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House Bills 5637 and 5638 (as reported without amendment)**Sponsor:** Representative Debbie Stabenow**House Committee:** Labor**Senate Committee:** Human Resources and Senior Citizens**Date Completed:** 12-5-88***RATIONALE***

The Division of the Deaf and Deafened was created within the Department of Labor some 50 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 responsibilities, to establish legislatively an advisory council to replace the informal one that now exists, and to create a fund so that the Division may accept public contributions.

CONTENT

House Bill 5637 would amend Public Act 72 of 1937, which established the Division of the Deaf and Deafened within the Department of Labor, 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 of Labor, and establish a Division on Deafness Fund in the Department of Treasury.

House Bill 5638 would amend the Deaf Persons' Interpreters Act to conform to the changes in Public Act 72 of 1937 that would be made by House Bill 5637. The bill is tie-barred to House Bill 5637.

A detailed description of House Bill 5637 follows.

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, appointed by the Director of the Department of Labor, who would have to be a member of the classified State civil service, have at least a bachelor's degree in the field of deafness, be fluent in American sign language, and have the ability to communicate in various ways with deaf persons.

The Division, under the supervision of the Department, would be required to:

- Advocate for hearing impaired persons who encounter communication and other difficulties in employment, education, public accommodation, public service, and housing.
- 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.
- Encourage providers of services to hearing impaired persons to improve the quality and coordination of their delivery systems.
- Provide information on deafness to hearing impaired persons and the public.
- Provide information and referral services to hearing impaired persons to insure that their rights are protected.
- Provide information to hearing impaired persons on programs and services provided for them by each level of government.
- Promote new services, when necessary, for hearing impaired persons.
- Sponsor or cosponsor conferences, workshops, or seminars to educate hearing impaired persons and the public about deafness.
- Maintain statistics, facts, and data pertaining to hearing impaired persons of all ages and degrees of hearing loss.
- Provide technical assistance to State agencies and the public regarding communication accessibility for hearing impaired persons.
- Provide direct interpreter services to State agencies, the Legislature, and the Governor.
- Fulfill its duties under the Deaf Persons' Interpreters Act.

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 also could solicit and accept gifts, grants, loans, or other aid from any source, public or private.

Advisory Council on Deafness

H.B. 5637 & 5638 (12-5-88)

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 have to 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 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, loans, 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 bill. 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)

MCL 393.508 (House Bill 5638)

FISCAL IMPACT

House Bill 5637

This bill would not have any impact on local governmental units. There are, however, several areas in which changes would be necessary in the budgets for the Commission for Handicapper Concerns and for the Division on Deafness.

If the proposed Advisory Council met monthly, its 13 members would be eligible for travel expense reimbursement. If a \$50 per diem rate were provided, \$7,800 would be needed annually from the General Fund to cover monthly meeting costs. The bill also provides for the assessment of fees for services provided by the Division on Deafness. These services are not described or otherwise limited by the bill. The Division also could apply for loans as well as accept gifts and grants. These funds could not be spent unless they were addressed in the Division's annual appropriation.

The proposed Deafness Fund could be expended only for functions and services addressed by this bill. Fund balances remaining in this new restricted fund at the end of the fiscal year would be retained.

House Bill 5638

The bill would have no fiscal impact on State or local government.

ARGUMENTS

Supporting Argument

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 allow the Division to accept gifts and donations.

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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.