

Senate Fiscal Agency
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SFA



BILL ANALYSIS

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Senate Joint Resolution I (as passed by the Senate)
Senate Bills 352 through 402 (as passed by the Senate)
Sponsor: Senator Alma Wheeler Smith (S.J.R. I & S.B. 352-355)
Senator Robert Geake (S.B. 356-358)
Senator William Van Regenmorter (S.B. 359-361)
Senator Joel D. Gougeon (S.B. 362 & 363)
Senator Jon Cisky (S.B. 364-367)
Senator Virgil C. Smith, Jr. (S.B. 368-370)
Senator Dianne Byrum (S.B. 371-374)
Senator Joanne G. Emmons (S.B. 375)
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)

Committee: Government Operations

Date Completed: 5-13-97

RATIONALE

The Michigan Handicappers' Civil Rights Act defines the civil rights of, and prohibits discriminatory practices against, individuals who have "handicaps"; the Michigan Constitution refers to inhabitants who are "handicapped"; and numerous State statutes refer to "handicappers", persons with a "handicap", or "handicapped" individuals. It has been 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 has been suggested that the State Constitution, the Michigan Handicappers' Civil Rights Act, and numerous statutes be amended to make this change.

CONTENT

Senate Joint Resolution I proposes an amendment to Article VIII, Section 8 of the Michigan Constitution, which provides that

institutions, programs, and services for inhabitants who are physically, mentally, or otherwise seriously handicapped will always be fostered and supported, to change the term “handicapped” to “disabled”. The joint resolution would have to be submitted to the voters at the next general election.

Senate Bill 352 would amend the Michigan Handicappers’ Civil Rights Act to change the name of the Act to the “Persons With Disabilities Civil Rights Act”; and change the terms “handicap” to “disability” and “handicapper” to “person with a disability” or “disabled person” throughout the Act. Senate Bill 353 through Senate Bill 402 would amend various acts 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 would amend the Michigan Election Law. Senate Bill 354 would amend the Elliott-Larsen Civil Rights Act. Senate Bill 355 would amend the Social Welfare Act. Senate Bill 356 would amend the Management and Budget Act. Senate Bill 357 would amend the Emergency Telephone Service Enabling Act.

Senate Bill 358 would amend the Nonprofit Health Care Corporation Reform Act. Senate Bill 359 would amend 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 would amend the Insurance Code. Senate Bill 361 would amend the Municipal Health Facilities Corporations Act. Senate Bill 362 would amend the Mental Health Code.

Senate Bill 363 would amend the child care licensing Act. Senate Bill 364 would amend Public Act 8 of 1973, which provides for the construction and maintenance of sidewalks for use by handicapped persons. Senate Bill 365 would amend the condominium Act. Senate Bill 366 would amend the Adult Foster Care Facility Licensing Act. Senate Bill 367 would amend the Minimum Wage Law.

Senate Bill 368 would amend the Michigan Penal Code. Senate Bill 369 would amend the General Property Tax Act. Senate Bill 370 would amend the Code of Criminal Procedure. Senate Bill 371 would amend the Michigan Vehicle Code. Senate

Bill 372 would amend Public Act 235 of 1969, which authorizes local units of government to regulate traffic in parking areas.

Senate Bill 373 would amend Public Act 62 of 1956, which authorizes the Department of State Police to promulgate a uniform traffic code. Senate Bill 374 would amend the Michigan Telecommunications Act. Senate Bill 375 would amend Public Act 302 of 1921, which provides for the supervision of private, denominational, and parochial schools. Senate Bill 376 would amend the State Construction Code Act. Senate Bill 377 would amend the Department of Corrections law.

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

Senate Bill 383 would amend the Rehabilitation Act. Senate Bill 384 would amend the Public School Employees Retirement Act. Senate Bill 385 would amend the Revised School Code. Senate Bill 386 would amend the State School Aid Act. Senate Bill 387 would amend the Natural Resources and Environmental Protection Act.

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

Senate Bill 393 would amend the Handicapper Business Opportunity Act and would rename it the “Business Opportunity Act For Persons With Disabilities”. Senate Bill 394 would amend the Worker’s Disability Compensation Act. Senate Bill 395 would amend the Metropolitan Transportation Authorities Act. Senate Bill 396 would amend the Michigan Economic and Social Opportunity Act. Senate Bill 397 would amend 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 would amend the Public Health

Code. Senate Bill 399 would amend the Michigan Legislative Retirement System Act. Senate Bill 400 would amend the State Food Stamp Distribution Act. Senate Bill 401 would amend the Third Party Administrator Act. Senate Bill 402 would amend the Occupational Code.

Senate Bills 362 and 369 are tie-barred to Senate Joint Resolution I. Senate Bills 353, 354, 368, and 392 are tie-barred to Senate Bill 352; Senate Bill 365 is tie-barred to Senate Bill 376; Senate Bill 378 is tie-barred to Senate Bill 371; and Senate Bills 375 and 386 are tie-barred to Senate Bill 385.

MCL 37.1101 et al. (S.B. 352)
168.29 et al. (S.B. 353)
37.2506a & 37.2605 (S.B. 354)
400.115f (S.B. 355)
18.1293 et al. (S.B. 356)
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)
400.703 & 400.706 (S.B. 366)
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)
388.558 (S.B. 375)
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)
380.4 et al. (S.B. 385)
388.1651a & 388.1705 (S.B. 386)
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. Senate Joint Resolution I and the bills would amend the State Constitution and various State statutes to recognize this preference.

Legislative Analyst: G. Towne

FISCAL IMPACT

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

Fiscal Analyst: M. Ortiz

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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.