

Government Relations Coordinator Report To the AAUW of Michigan Executive Board

September 29, 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.*

Overview – This report covers legislative and other news since [my last report dated July 13, 2017](#). The Michigan Legislature met on August 16 and returned September 6 from its summer district work. There have been several developments on issues we follow.

PUBLIC EDUCATION

Nonpublic school funding – A lawsuit challenging the FY 2017 education appropriation of \$2.5 million for private schools' expenses for complying with state laws was filed with the Michigan Court of Claims earlier this year. In July, Michigan Court of Claims Judge Cynthia Stephens placed a preliminary injunction against the appropriation. The Attorney General representing the State of Michigan then appealed the preliminary injunction to the Michigan Court of Appeals which, on August 15, denied the request for a hearing about the preliminary injunction.

Subsequently, the AG asked the Michigan Supreme Court for review of the lower courts' decisions. How the Michigan Supreme Court handles the case will be closely watched given a recent U.S. Supreme Court ruling holding a ban in Missouri law on appropriating public monies to religious institutions violates the U.S. Constitution. The Michigan Court of Claims said the two cases are markedly different because while the Missouri law prohibits aid to religious institutions, Michigan law bars aid to all private schools, religious and secular.

In the FY 2018 budget, 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. But the FY 2018 education appropriations bill 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 about the FY 2017 appropriation for private schools' expenses will likely affect how the FY 2018 appropriation is implemented.

Enhanced MESP – The Senate Education Committee reported out on September 19 a package of bills (Senate Bills [544](#), 545, 546, 547, 548, and 549) that would allow tax deductible contributions to a new state-run savings program to be used to pay for school programs such as athletics, art, music and other programs for which schools might charge a fee. Opponents expressed the view that taxpayers should pay for education programs for all children and not burden parents alone for the cost. It was also pointed out that the E-MESP could be considered as using public funds for private education in Michigan.

Campus Sexual Assault – On September 22, U.S. Secretary of Education Betsy DeVos announced withdrawal of [the 2011 Dear Colleague Letter on Sexual Violence](#) and the [2014 Q and A on Title IX and Sexual Violence](#), both critical guidance tools schools requested to clarify their responsibilities under Title IX when responding to sexual violence. In their place, the Department of Education issued a [new and less robust Q and A interim guidance document](#) that rolled back survivor rights and expanded due process rights of the accused.

First Lady Sue Snyder held the Third Campus Sexual Assault Summit on September 25, 2017 at Eastern Michigan University. It featured keynote addresses by Dr. Rebecca Campbell, Professor of Psychology, Michigan State University and Keith Edwards, speaker and educator on sexual violence prevention, men's identity, social justice education, and curricular approaches. Three break-out workshops were also offered.

At the Policy Panel featuring three Michigan legislators, I suggested amendments to the Elliott-Larsen Civil Rights Act to make it clear that sexual assault is sex discrimination under Michigan's civil rights statute. This approach would by-pass the constitutional problems with directly regulating higher education in Michigan. They seem interested.

At the Summit, the Michigan Domestic and Sexual Violence Prevention and Treatment Board released **A Resource Handbook for Campus Sexual Assault Survivors, Friends, and Family** that includes 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 Guide is available at www.mi.gov/campussexualassault.

ECONOMIC SELF-SUFFICIENCY

Pay Equity – The National Committee on Pay Equity has announced that the 2018 **national Equal Pay Day will be April 10, 2018**. Save the date and plan events in your branch and community to draw attention to the wage gap between men and women. Michigan's Equal Pay Day will be set when the legislative calendar is released late in 2017.

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 Chair 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 bills. Members and branches should contact their State Senator to oppose this bill. State Senator contact information can be found at www.senate.michigan.gov.

Pre-nuptial agreements - [HB 4751](#) sponsored by Rep. Clint Kesto (R-Commerce Township) would amend current law concerning prenuptial agreements, a contract relating to property made between persons in contemplation of marriage. Generally speaking, the bill would render a prenuptial

agreement unenforceable if certain factors can be proven, such as duress or unconscionable terms, putting into statute what is generally in common law.

Hearings were held on the bill September 12 and 26 in the House Law and Justice Committee but no action was taken. AAUW of Michigan has not yet taken a position on the bill.

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. The addition of gun violence to our national Public Policy Program may expand this category yet more. Some highlights:

Embryo and Fetus As a Person – [HB 4500](#) sponsored by Rep. Pam Hornberger (R-Chesterfield) would count as a person an embryo or fetus when calculating the number of victims of a crime as part of sentencing of a person convicted of a crime. The House Judiciary Committee had hearings on September 12 and 19 and reported it out along party lines.

