

Government Relations Coordinator Report

November 17, 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 September 29, 2017. The Michigan Legislature met until November 9 and will return November 28 through December 14.

Special Elections - November 7 saw two female Democrats elected to the Michigan House to fill vacant seats formerly held by men bringing the total to 17 female Democrats and 16 female Republicans. Women are now 30 percent of the Michigan House. Elected were Marquette City Commissioner Sara Cambensy in the 109th House District and Tenisha Yancey of Detroit in the 1st House District. As chronicled in [this Washington post article](#), these women joined many others across the country in what WaPo calls “a remarkable explosion of women candidates who have entered the political stage since Donald Trump was elected president one year ago.”

Women’s Convention - The national Women’s March organization sponsored its first Women’s Convention at Detroit’s Cobo Center on October 29 – 30, attracting over 4,000 women and men from around the country to attend dozens of competing workshops every hour. The outspoken U.S. Rep. Maxine Waters of California was the keynote speaker. I attended and posted pictures from it on our Facebook page. I made an appeal at the mid-Michigan caucus to join our Lobby Corps.

Rosie Wins – On October 14, 3,755 women converged in Ypsilanti dressed as Rosie the Riveter, the World War II icon pictured as flexing her arm muscle and wearing a red polka dot bandanna and blue overalls. The Guinness World Record for the [largest gathering of Rosie the Riveters since World War II](#) was last set in 2016 in Richmond, California by 2,229 people, stealing the crown from Michigan, which in October 2015 held a gathering of more than 2,000 women.

The original Rosie the Riveter, Rose Will Monroe, worked as a riveter at the Willow Run Aircraft Factory in Ypsilanti building B24 bombers for the U.S. military during World War II. Rosie the Riveter became a symbol of women moving into the workforce and filling factory jobs traditionally held by men, who were away at war. Fifty-five original "Rosies" attended the event in Ypsilanti.

Merger - On October 9, the Michigan Women's Foundation announced that the Michigan Women's Historical Center and Hall of Fame will be incorporated into the Foundation. The merger is to take place by the end of February 2018. The two nonprofits promote equality for women, with the historical center based in Okemos near Lansing focusing on past and present accomplishments, and the foundation based in Detroit and Grand Rapids running a variety of programs on entrepreneurship, leadership, and social and economic equality.

PUBLIC EDUCATION

Weapons in Schools – The Michigan Senate on November 7 passed legislation allowing those with concealed pistol licenses with an additional 8 hours of training to carry pistols in gun-free zones,

including daycare centers, schools, sports arenas, bars, hospitals, college campuses, and places of worship. Just days before, a mass shooting in a Texas church killed 26 and injured 20 people. The month before, 58 people were killed at a concert in Las Vegas with hundreds more injured. Senate Majority Leader Arlan Meekof (R-West Olive) explained that he was moving the legislation because unarmed people are sitting ducks in these group venues. [SB 584](#), [SB 585](#) and [SB 586](#) each passed by votes of 25-12. All 11 Democrats voted against the legislation, with Sen. Marty Knollenberg (R-Troy) joining them.

SB 584 and SB 585 would require a person to get 16 hours of firearms training, instead of the current eight required for a concealed pistol license, to obtain the enhanced license necessary to carry a concealed pistol into what is now a gun-free zone. The bills would ban open carrying of firearms in current gun-free zones. Current law allows for open carrying of firearms in those venues.

SB 586 would forbid schools and any other public bodies other than the state from regulating firearms. Currently only cities, counties, townships and villages are prohibited from doing so.

The Senate also passed legislation that would prevent the state from interfering with foster parents having firearms in their homes and create a provisional concealed pistol license for adults ages 18 to 20. [SB 527](#) and [SB 366](#) passed 26-11 along party lines.

The bills have been referred to the House Judiciary Committee for further consideration. Governor Snyder vetoed similar bills in 2012 after the shooting of school children and school personnel at Sandy Hook Elementary School in Connecticut.

Meanwhile the State Board of Education deadlocked along party lines on various votes to issue a statement about the bills. The board issued a statement against legislation in 2015 that would have allowed for more guns in schools.

Abolish State Board of Ed – [HJR M](#) that would amend Article III and VIII of the Michigan Constitution to eliminate the State Board of Education (SBE), and the Board-appointed Superintendent of Public Instruction and State Board for Public Community and Junior Colleges was reported out of the House Education Reform Committee on October 26. It would replace those entities with a Director of the Michigan Department of Education (MDE), who would be appointed by the governor. This proposal is a variation of a recommendation from the [21st Century Michigan Education Commission's report](#) issued in February 2017. In that report, the gubernatorial Commission found that the various education-related functions performed by the governor, legislature, MDE and SBE have resulted in a fragmented approach to education in Michigan. To combat this, Governor Snyder and previous governors have transferred various MDE functions to other departments with very mixed results. HJR M would require 2/3 vote of House members to advance to the Michigan Senate.

