

Capitol Report

February 20, 2024

By Mary Pollock, AAUW of Michigan Government Relations Coordinator

The Legislature reconvened for the second half of the 102nd Legislature on January 10, 2024, but got off to a slow start because of the new 54-54 temporary split in the House between Democrats and Republicans. Bills will take 55 votes in the House to pass, meaning all bills will need to be bi-partisan to pass. The special election to fill two vacant House seats will be held April 16. The two newly elected House members will be seated as soon as the votes are certified by the local and State Board of Canvassers, likely the week of April 30.

WHAT AAUWMI IS WATCHING

In the House, 1,452 bills have been introduced and, in the Senate, 721 bills have been introduced since January 2023. I am following 694 legislative measures for AAUWMI, only 37 more since my last report of November 7 because of the early adjournment in 2023 and slow start in 2024. See www.aauwmi.org under the Public Policy tab for a listing of all followed bills with latest action and designation of AAUWMI endorsed bills. These bills relate to [AAUWMI's 2023-2025 Public Policy Priorities](#), or general news of interest to AAUWMI members on which I report.

I assign bills to one or more of 10 subject categories. The breakdown of bills assigned to the subject categories in rank order of number of bills is:

Civil rights	229
Voting rights, campaign finance, ethics, lobbying	160
Economic justice	133
Reproductive justice	120
Firearms	101
Education, sex equity in education	88
Employment/Economic security	87
Family	79
Domestic violence, sexual assault, human trafficking	61
LGBTQIA+	20

BILLS THAT ARE MOVING

AAUWMI supported the following bills at Committee hearings so far in 2024:

In the Senate Elections and Ethics Committee, a second-chamber hearing on February 7, 2024, in which testimony but no vote was taken on bills that passed the House 56-53 on November 9, 2023:

- **House Bill 4127 (H-4)** sponsored by Rep. Penelope Tsernoglou (D-East Lansing) would amend the Michigan Penal Code to prohibit an individual from possessing a firearm at or near a polling place, an early voting site, an absent voter ballot drop box, in a city or township clerk's office, or within 100 feet of any entrance to these sites for certain periods before an election, with some exceptions.
- **House Bill 4128** would amend the Michigan Penal Code to prohibit an individual from possessing a firearm in an absent voter counting place or a combined absent voter counting

place or within 100 feet from any entrance to either while absent voter ballots were being processed.

In House Health Policy Committee, a second-chamber hearing on February 13, 2024, in which testimony but no vote was taken on two bills we supported in Senate committee hearings and passed the Senate 35-0 on November 8, 2023:

- **Senate Bill 44** sponsored by Sen. Paul Wojno (D-Warren) prohibits invasive bodily examinations when a patient is under anesthesia unless consent is given.
- **Senate Bill 45** sponsored by Sen. Sylvia Santana (D-Detroit) defines invasive bodily examination.

Senate Bills 44 and 45 together would prohibit health professionals from performing pelvic, vaginal, rectal, or prostate examinations (referred to by the bills as invasive bodily examinations) on anesthetized or unconscious patients unless certain conditions are met (for example, the patient has given their informed consent). Senate Bill 44 contains substantive provisions, and Senate Bill 45 contains the definition of invasive bodily examination. Neither bill can take effect unless both bills are enacted.

In the House Committee on Criminal Justice, a first chamber hearing on February 13, 2024, in which testimony but no vote was taken on these two bills:

- **House Bill 4488** sponsored by Rep. Christine Morse (D-Texas Township) to amend the Sexual Assault Victims' Medical Forensic Intervention and Treatment Act to provide that sexual assault survivors have the right to have a support person and an attorney with them during investigatory interviews and the right to consult with a sexual assault counselor and an attorney when a sexual assault evidence kit is being administered. The bill also would require the Domestic and Sexual Violence Prevention and Treatment Board to study and report on whether there is a need for additional sexual assault counselors in Michigan and, if so, how that need could be met.
- **House Bill 4490** sponsored by Rep. Jennifer Conlin (D-Ann Arbor) would amend section 21527 of the Public Health Code, to add that, if the hospital has a shower facility, an individual administered a sexual assault evidence kit as described above has a right to access the shower facility at no cost after the administration of the sexual assault evidence kit.

In the House Judiciary Committee, a first-chamber hearing on February 14, 2024, in which testimony but no vote was taken on a package of bills to address the requirements for changing one's name.

- **House Bill 5300** sponsored by Rep. Laurie Pohutsky (D-Livonia)
- **House Bill 5301** (H-1) sponsored by Rep. Emily Dievendorf (D-Lansing)
- **House Bill 5302** sponsored by Rep. Felicia Brabec (D-Ann Arbor)
- **House Bill 5303** (H-1) sponsored by Rep. Helena Scott (D-Detroit)

House Bills 5300 to 5303 would do all of the following:

- Eliminate a presumption in law that a person who is seeking to change their legal name must be doing so for a fraudulent reason if they have a criminal record.
- Eliminate a requirement that a person 22 or older who is seeking a name change must submit fingerprints for state and federal criminal background checks.

