

Government Relations Coordinator Report To the AAUW of Michigan Board

July 13, 2017

By Mary Pollock, AAUW of Michigan Government Relations Coordinator

The 2017-19 AAUW Biennial Action Priorities are:

- *To support a strong system of **public education** that promotes gender fairness, equity, and diversity;*
- *To achieve **economic self-sufficiency** for all women;*
- *To guarantee **equality, individual rights, and social justice** for a diverse society.*

Amended National Public Policy Program Adopted

AAUW members voting on the national AAUW Public Policy Program for 2017 – 2019 overwhelmingly adopted the changes proposed by the AAUW national board. The addition of a sentence “AAUW recognizes that gun violence is a public health crisis” elicited the most on-line comments and the most No votes in the three Principles for Action changes voted upon. The three Biennial Action Priorities did not change, but there were some tweaks in the language as summarized in topics 4 – 9 below. The topic receiving the most No votes was “Vigorous enforcement of and full access to civil and constitutional rights, *including affirmative action and expanding voting rights.*”

Public Policy Program Proposal Topic	Pass	Yes	No	Did Not Vote
1. Environmental sustainability	Yes	8,793	268	304
2. Gun violence	Yes	8,334	784	247
3. Diversity and inclusion	Yes	8,436	379	550
4. Sexual health	Yes	8,604	347	414
5. Equity in salary and benefits	Yes	8,464	264	637
6. Quality and affordable child care	Yes	8,620	263	482
7. Voting rights and affirmative action	Yes	7,669	903	793
8. Reproductive health decisions	Yes	8,429	521	415
9. Definition of self	Yes	8,008	458	899

The proposed resolutions fared well also. The ERA resolution suggested by our own Amanda Phillips to prefer the 3-state strategy passed!

Proposal Topic	Pass	Yes	No	Did Not Vote
1. Equal Rights Amendment resolution	Yes	8,789	292	284
2. Human trafficking resolution	Yes	8,543	523	299

National office says the revised PPP language and brochure will be on the Web site in August.

Michigan Legislative Update

Overview – Since my last report dated April 28, 2017, the Michigan Legislature has been busy with developing a budget, specifically adjusting the Governor’s proposed budget to address legislative priorities and find sufficient funds to close or modify the school employee pension system (MPERS). The Senate leadership withheld the budgets from the Governor until a resolution was reached on MPERS via [SB 401 \(see below\)](#), leaving all public schools, colleges/universities, and local government dangling until late June. In turn the Governor withheld his signature on the MPERS bill until he got the House and Senate to approve some tax incentives to recruit large companies to Michigan at their July 12 session. The legislature is again in session on August 16 and begins their fall session after Labor Day.

PUBLIC EDUCATION

The Education Omnibus Bill, [HB 4313](#), provides funding for all levels of public education in Michigan and reveals some old and new directions for education in Michigan.

The PreK-12 School Aid budget includes a per pupil foundation allowance increase of \$60-120, with the lowest funded districts getting the highest increase for the state's 536 local school districts, 300 public school academies, the Education Achievement System, and 56 intermediate school districts plus some categorical funding. The minimum foundation allowance would increase to \$7,631 from \$7,511 and the maximum guaranteed allowance to \$8,289 from \$8,229.

In relation to funding for the third grade reading program that the AAUW of Michigan supported, the PreK-12 budget also includes \$26.4 million to improve early literacy, with a per-pupil distribution of \$210 per first grader. \$11 million will be appropriated to add \$25 per pupil for all high school students to recognize that high school education is more expensive than lower grades.

The budget also includes about \$23 million to offset increased costs of the improved 401(k) plan for new school employees. \$100 million was added to maintain the current district MPERS contribution rate and \$200 million is appropriated to pay down the MPERS unfunded liability. \$6 million from the School Aid Fund was designated to implement the partnership program Superintendent of Public Instruction Brian Whiston developed to head off closure of some poor performing schools by the School Reform/Redesign Office. Other changes are described in the Fiscal Agency Analysis at the link for the bill.

