



**House  
Legislative  
Analysis  
Section**

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**DIVISION ON DEAFNESS ACT**

House Bills 5637 and 5638 as enrolled  
Second Analysis (1-5-89)

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**FEB 08 1989**

Sponsor: Rep. Debbie Stabenow

House Committee: Labor

Senate Committee: Human Resources and Senior

Citizens

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***THE APPARENT PROBLEM:***

The Division of the Deaf and Deafened was created within the Department of Labor some fifty years ago. Since then, the division's responsibilities — as outlined in Public Act 72 of 1937 — have changed and expanded with the enactment of state and federal laws affecting the deaf. The division now copes with legal issues involving the quality of life of deaf persons: e.g., interpreter and communication accessibility, employment, education, and public accommodation. Some feel that the act should be amended to reflect the division's current position, to legislatively establish an advisory council to replace the informal one that now exists, and to create a fund so that the division may accept public contributions.

***THE CONTENT OF THE BILLS:***

House Bill 5637. Public Act 72 of 1937 established the Division of the Deaf and Deafened within the Department of Labor. House Bill 5637 would amend the act to rename it the Division on Deafness Act, rename the division the Division on Deafness and redefine its duties, establish an advisory council on deafness within the department, and establish a Division on Deafness Fund in the Department of Treasury.

Definitions. The bill would replace the terms "deaf" and "deafened" with "deaf" and "hearing impaired" and provide a definition of those terms. The bill would define "deaf person" as a person whose hearing was totally impaired, or whose hearing — with or without amplification — was so seriously impaired that the primary means of receiving spoken language was through other sensory input, including, but not limited to, lipreading, sign language, finger spelling, and reading. A "hearing impaired person," under the bill, would be defined as a person who had a degree of hearing loss that ranged from mild to profound. The term "hearing impaired person" would include a deaf person.

Division on Deafness. The bill would rename the Division of the Deaf and Deafened within the Department of Labor the Division on Deafness, and would define its purpose as "to protect and assist all hearing impaired persons, with special emphasis on deaf persons." Under the bill, the division would be supervised by a director, to be appointed by the director of the Department of Labor, who would be a member of the classified state civil service, have at least a bachelor's degree, be fluent in American sign language, and have the ability to communicate in various ways with deaf persons.

Under the bill, the division, under the supervision of the department, would be required to:

a) Advocate for hearing impaired 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 hearing impaired persons;

c) Encourage providers of services to hearing impaired persons to improve the quality and coordination of their delivery systems;

d) Provide information on deafness to hearing impaired persons and the public;

e) Provide information and referral services to hearing impaired persons to insure that their rights are protected;

f) Provide information to hearing impaired persons on programs and services provided for them by each level of government;

g) Promote new services, when necessary, for hearing impaired persons;

h) Sponsor or cosponsor conferences, workshops, or seminars to educate hearing impaired persons and the public about deafness;

i) Maintain statistics, facts, and data pertaining to hearing impaired persons of all ages and degrees of hearing loss;

j) Provide technical assistance to state agencies and the public regarding communication accessibility for hearing impaired persons;

k) Provide direct interpreter services to state agencies, the legislature, and the governor; and

l) Fulfill its duties under the Deaf Persons' Interpreters Act.

Under the bill, the division could assess reasonable fees for conferences that it sponsored or cosponsored, for the use of materials it developed, and for services it provided. The division could also solicit and accept gifts, grants, or other aid from any source, public or private.

Advisory Council on Deafness. Under the bill, the council would be required to advise the division on matters pertaining to hearing impaired persons. It would consist of 13 members, appointed by the governor, who would serve staggered three-year terms. Not less than seven members would be hearing impaired persons, and all would be knowledgeable in the field of deafness. The council chairperson would be designated by and serve at the pleasure of the governor. The director of the division, or his or her designee, would serve as secretary. Vacancies would be filled in the same manner as the original appointment for the remainder of the term. The council would be required to meet not less than twice a year at

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the call of the chairperson, and members could be reimbursed for actual and necessary expenses. The council would be subject to the Open Meetings Act and the Freedom of Information Act.

Division on Deafness Fund. The bill would require that a Division on Deafness Fund be established in the Department of Treasury and administered by the Department of Labor. The division would be required to forward to the state treasurer all gifts, grants, or other aid that it solicited and received, whether public or private. The fund could also receive as revenue money from any other source, as appropriated by the legislature. Money in the fund could be expended only for the implementation of the act. Money that remained in the fund at the end of the fiscal year would be carried over to the succeeding fiscal year, and would not revert to the general fund.

MCL 408.201 et al.

House Bill 5638. House Bill 5638 would amend the Deaf Persons' Interpreters Act to conform to the amendments in House Bill 5637. The bill is tie-barred to House Bill 5637.

MCL 393.508

### ***FISCAL IMPLICATIONS:***

According to the Department of Labor, the bills would incur no new state funds. The division currently receives \$245,500 from the general fund and anticipates no changes in staff, funds or equipment. (1-5-89)

### ***ARGUMENTS:***

#### ***For:***

Since its establishment, the responsibilities of the Division of Deaf and Deafened have changed. The bill is necessary to reflect the division's new functions, and to replace archaic terms in the act. The bill would give the division the statutory authority to establish an advisory council, would allow council members to be reimbursed for expenses incurred in the performance of council duties, and would also allow the division to accept gifts and donations.