.

**History:** Add. 1988, Act 434, Eff. Mar. 30, 1989.

**Compiler's note:** For transfer of the advisory council on deaf and hard of hearing from the family independence agency to the department of labor and economic growth by type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers and duties of division on deaf and hard of hearing and advisory council on deaf and hard of hearing from department of licensing and regulatory affairs to department of civil rights, see E.R.O. No. 2011-4, compiled at MCL 445.2030.

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For transfer of powers and duties of division on deaf, deafblind, and hard of hearing within department of licensing and regulatory affairs, see E.R.O. No. 2017-4, compiled at MCL 445.2036.

#### **408.207 Gifts, grants, or other aid.**

Sec. 7. The division may solicit and accept gifts, grants, or other aid from any source, whether public or private.

**History:** Add. 1988, Act 434, Eff. Mar. 30, 1989.

**Compiler's note:** For transfer of the advisory council on deaf and hard of hearing from the family independence agency to the department of labor and economic growth by type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers and duties of division on deaf and hard of hearing and advisory council on deaf and hard of hearing from department of licensing and regulatory affairs to department of civil rights, see E.R.O. No. 2011-4, compiled at MCL 445.2030.

For renaming of division on deaf and hard of hearing to division on deaf, deafblind and hard of hearing, and renaming of advisory council on deaf and hard of hearing to advisory council on deaf, deafblind and hard of hearing, see E.R.O. No. 2014-5, compiled at MCL 445.2035.

For transfer of powers and duties of division on deaf, deafblind, and hard of hearing within department of licensing and regulatory affairs, see E.R.O. No. 2017-4, compiled at MCL 445.2036.

#### **408.208 Division on deafness fund; establishment; administration; receipt and disposition of money; revenue to be associated with division on deaf and hard of hearing; carrying over unexpended money.**

Sec. 8. (1) A division on deafness fund is established in the department of treasury to be administered by the department of energy, labor, and economic growth.

(2) The division shall receive and forward to the state treasurer for deposit in the division on deafness fund

all money received under section 7 and sections 8c and 8e of the deaf persons' interpreters act, 1982 PA 204, MCL 393.508c and 393.508e. The fund may receive as revenue money from any other source, as appropriated by the legislature.

(3) The revenue in the division on deafness fund shall be expended for the implementation of this act and to cover costs associated with the division on deaf and hard of hearing within the commission on disability concerns as provided in section 8f of the deaf persons' interpreters act, 1982 PA 204, MCL 393.508f.

(4) Money in the fund that is unexpended at the end of the fiscal year shall be carried over to the succeeding fiscal year, shall not revert to the general fund, and shall be expended as provided in subsection (3).

**History:** Add. 1988, Act 434, Eff. Mar. 30, 1989;—Am. 2010, Act 73, Imd. Eff. May 19, 2010.

**Compiler's note:** For transfer of the advisory council on deaf and hard of hearing from the family independence agency to the department of labor and economic growth by type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers and duties of division on deaf and hard of hearing and advisory council on deaf and hard of hearing from department of licensing and regulatory affairs to department of civil rights, see E.R.O. No. 2011-4, compiled at MCL 445.2030.

For renaming of division on deaf and hard of hearing to division on deaf, deafblind and hard of hearing, and renaming of advisory council on deaf and hard of hearing to advisory council on deaf, deafblind and hard of hearing, see E.R.O. No. 2014-5, compiled at MCL 445.2035.

For transfer of powers and duties of division on deaf, deafblind, and hard of hearing within department of licensing and regulatory affairs, see E.R.O. No. 2017-4, compiled at MCL 445.2036.

#### **408.209 Rules.**

Sec. 9. The department shall promulgate, as necessary, rules to implement this act pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws.

**History:** Add. 1988, Act 434, Eff. Mar. 30, 1989.

**Compiler's note:** For transfer of the advisory council on deaf and hard of hearing from the family independence agency to the department of labor and economic growth by type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers and duties of division on deaf and hard of hearing and advisory council on deaf and hard of hearing from department of licensing and regulatory affairs to department of civil rights, see E.R.O. No. 2011-4, compiled at MCL 445.2030.

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For transfer of powers and duties of division on deaf, deafblind, and hard of hearing within department of licensing and regulatory affairs, see E.R.O. No. 2017-4, compiled at MCL 445.2036.

#### **408.210 Appropriation.**

Sec. 10. The legislature annually shall appropriate a sum sufficient to implement this act.

**History:** Add. 1988, Act 434, Eff. Mar. 30, 1989.

**Compiler's note:** For transfer of the advisory council on deaf and hard of hearing from the family independence agency to the department of labor and economic growth by type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers and duties of division on deaf and hard of hearing and advisory council on deaf and hard of hearing from department of licensing and regulatory affairs to department of civil rights, see E.R.O. No. 2011-4, compiled at MCL 445.2030.

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For transfer of powers and duties of division on deaf, deafblind, and hard of hearing within department of licensing and regulatory affairs, see E.R.O. No. 2017-4, compiled at MCL 445.2036.