Changes to boilerplate of the School Aid Act includes a new requirement that if a district requests a waiver to begin school before Labor Day, the district must hold a joint hearing with the Michigan Department of Education to be held in the district before said waiver can be granted (Sec. 160). Sec. 164g. establishes a penalty in an amount spent if a school district uses state funds to pay for an expense relating to any lawsuits initiated by the district against the state. Sec. 164h establishes a penalty equal to five percent of total state aid if a district enters into a collective bargaining agreement that does any of the following: establishes racial and religious preferences for employees; automatically deducts union dues from employee compensation; is in conflict with any state or federal laws regarding district transparency; includes a method of compensation that does not comply with the Merit Pay requirements.

Nonpublic school funding - The Governor proposed zeroing out the \$2.5 million of taxpayer funds to reimburse nonpublic schools for compliance with health, safety, or welfare requirements mandated by Michigan law or administrative rules. However the House and Senate restored it. This year’s boilerplate adds a process for nonpublic schools to document

their expenses for things like background checks on prospective employees, taking school attendance, workers' compensation insurance, unemployment insurance, fire drills, etc.

The lawsuit challenging last year's appropriation of public money for private schools has been filed with the Court of Claims and is in motion and discovery stage at this writing.

Higher Education (Public Universities) budget appropriates a 2.9 percent increase in higher education operations funding. This increase was distributed using a performance-based funding formula. In order to receive an increase in funding, universities are required to limit tuition increases to 3.8 percent or \$475, whichever is greater.

Community College budget includes a .9 percent increase in operations funding for community colleges. As community colleges will see additional revenue through their share of local personal property taxes, the largest increases in state funding will be distributed to colleges receiving the lowest levels of personal property tax support.

STEM – The Michigan Senate has passed a **high school diploma STEM endorsement program** in [SB 344](#). The AAUW of Michigan supported the bill in committee.

Specifically, a school district or public school academy could notate a pupil's transcript or diploma to indicate that the pupil had earned a STEM endorsement. A pupil would be eligible for a STEM endorsement if he or she, in addition to completing all the applicable requirements of the Michigan Merit standard for a high school diploma, successfully completed all of the following credit requirements while in grades 7 to 12:

- Six or more credits in mathematics,
- Six or more credits in science,
- At least one half credit featuring significant course work involving technology activities and at least one half credit featuring significant course work involving engineering activities, which could be gained through separate technology and engineering course work or in conjunction with course work associated with the credits required in mathematics and science

The bill is currently in the Michigan House Committee on Workforce and Talent Development chaired by Rep. Ben Frederick (R-Owosso).

Campus Sexual Assault – First Lady Sue Snyder has announced that the 2017 Third Campus Sexual Assault Summit will be held **Monday, September 25, 2017 at Eastern Michigan University**.

In this fiscal year, 18 Michigan community colleges and universities received over \$500,000 to implement sexual assault prevention programs on their campuses. The FY 2018 budget allocates \$600,000 for this program.

First Lady Sue Snyder also announced that she has asked the Michigan Domestic and Sexual Violence Prevention and Treatment Board to create a workgroup composed of campus leaders, sexual assault providers and community and state partners to develop **resources for sexual assault survivors** that would include information about Title IX; the option to file for a personal protection order; how to connect with law enforcement; availability for a medical forensic examination; and where to find campus and community support services providers. The 'Survivor Toolkit' will be released at the Summit.

As in 2017, the 2018 higher education budget requires colleges and universities participating in the tuition grant program to report to various state officials on their efforts to develop and implement **sexual assault response training** for the institution's Title IX Coordinator, campus

law enforcement, and others charged with responding to on-campus incidents. Colleges and universities also have to provide their annual Title IX Report, also known as the **Student Sexual Misconduct Report**, issued by the Title IX Coordinator as required under the federal Campus SAVE Act of 2013, Public Law 113-4.

ECONOMIC SELF-SUFFICIENCY

Pay Equity – The [equal pay package of bills](#) introduced on April 25, 2017 have not moved since their introduction. In fact, all the Senate bills were referred to the Senate Government Operations Committee where many bills go to die since it is controlled by the Senate Majority Leader, Arlan Meekof (R-West Olive). The Progressive (Legislative) Women’s Caucus has requested hearings for the bills. The Equal Pay Coalition had a summer in-person meeting at Mickey Edell’s home where a committee was formed to come up with new approaches to try to move these bills.