- Expand reasons for which a court can waive publication requirements regarding a name change, notably to include affirmation of the person's gender identity.
- Eliminate a requirement for a doctor's affidavit of surgery before a new birth certificate that shows a sex designation other than the one assigned at birth can be issued.
- Allow a person to indicate a sex designation of "M," "F," or "X" for a driver's license, state personal ID card, or new birth certificate, with no additional documentation or certification required.
- Allow driver's licenses and state personal ID cards to be reissued without charge to update a sex designation.

NEW LAWS

Since my last report on November 7, Governor Whitmer has signed an additional 122 bills into law for a total of 321 new statutes from the 102nd Legislature. Some highlights:

PA 199 - 201 implement gun regulation issues in domestic violence situations.

PA 202 - 208 and PA 286 are the laws collectively known as the Reproductive Health Act package.

PA 215 - 216 designates June 19 of each year as Juneteenth, in honor of the date when news of the January 1863 Emancipation Proclamation, which declared that all slaves in Confederate-controlled areas were free, reached the state of Texas in June 1865.

PA 226 – PA 227 permits precincts up to 4,999 population.

PA 237 permits certain graduate assistants to form labor unions.

PA 241-242 requires state agencies to provide materials for those with limited English proficiency

PA 243 – 244 removes the prohibition on PAC payroll deductions from public sector employees.

PA 251 – 262 are changes to election laws including prohibiting intimidation of election workers, contesting an election procedure, modify on-line voter registration, preregistration to vote at 16, clarify early voting procedures, and more.

PA 263 -270 modifying election laws to regulate use of artificial intelligence in political ads and prohibiting distribution of materially deceptive campaign media; require elected candidates to file a financial disclosure report before assuming office; permitting opt-out of automatic voter registration.

PA 277 – 278 makes institutional desecration a crime.

PA 281 – 284 requires certain public officeholders to file financial disclosure reports pursuant to a new constitutional amendment passed by voters.

PA 287 – PA 305 are bills to reform juvenile justice laws in Michigan recommended by a statewide gubernatorial task force.

UPDATES ON OTHER NEWS

Presidential Primary Ballot - Three Democrats and seven Republicans will appear on Michigan's February 27 major party presidential primary ballot along with "Uncommitted" after a failed legal challenge to keep former President Trump's name off the ballot. Nine days of early voting will be available for the first time. See www.michigan.gov/vote for information about voting.

Governor's SOTS and Budget Message – Governor Gretchen Whitmer presented her sixth State of the State address on January 24 to a joint session of the Legislature. In it she hailed the policy achievements of 2023 in the first Democratic majority Legislature in 40 years - on energy, abortion and LGBTQ protections; codifying the federal health care law into state law; having the state pick up the cost for breakfast and lunch for all public K-12 students (not just the lower-income already

covered under federal free-and-reduced lunch); rolling back the tax on retirement income; quintupling the Earned Income Tax Credit; and boosting the Budget Stabilization Fund.

Whitmer focused her proposals for 2024 on a significant expansion of the state's incentive programs to attract economic development and substantial but undefined new spending to ramp up the state's preschool program and postsecondary tuition assistance efforts. Rather than reducing the overall income tax rate, Whitmer suggested targeted tax breaks on new vehicles and up to \$5,000 for caregivers of family members.

In the **Governor's Proposed 2023-2025 Budget Message** given to a joint meeting of the House and Senate Appropriations Committees in the new Heritage Hall adjacent to the Capitol on February 7, the headline news was the modest proposed spending increases. Pandemic-fueled federal revenue is mostly gone or committed and the surplus in state revenues due to consumer spending after COVID has moderated.

The overall budget proposal for the 2024-25 fiscal year is \$80.7 billion gross, a bit smaller than the \$81.1 billion allocated so far for the 2023-24 fiscal year. General Fund spending would fall from \$15.1 billion in the current year to \$14.3 billion under the governor's budget. Schools got a 2.5 percent boost and local government a 5 percent increase. Appropriations Subcommittees in both chambers have begun hearings on specific department and program proposals that will culminate in May and June with a final proposed budget for adoption. Budget matters will take up most legislative time this winter and spring.

Redistricting Challenge – On December 21, 2023, a federal three judge panel of the U.S. District Court for the Western District of Michigan (all appointed by former President George W. Bush) issued a decision in *Ageev. Benson* (USWDM Docket No. 22-00272) ordering the Michigan Independent Redistricting Commission (MICRC) to redraw seven House districts - 1, 7, 8, 10, 11, 12 and 14 and six Senate district boundaries, all in and around Detroit.

