

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: SB 934 Handicapped Law Changes

SHORT TITLE: Handicapped Law Changes

SPONSOR(S): Senator Charles Carter

FISCAL IMPACT

Yes () No (X) No Estimate Available ()

FY 1999-00 FY 2000-01 FY 2001-02 FY 2002-03 FY 2003-04

REVENUES

EXPENDITURES NONE

POSITIONS:

PRINCIPAL DEPARTMENT(S) &

PROGRAM(S) AFFECTED: Health and Human Services; Judicial Branch; all state agencies

EFFECTIVE DATE: October 1, 1999

BILL SUMMARY: S 934. HANDICAPPED LAW CHANGES. TO MAKE CHANGES TO THE HANDICAPPED PERSONS PROTECTION ACT, CHAPTER 168A OF THE GENERAL STATUTES. Changes "handicapped" and related phraseology to "disabled" or similar phraseology throughout GS Ch. 168A. Adds "working" to the list of activities defined as "major life activities." Adds bar against actions filed under GS Ch. 168A for persons who have commenced federal judicial or administrative proceedings under the Americans with Disabilities Act of 1990, as amended, or associated regulations. Changes statute of limitations under Ch. 168A to make the 180 day limitations period apply only to civil actions regarding employment discrimination, adding a two-year limitations period for any other complaint of discrimination giving rise to claims under this chapter

ASSUMPTIONS AND METHODOLOGY:

This legislation primarily updates the language in the statutes concerning persons with disabilities to replace the term "handicapped" with the current terminology "Persons With Disabilities" and the term "handicapping" with "disabling". Updates language describing Major Life Activities (an illustrative list of possible examples) to include working as a major life activity, consistent with federal case law in this area.

SB 934 also modifies the language in 168-11(c) which specifies that a person can not pursue state action through the courts while there are pending proceedings under federal regulations by adding proceedings under the Americans with Disabilities Act (ADA) as an example of federal proceedings. This change is merited because the current state statute predates the ADA.

The current statute of limitations for all civil actions relating to discrimination against persons with disabilities is 180 days after the date on which the aggrieved person became aware of discriminatory practice. This bill extends the statute to 2 years for non employment discrimination cases. This may result in more cases being filed but since 90% of discrimination cases are employment related, the number is likely to be small. The longer statute of limitation may also extend the opportunities for negotiation/settlement and thereby decrease the number of court cases . Therefore we do not foresee any noticeable impact on the Judicial System.

The Fiscal Research Division consulted with the Governor's Advocacy Council for Persons with Disabilities, the Attorney General , and the Department of Health and Human Services to get opinions on any potential impact of this legislation on eligibility for federal funds or the state's exposure to discrimination lawsuits. No problems in these areas were noted.

TECHNICAL CONSIDERATIONS: None

FISCAL RESEARCH DIVISION 733-4910

PREPARED BY: Elisa Wolper

APPROVED BY: Tom Covington

DATE: Tuesday, April 27, 1999



Signed Copy Located in the NCGA Principal Clerk's Offices