ECONOMIC SELF-SUFFICIENCY

Pay Equity –The 2018 **national and Michigan Equal Pay Day in Lansing will be Tuesday, 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.

The [equal pay package of bills](#) introduced on April 25, 2017 have not moved since their introduction.

Anti Pay Equity Bill - [SB 353](#) is a direct attack on pay equity advocates' efforts to prohibit use of salary history during the hiring process. Salary history is likely to contain elements of sex bias from past employers and use of it by future employers in the hiring process contributes to ongoing and systemic sex-based wage discrimination. Indeed, one of the new bills in this year's pay equity

package, [HB 4516/SB 323](#), would amend the Elliott-Larsen Civil Rights Act to prevent a Michigan employer from inquiring about past compensation during the application or hiring process.

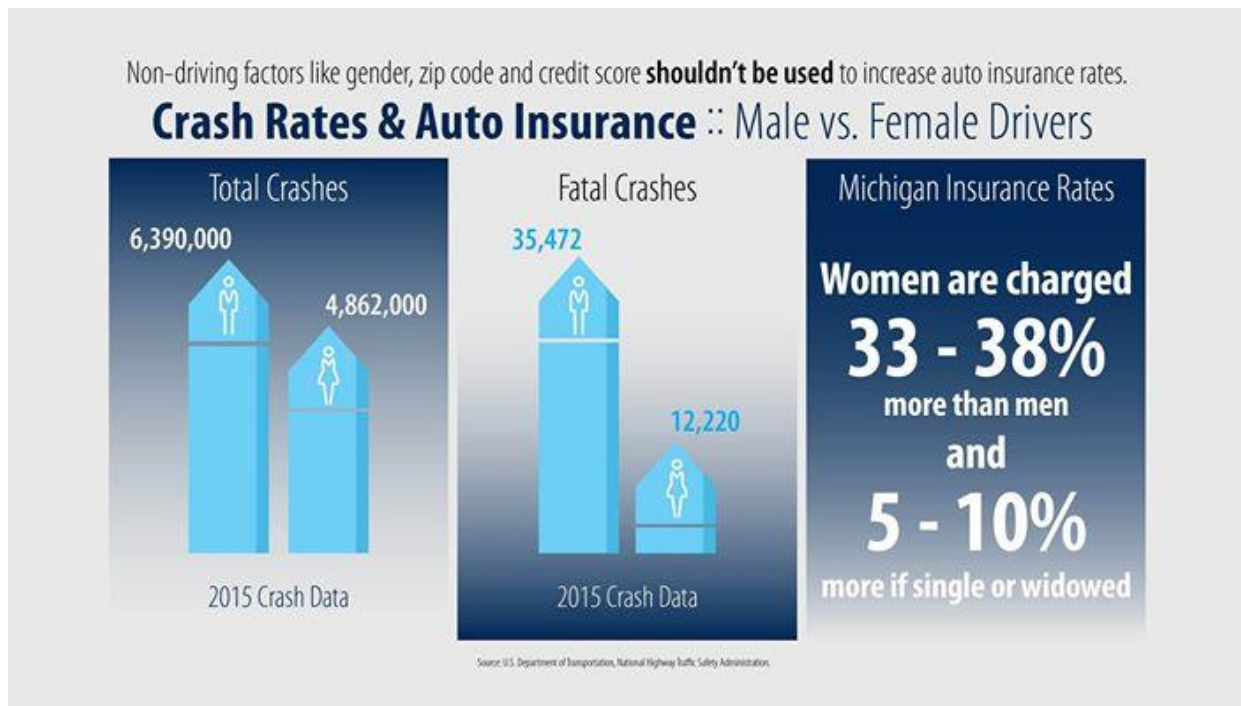
Some municipalities such as Philadelphia and San Francisco have passed measures to ban local employers from asking salary history questions on job application forms or in job interviews. SB 353 would prohibit local governments in Michigan from passing similar ordinances to regulate the information an employer would have to request, require, or exclude during a job interview. Unfortunately, SB 353 passed the Senate along party lines on October 5 and has been referred to the House Committee on Commerce and Trade.

According to the Senate Fiscal Agency analysis of the bill, the Michigan Local Government Labor Regulatory Limitation Act prohibits local governments from adopting or enforcing an ordinance that regulates the information a prospective employer must request, require, or exclude on an application for employment. However, some have raised concerns that the Act might not apply to ordinances that seek to regulate the information provided during an interview. Accordingly, it has been suggested that the Act should specifically preempt such ordinances through adoption of SB 353.