Right To Life of Michigan testified in favor of the bill and the Michigan Catholic Conference put in a card of support. ACLU of Michigan testified against the bill; Planned Parenthood and AAUW of Michigan put in cards opposing the bill.

I recruited a [letter from the National Advocates for Pregnant Women](#) in Washington, DC to the committee about the bill. NAPW specializes in protecting pregnant women's rights. Basically NAPW opposed the bill because it is unconstitutional and dangerous to maternal, fetal, and child health for reasons detailed in its 4-page letter. Unfortunately the letter was distributed to the committee at the second hearing and committee members had little time to read it. It details extensively the adverse legal implications for all women if such a bill is enacted into law. I will be drawing this analysis of the bill to the attention of those influential in whether or not the bill will be considered by the full House. AAUW members are encouraged to contact their Michigan House members to oppose HB 4500 if or when it comes to the floor for a vote. [Here is the link](#) to finding the contact information for a State Representative.

Introduced on August 16 was [HB 4877](#) sponsored by Rep. Daniela Garcia (R-Holland) and referred to the House Committee on Law and Justice. If enacted it would include pregnant women in Michigan's child abuse statute and subject them to additional punishment when use of controlled substances harms the fetus or constitutes an unreasonable risk of harm to the fetus.

Child Sexual Assault Educator Training – State Rep. **Kevin Hertel** (D-St. Clair Shores) recently introduced [HB 4975](#), which would require schools to adopt a policy on how to handle disclosures of sexual abuse from students.

In 2013, the Michigan Legislature enacted "Erin's Law" in honor of Erin Merryn, a survivor of child sexual abuse. That legislation created the Michigan Task Force on the Prevention of Sexual Abuse of Children, which made recommendations in 2015 for reducing child sexual abuse, particularly regarding school policies. According to its report, 25 to 40 percent of women and 8 to 13 percent of men report at least some form of sexual abuse before they turn 18. Hertel's bill would ensure that schools have a policy in place if a student reveals that he or she has been the victim of a sexual assault. His bill would also require professional development for educators on how to handle this disclosure.

Female Genital Mutilation – The Governor signed an extensive package of bills on July 11 establishing criminal penalties for female genital mutilation under Michigan law. An additional bill, [HB 4716](#), that would require termination of parental rights for subjecting a child to undergo female genital

mutilation, passed the House on September 14 and was referred to the Senate Judiciary Committee for further action.

Mandatory Joint Custody – [HB 4691](#) would change Michigan’s child custody law from the 11 “best interest of the child” standards in deciding child custody disputes to the court using a presumption of joint physical and legal custody (called shared parenting by its advocates). After many weeks of hearings, it was reported out of Committee on June 20 along party lines and awaits full House consideration.

In recent months a loose coalition of those opposing the bill has formed and is led by the Michigan Coalition to End Domestic and Sexual Violence (all the DV centers around the state) and the Michigan Poverty Law Program-Family Law Task Force to organize a concerted opposition to the bill. AAUW members and supporters should contact their State Representative to express opposition to this radical change to our child custody laws. The contact information for a State Representative can be found at www.legislature.mi.gov.

ELCRA Interpretation – Equality Michigan requested the Michigan Civil Rights Commission to issue an interpretive statement including sexual orientation and gender identity as sex discrimination under Michigan’s civil rights law. Some courts have interpreted federal Title VII of the Civil Rights Act to prohibit sexual orientation discrimination in employment.

The MCRC held a hearing on September 18 to gather public reaction to the proposed interpretive statement. After several hours of hearing, the MCRC tabled the matter and decided to ask the Attorney General for an opinion on whether it had the power to interpret the Michigan law it is charged with enforcing.

Ballot Proposals – The Board of State Canvassers has approved as to form some additional ballot proposals for the November 2018 election since my last report.

- **Paid sick time - Mi Time To Care** is again proposing an initiated law to create the Earned Sick Time Act, requiring employers to provide sick leave for personal or family health reasons, subject to certain conditions.
- **Another marijuana petition - Abrogate Prohibition Michigan** had its ballot language approved for a proposed constitutional amendment to legalize the use of marijuana for agricultural, personal, recreational, commercial or other purposes without much regulation and no taxation.
- **Raise the minimum wage - Michigan One Fair Wage** is sponsoring a proposed initiated law to gradually increase the hourly minimum wage from \$10.00 in 2019 to \$12.00 in 2022.

Anti-gerrymandering - The anti-gerrymandering ballot proposal sponsored by **Voters Not Politicians** which AAUW has endorsed has collected 170,000 of the 316,000 voter signatures it needs on a petition 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. Please volunteer to help or donate at www.votersnotpoliticians.com.

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 mivoter@aauwmi.org , or get involved with your local branch’s Public Policy Committee. And be sure to sign up for the Two-Minute Activist at www.aauw.org .