Another Pre-emption Bill - Sen. John Proos (R-St. Joseph) has introduced [SB 353](#), a pre-emption bill that would prohibit local governments from regulating the information an employer would have to request, require, or exclude during a job interview. Although intended to stop the “Ban the Box” movement to prohibit employers within a local government jurisdiction from asking questions in an initial job application about past criminal convictions, it would have the effect of blocking us from going to local government with our idea to prevent prospective employers from asking salary history questions. The bill has been reported out of the Senate Commerce Committee and is on third reading on the full Senate agenda. I have alerted Sen. Rebekah Warren of the implications for our pay equity salary question bill.

New bills - A bi-partisan package of bills to deal with mandatory overtime for nurses has been introduced recently. They are [SB 387/HB 4629](#), [SB 388/HB 4630](#), and [SB 389/HB 4631](#).

Also recently introduced are a bill to clarify the enforceability of prenuptial agreements, [HB 4751](#), a bill to provide parental leave time to participate in certain school activities, [HB 4764](#), and a bill to eliminate the training wage rate of \$4.25/hour for those under 20 years old, [HB 4803](#). Two bills to further regulate and discourage collective bargaining have been introduced sponsored by Rep. Pamela Hornberger (R-Chesterfield), [HB 4595](#) and [4596](#).

MPSERS Reform – New school employees hired after January 31, 2018 will face a different kind of retirement income savings arrangement. The House passed the final piece of the Michigan Public School Employees Retirement System changes in [SB 401 \(S-1\)](#) with the minimum support needed, 55-51 on June 20. It was then returned to the Senate for agreement and the Senate presented it to the Governor on June 29. He signed the bill July 13 after getting his business tax incentives bill agreed to by both chambers.

All Democratic representatives voted against SB 401, and were joined by Republican Reps. Joe Bellino of Monroe, Gary Howell of North Branch, Martin Howrylak of Troy, Mike McCready of Birmingham, Dave Pagel of Berrien Springs, Brett Roberts of Eaton Township and Jeff Yaroch of Richmond. All Democratic Senators voted against the bill and were joined by Republican Senators Tom Casperson of Escanaba, Rick Jones of Grand Ledge, Mike Nofs of Battle Creek, Margaret O’Brien of Portage, Tory Rocca of Sterling Heights and Dale Zorn of Ida.

Some background - Public Act 75 of 2010 closed the defined benefit school employee pension system and established a new "hybrid" pension plan for school employees first hired on or after July 1, 2010. Public Act 300 of 2012 provided an optional Defined Contribution-only plan for school employees first hired on or after September 4, 2012. The optional DC plan provides a 50% employer match on the first 6% of an employee's contributions (i.e., the maximum

employer match is 3% of pay). Roughly 20% of new employees choose the optional DC-only plan. In addition, Public Act 300 of 2012 eliminated retiree health insurance premium coverage for new hires, and replaced it with a plan that provides a maximum 2% employer match on an employee's 2% of contributions into a personal health care 401k savings account.

The Office of Retirement Services testified credibly that the hybrid pension plan was over 100 percent funded and the Governor therefore opposed closing it. The debt is in the already closed defined benefit pension system. However, the Republic majority insisted that they were trying to prevent future liability and a compromise substitute bill was worked out.

SB 401 amends the Public School Employees Retirement Act to:

- Place all new school employees hired on or after February 1, 2018, into a 401k or 401k-style plan (i.e., a "defined contribution"/DC plan) unless a new employee elects to opt into the new hybrid plan (which would have different employee contributions than the current hybrid plan). If no option chosen, the employee would be considered to have selected the DC plan.
- Provide that the new hybrid plan would have the same pension calculations and benefits as the existing hybrid, along with the same DC component; however, the new hybrid would assume a 6% rate of return on assets supporting the system, change what an employee pays into the system, and include a variable retirement age based on mortality experience.
- Place all existing school employees who previously chose the DC option upon employment (which was a choice beginning in September 2012) into the new defined contribution plan, which would provide greater employer contributions.
- Require the new defined contribution plan to be one in which the employer would deposit 4% of the employee's salary into a 401k or 401k-style plan, and match the employee's contributions, up to another 3% of salary (for a maximum possible employer contribution of 7% of salary, when an employee contributed at least 3%). This is the same structure as the DC plan in place for State employees hired since March 31, 1997.)
- Beginning with fiscal year 2018-19, establish a floor for the employer's contribution rates as a percentage of payroll, required the School Aid Fund to reimburse the employer's matching contributions on the first 3% of payroll contributed by the employee into a DC plan, and other changes to assure financial stability for the system.
- Require the actuary to assume a 6% rate of return on investments in the hybrid plan for members first hired on or after February 1, 2018, who opt into the hybrid, and require the approval of the retirement board and director of ORS to change that rate, require the retirement board and ORS to study and adopt risk assumptions on which the actuarial valuations are based, after consultation with the actuary and the State Treasurer, and require a periodic review of those assumptions at least once every five years.
- Require ORS and the State Treasurer to report every April 1 on the forecasted rate of return on investments at various probability levels; the actual rate of return on investments for various intervals; mortality, retirement age, and payroll growth assumptions; and, any other assumptions with material impacts on the retirement plans.
- Appropriate \$5.0 million out of pension trust funds to ORS for administration of the changes in the Act. This would have the effect of making the new law referendum-proof.

EQUALITY, INDIVIDUAL RIGHTS, AND SOCIAL JUSTICE

By far this is the greatest area of legislative activity among our three biennial action priorities. I track them in several categories: domestic violence/sexual assault, family, LGBT, reproductive rights, and voting rights. Some highlights:

Female Genital Mutilation – When three individuals - two of whom are doctors – were indicted in Michigan in April 2017 on federal charges of performing female genital mutilation, Michigan’s legislative response was to introduce 17 bills to outlaw the procedure, tripling the federal penalties from 5 years to 15 years and other measures in support of stamping out the practice in Michigan. A scholar and human rights activist testified in Senate Judiciary Committee that FGM is a practice often performed in sub-Saharan Africa that serves "no medical purpose" but to give men complete authority over a woman's body. It involves scraping or cutting out the clitoris and nearby labia, and sometimes sewing a young girl’s vagina closed. The Governor signed many of the bills on July 11 with immediate effect.

The Governor also recently signed more human trafficking trailer bills: one would allow testimony of expert witnesses regarding the behavior pattern of human trafficking victims, [HB 4211](#), and another will expand deferral and dismissal eligibility for victims of human trafficking, [HB 4219](#).

Mandatory Joint Custody – Rep. Jim Runestad (R-White Lake), Chair of the House Judiciary Committee (and a candidate for a Michigan Senate seat) began having informational hearings months ago on the perennial issue led by father’s rights groups of changing Michigan’s custody statute from the court using the 11 “best interest of the child” standards in deciding custody disputes to the court using a presumption of joint physical and legal custody unless one parent could prove the other parent unfit. The proponents of this change call it “shared parenting.”

[HB 4691](#) was introduced May 31 and yet more hearings were held in which all the child protection agencies, domestic violence agencies, probate judges, various State Bar of Michigan sections, and many others including the AAUW of Michigan testified against the bill or indicated opposition. National AAUW lists this bill among ones being followed in its StateNet database.

A substitute bill that addressed some of the worst parts of HB 4691 such as the complete omission of domestic violence among the criteria for challenging mandatory joint physical and legal custody was introduced and reported out of committee on June 20. Unless told otherwise, I think we should oppose the still messy substitute bill.

ELCRA Amendment – Rep. Jon Hoadley (D-Kalamazoo) and Sen. Rebekah Warren (D-Ann Arbor) have recently introduced [HB 4689](#) and [SB 424](#) to add sexual orientation and gender identity or expression as categories protected under the Elliott-Larsen Civil Rights Act. HB 4689 has been referred to House Judiciary Committee chaired by Rep. Jim Runestad (R-White Lake) and SB 424 has been referred to the Senate Government Operations Committee chaired by Senate Majority Leader Arlan Meekof (R-West Olive).

I am working with Rep. Yousef Rabhi (D-Ann Arbor) and Rep. Robert Wittenberg (D-Royal Oak) to introduce a proposed constitutional amendment to add sex, sexual orientation, gender, and gender identity to Michigan’s equal protection clause, Article I, Sec. 2. It would require 2/3 vote in each chamber to get on the ballot, an unlikely prospect. However these kinds of things can be used for educating the public about the issues these groups face.