AAUW members and branches should contact their State Representative to oppose this bill. State Representative contact information can be found on the Michigan Legislature Web site [here](#).

Auto No-Fault Insurance – The recent debate over auto no-fault insurance reform surrounding [HB 5013](#) focused primarily on reducing premiums by adopting a three-tier Personal Injury Protection structure to replace the lifetime medical coverage now required in all Michigan policies. The bill was defeated 45-63 on November in a bi-partisan vote.

However, receiving less attention was the sex discrimination in auto insurance premiums in Michigan. A [survey of online premium quotes](#) from several large auto insurers operating in Michigan conducted by the Coalition Protecting Auto No-fault found that Progressive and Esurance alter rates for drivers based on their gender and marital status, and Liberty Mutual charges more to unmarried drivers.



Pre-nuptial agreements - [HB 4751](#) sponsored by Rep. Klint Kesto (R-Commerce Township) would amend current law concerning prenuptial agreements, which is 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.

Three hearings were held on the bill and it was reported out of the House Law and Justice Committee on October 17 along party lines with Dems opposing it. It was opposed in Committee by the Family Law Section of the State Bar of Michigan, but no written or oral testimony was given. AAUW of Michigan did not take a position on the bill.

The measure passed the House along party lines and has been referred to the Senate Families, Seniors and Human Services Committee.

Pay Data Collection – The National Women’s Law Center announced on November 15 that it has brought a lawsuit against the federal Office of Management and Budget for abruptly staying implementation of a revised U.S. Equal Employment Opportunity Commission employer survey (EEO-1 Survey) about employee pay that is intended to root out discrimination and close the wage gap. OMB’s order was contained in a cursory, 7-sentence explanation on August 29. The revised EEO-1 survey had been developed over 6 years with numerous public notices, comment periods, and public hearings with employers and employee representatives. The revision was approved by OMB in August 2016. The lawsuit was filed in the U.S. District Court in Washington DC. It asks the court to vacate the stay, and reinstate the revised EEO-1 reporting requirements among other requests. This equal pay data collection is critical to enforcing equal pay laws nationwide.

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:

Embryo and Fetus As a Person – Anti-abortion advocates scored a victory on November 9 when the Michigan House passed [HB 4500](#), legislation that would count an embryo or fetus as a person when calculating the number of victims of a crime. The bill would amend sentencing guidelines to enhance penalties for a person convicted of a crime involving a pregnant woman, whether or not she even knew if she was pregnant.

The 4-page legal analysis I had recruited from the [National Advocates for Pregnant Women](#) in Washington, DC opposed the bill because it is unconstitutional and dangerous to maternal, fetal, and child health. Additionally Michigan already has a well-written law to enhance penalties for injury to a pregnant woman. Including an embryo or fetus as a person in sentencing guidelines is one step toward enlarging fetal rights over a pregnant woman’s rights that could be used in other contexts by the courts and anti-abortion advocates to criminalize abortion.

I sent the NAPW analysis to House leadership of both parties urging them to pull the item from the agenda. I issued an Action Alert to the AAUW of Michigan Lobby Corps by email and posted messages on AAUW of Michigan’s Facebook page asking readers to contact their State Representatives. Planned Parenthood and the American Civil Liberties Union issued Action Alerts as well. Despite this opposition, House Republican leadership proceeded to consider the bill and gaveled through to defeat by a quick voice vote all attempted progressive amendments. HB 4500 passed 63-44 with Democratic Rep. Brian Elder of Bay City joining all Republicans in support. The bill next goes to the Michigan Senate. The Senate Committee has not yet been assigned.

Spina Bifida Messaging – On October 17, the Michigan House Health Policy Committee reported out HB 4584, legislation to require medical professionals to provide Right To Life/Catholic Conference-scripted information about spina bifida to pregnant women who have received a diagnosis of carrying a fetus with spina bifida. The intent is to discourage pregnant women from choosing an abortion. Several medical groups opposed the legislation, including the Academy of Family Physicians and the American Congress of Obstetricians and Gynecologists. Dr. Gianina Cazan, an Ob-Gyn and specialist in maternal and fetal medicine at Lansing's Sparrow Hospital, said giving patients information on spina bifida is already the standard of care. Several amendments proposed by Democrats failed. The Committee vote was 10-0 with five Democrats and one Republican abstaining. The bill could be considered by the entire Michigan House at any time so contact your State Representative now to oppose it.

Gender Violence Survivor Bills Introduced – On November 9 I attended the press conference on behalf of the AAUW of Michigan sponsored by the legislative Progressive Women's Caucus' Gender Violence Task Force to announce introduction of a package of bills to address some persistent gaps in state law that are needed to better support survivors of gender and domestic violence. In Michigan, one in three women have been impacted by domestic violence.