Access to Abortion Bills – On June 14 the House and Senate Progressive Women’s Caucus introduced bills that counteract state laws that hurt women by restricting access to abortion.

[HB 4760](#) sponsored by Rep. Pam Faris (D-Clio) would remove the 24-hour waiting period for abortions. [HB 4761](#) sponsored by Rep. Chris Greig (D-Farmington Hills) would repeal the abortion insurance opt-out act and require health insurance to cover abortion. [HB 4762](#) sponsored by Rep. Vanessa Guerra (D-Saginaw) prohibits certain government interference with physician-patient treatment programs. [HB 4763](#) sponsored by Rep. Kristy Pagan (D-Canton

Township) ensconces the U.S. Supreme Court decision in *Whole Women's Health v Hellerstedt* into Michigan law by prohibiting laws or administrative rules creating burdens on abortion access. [HB 4765](#) would prohibit health facilities from refusing to provide certain reproductive health services under certain circumstances.

The other side is also introducing bills to further restrict access to abortion.

Chose Life License Plate Bill – Pro-choice advocates had a big win when the Governor vetoed SB 163 that would have created a fund-raising registration license plate for the Choose Life Michigan Fund controlled by Right To Life of Michigan. I gave written and oral testimony in both the Senate and House Transportation Committees on our behalf opposing this bill. We also wrote to all House and Senate members urging a No vote. Janet Watkins and I composed a Salsa action alert to our Michigan members urging them to communicate with the Governor to veto the bill. His veto message contained one of our points, that the bill used state resources to make a political statement in violation of the state's Constitution.

Sexual Assault – The House has passed [HB 4505](#) and [4506](#) to modify the reimbursement for medical procedures and services related to sexual assault medical forensic examination. The bills have been referred to the House Committee on Families, Senior, and Human Services.

Redistricting – **Voters Not Politicians Ballot Committee** submitted language to the Board of State Canvassers on July 3 to amend the Michigan Constitution to remove political district boundary line drawing from the power of the legislature and Governor and give it to a 13-member Independent Citizens Redistricting Commission.

Currently, after the decennial Census, the majority party in the Michigan legislature and Governor effectively have control of setting the U.S. Congressional and Michigan legislative district boundaries. The majority party then sets the boundaries to protect favored incumbents and those in their party with known intentions to run for an office. This has been labeled gerrymandering. According to the Brennan Center in a May 2017 report, Michigan, North Carolina, and Pennsylvania consistently had the most extreme levels of partisan bias in district boundaries in the last decade. Historically, both Republicans and Democrats have utilized their power to diminish the other party's election chances. Typically in biased gerrymandering, little input is sought from the other party or the public and most of the process is done in closed meetings.

The proposed **Independent Citizens Redistricting Commission** would be selected from people who apply for membership: 4 from each of the two major parties; 5 from people who self-identify as independents. Under the proposal, those barred from membership are politically connected people: recent candidates for local, state or federal partisan office; elected partisan officials; political appointees; political party officials and officers (including precinct delegates); lobbyists and lobbyist agents; and close relatives of the preceding categories. There would be a mandated budget to support the commission. Extensive public hearings would be required before and after the district maps are produced. All meetings would be open to the public. The commission would need to follow federal law such as one-person/one-vote requirements and the Voting Rights Act in drafting district maps. The commission would also have to take into account "communities of interest," and as much as possible respect city, township and county lines in drawing districts. In the event of legal challenges to the Michigan Supreme Court, the maps are referred back to the Commission.

If the voters approved the redistricting proposal in November 2018, it would not take effect until after the 2020 election. The next round of redistricting would take place after the release of the April 2020 census, during the 2021-22 legislative term.

Should the proposal get the 315,000+ valid voter signatures in a consecutive 180-day window period, the Legislature could draft its own redistricting amendment proposal to put on the ballot to compete with the Voters Not Politicians proposal. Such an effort would require support by a two-thirds majority in each chamber, which Republicans have in the Michigan Senate but not the House.

The redistricting proposal was drafted after the Voters Not Politicians organization held town hall-style meetings across the state, at which more than 3,000 people attended. The proposal was also reviewed by many attorneys before it was submitted to the Board of State Canvassers.