[HB 5247](#) would expand criteria for use of sick leave to include domestic violence, stalking or sexual assault. [HB 5248](#) would create an exception to disqualification from receiving unemployment benefits when leaving employment for domestic violence victims. [HB 5249](#) would prohibit housing discrimination against domestic violence, sexual assault and stalking victims. [HB 5250](#) would require an individual who is restrained through a personal protection order to relinquish firearms. [HB 5251](#) would prohibit imposing sanctions on landlord or tenant for contacts made with police or emergency services. Typically, bills to regulate guns, landlords, and employers are not popular with the legislative majority. All but the gun bill have been referred to the House Committee on Commerce and Trade. The gun bill was referred to the House Judiciary Committee.

Rapist Custody Ban – When a Sanilac County judge gave a twice-convicted rapist joint custody of an 8-year old boy he fathered with a 12-year old girl he raped in 2008, it made international news. The mother was looking for child support from the father but the judge did not know about the rape convictions. When the issue surfaced, he quickly rescinded his order.

State Rep. Pam Faris (D-Clio) quickly introduced [HB 5132](#) that would prohibit people who are convicted of third-degree criminal sexual conduct from being granted custody of a child that is the product of a sexual assault. Rep. Faris was quoted as saying "We really don't want rapists who plead down to a lesser crime to have custody or visitation. This bill is for victims in the future. Everyone has seen the error of their ways in this case, but this woman has gone through three weeks of hell."

Child Sex Abuse – On October 17, the Michigan Senate passed unanimously [SB 52](#) sponsored by Sen. Steve Bieda (D-Warren) that would allow a prosecution at any time for second-degree sexual conduct if the victim was younger than 16. In cases of third-degree criminal sexual conduct, the statute of limitations would rise to 20 years after the offense or the victim's 31st birthday, whichever is later. Currently the statute of limitations is 10 years for reporting and prosecution of these crimes. The bill has been referred to the Michigan House Committee on Law and Justice.

Clergy Sexual Conduct Bill: The Michigan Senate Judiciary Committee has reported out [SB 607](#), which would make it third-degree criminal sexual conduct for members of the clergy to engage in sexual contact with congregation members seeking religious or spiritual advice. This would place members of the clergy on the same level as health professionals when it comes to being barred from engaging in sexual contact with those they're assisting. Under current state law, third-degree criminal sexual conduct is a felony punishable by up to 15 years in prison. Fourth-degree criminal sexual

conduct is a misdemeanor punishable by up to two years in prison and a \$500 fine. Thirteen states have similar legislation. The full Senate could consider the bill at any time.

Rape Kit Update – On November 9 the Governor signed a supplemental appropriations bill, [SB 253](#), that includes \$4.3 million to pay for a sexual assault evidence kit tracking system. The system would be used to track submission and the status of the kits, allow auditing of untested kits collected before March 1, 2015, provide access for victims to check on the status of the testing, among other services. \$313,400 was appropriated to provide the Department of State Police with staff to coordinate the department's implementation and operation of the system and for the Michigan Domestic and Sexual Violence Prevention and Treatment Board in the Michigan Department of Health and Human Services to annually audit the submission of the kits.

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](#), would require termination of parental rights for subjecting a child to undergo female genital mutilation. The bill passed the House on September 14 and on October 3 was reported out of the Senate Judiciary committee for consideration by the full Senate.

ELCRA Interpretation – The Michigan Civil Rights Commission held a hearing on September 18 to gather public reaction to a proposed Interpretive Statement that would include sexual orientation and gender identity in the Elliott-Larsen Civil Rights Act's prohibitions on sex discrimination. After hearing from 60 people, 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.

Subsequently a letter submitted to the commission by 30 law professors and lawyers rebutted arguments by the attorney general's office that the commission does not have the ability to issue an Interpretive Statement. At its meeting on November 13, the MCRC again tabled the issue and withdrew its request for a formal attorney general opinion. The Commission in 2013 issued a report on LGBT discrimination in Michigan that found that it does exist and is significant. Bills to amend the ELCRA to include sexual orientation and gender identity have never passed either chamber in the many years they have been introduced.

Ballot Proposals – The anti-gerrymandering ballot proposal sponsored by **Voters Not Politicians** which AAUW has endorsed is nearing their goal of collecting the 400,000 voter signatures it intends to submit to the Board of State Canvassers very soon. Thank you to AAUW branches and members for having VNP speakers to your meetings and for helping to circulate petitions.

The prevailing wage ban ballot proposal has submitted their petitions to the Board for audit. The Regulate Marijuana Like Alcohol petition drive is raising money to get their paid signature gathering firm to release the petitions it has gathered.

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 .