Six states have citizen redistricting commissions. The U.S. Supreme Court last year upheld an Arizona citizens' commission saying it could take charge of a state's reapportionment effort. The U.S. Supreme Court recently accepted for hearing a case from Wisconsin in which lower courts have said redistricting cannot be done to provide clear political advantage to one party.

Part-time Legislature - Clean Michigan Government Ballot Committee is proposing a constitutional amendment to require a part-time legislature. It was filed with the Secretary of State on May 12, 2017; an amended petition form was filed with the Secretary of State on May 19, 2017, it was approved by the Board of State Canvassers as to form, and petition circulators have subsequently been busy gathering voter signatures.

On July 3, its sponsor, Lt. Governor Brian Calley, announced that he intends to amend the petition language yet again. That would make the voter signatures gathered over the last month invalid. Among the changes in the new language: the Legislature would be required to adjourn *sine die* no later than April 15, rather than being given a set 90 days; the proposal would defer to other sections of the Constitution governing the calling of special sessions, rather than providing for those in the proposed amendment; the new petition rewords how legislative salaries would be set, but still bases them on a pro-rated average teacher salary; continues to eliminate legislative pensions and legislative retiree health care benefits which is already eliminated by statute.

On-line voter registration – Republican-sponsored bills to allow on-line voter registration were introduced on June 6 in the Michigan Senate. They are [SB 425](#) – 428 and have been referred to the Senate Committee on Elections and Government Reform chaired by Sen. Dave Robertson (R-Grand Blanc).

FOIA for the Legislature - The bi-partisan, unanimously-passed House bills to make the legislature and the governor's office subject to an open records law have seen no action by the Michigan Senate.

Equal Rights Amendment Update

Nevada became the 36th state to ratify the federal Equal Rights Amendment on March 21, 2017, the 45th anniversary of its passage by Congress. Attention now turns to Florida, Virginia and Illinois and other unratified states for the 38 states needed to ratify. ERA has momentum! The status of the federal Equal Rights Amendment in the 115th Congress (2017-2018):

- **H.J. Res. 33** proposing a reworded amendment relative to equal rights for men and women that would require starting over with ratification in all states was introduced by Rep. Carolyn Maloney, (D-NY-12) on January 24, 2017. It now has 106 cosponsors. It was referred to the House Judiciary Committee, Subcommittee on the Constitution and Civil Justice. The four Michigan cosponsors include Rep. Conyers, John, Jr. [D-MI-13],

Rep. Dingell, Debbie [D-MI-12], Rep. Lawrence, Brenda L. [D-MI-14], and Rep. Kildee, Daniel T. [D-MI-5].

- **H.J. Res. 53** to remove the deadline for ratification of the traditionally worded ERA was introduced by Rep. Jackie Speier (D-CA-14) on January 31, 2017 and now has 158 cosponsors. The ERA has been ratified by 36 states and needs 2 more to ratify. It was referred to the House Judiciary Committee, Subcommittee on the Constitution and Civil Justice. The Michigan cosponsors include Rep. Conyers, John, Jr. [D-MI-13]*, Rep. Dingell, Debbie [D-MI-12], Rep. Kildee, Daniel T. [D-MI-5], Rep. Levin, Sander M. [D-MI-9], and Rep. Lawrence, Brenda L. [D-MI-14].
- **S. J. Res. 5** to remove the deadline for ratification of the traditionally worded ERA was introduced by Sen. Ben Cardin (D-MD) on January 17, 2017 and currently has 33 cosponsors. It was referred to the Committee on the Judiciary. Both of our Senators are now cosponsors, the latest being Sen. Peters who was reminded to sign on at our lobbying meeting with his staff in Washington on July 15.
- **S.J. Res. 6** proposing a reworded amendment relative to equal rights for men and women that would require starting over with ratification in all states was introduced by Sen. Robert Menendez (D-NJ) on January 20, 2017. It now has 14 cosponsors. It was referred to the Committee on the Judiciary. Neither of our Senators are cosponsors.

Get involved! – If you want to stay informed about the AAUW of Michigan’s legislative activities, “Friend” the [AAUW of Michigan’s Facebook page](#) where I post directly from hearings and articles related to our public policy program issues. Join the AAUW of Michigan’s Virtual Lobby Corp by emailing mivoterred@aauwmi.org, or get involved with your local branch’s Public Policy Committee.