The named plaintiffs are Black Leadership Matters led by former Rep. Sherry Gay-Dagnogo and several former legislators and activists. The lawsuit is financed in part by Republican-affiliated persons. Attorneys for plaintiffs are also Republican-affiliated. If just one House and/or one Senate district can be redrawn to favor Republicans, then Republicans can have a better chance of flipping one or both chambers to Republican control. The targeted House districts are currently held by 5 African Americans including the current Speaker of the House Rep. Joe Tate, one Hispanic female, and one gay white male.

The federal panel ruled the 2022 boundaries drawn by the MICRC violated the Equal Protection Clause of the U.S. Constitution's 14th Amendment because race predominated in the commission's mapping process. The MICRC has appealed the decision on an 8-5 vote to the U.S. Supreme Court.

Meanwhile, the MICRC reconvened and has put forward for public comment 10 possible maps only three of which are compliant with the federal Voting Rights Act (VRA) that requires race as a consideration to assure that racial minorities have an equal opportunity to elect candidates of their choice. The "Motown Sound" proposed VRA-compliant map is reportedly the best of the lot on both VRA and the partisan fairness factor required by Michigan's constitution.

Public comment can be registered at <https://www.michigan.gov/micrc/mapping-process-2024/draft-proposed-maps> until the end of February. Then new maps for the seven House districts will be

submitted to the court and reviewed by court-appointed Special Masters with a decision issued subsequently.

Candidates for the Michigan House must file by April 23 and need to know the boundaries of their proposed districts in advance of their filing. The six Senate districts will be redrawn at a later date since that election is not scheduled until 2026.

Michigan Abortion Restriction Laws Challenged – On February 6, **Northland Family Planning Center** filed suit against the state in the Michigan Court of Claims challenging three of the abortion restrictions that remain law in Michigan despite passage of the Reproductive Freedom for All constitutional amendment in 2022 and passage of most bills in the Michigan Reproductive Health Act package. The challenged laws mandate that abortion patients wait a minimum of 24 hours after an appointment before they can receive an abortion; a law forcing clinicians to dispense and patients to consume what the lawsuit labels as biased counseling before and after the 24-hour waiting period; and a prohibition on qualified advance practice clinicians providing abortion care.

Plaintiffs are represented by the Center for Reproductive Rights. Defendants named are Attorney General Dana Nessel, Department of Licensing and Regulatory Affairs Acting Director Marlon Brown and Department of Health and Human Services Director Elizabeth Hertel. Significantly, the plaintiffs in *Northland Family Planning Center* are not challenging Michigan's parental consent requirement nor Michigan's ban on having Medicaid cover abortion care. The judge assigned is Sima Patel from the Michigan Court of Appeals.

RTL-M challenge - In November 2023, **Right to Life of Michigan**, along with some Republican lawmakers and others opposed to Michiganders' right to abortion, filed a federal lawsuit seeking to invalidate and enjoin Section 28 of Article 1 of the Michigan Constitution, which became the law following the passage of Proposal 3 of 2022, the Reproductive Freedom for All constitutional amendment. The lawsuit names Attorney General Dana Nessel, Governor Gretchen Whitmer, and Secretary of State Jocelyn Benson as defendants. On January 30, the state filed a motion to dismiss saying the plaintiffs do not have standing to bring the lawsuit and other procedural and substantive objections.

Michigan False Elector Scheme Update – In July, 16 Republicans, including the party's former co-chair and its national committeewoman, were charged with felonies by a grand jury for their roles in an alleged false electors' scheme that sought to overturn now-President Joe Biden's 150,000+ vote victory in Michigan's 2020 election and award the state's electoral votes to candidate and then-President Donald Trump. All of them pled not guilty to charges of conspiracy, forgery, uttering and publishing, and election law forgery.

Subsequently one false elector, Jim Renner, decided to cooperate with the Attorney General and eight of his charges were dropped. He testified on February 14, the fourth day of preliminary examinations held in Lansing 54-A District Court. At stake in the preliminary exams is whether prosecutors can offer enough evidence to show probable cause a crime was committed and that the defendants committed the crime. It's generally a low bar in a criminal case, but given the novel nature of the charges, the outcome is anything but certain. Should the judge determine there is enough evidence, the defendants would move to the Ingham Circuit Court for trial.

AAUWMI Amicus Brief on Adopt and Amend – The AAUWMI joined the American Civil Liberties Union of Michigan, League of Women Voters of Michigan, National Employment Law Project, and Michigan State AFL-CIO in a Friend of the Court brief in *Mothering Justice v State of Michigan* on

appeal to the Michigan Supreme Court. Oral argument was held December 7. An opinion and order may be issued this spring.

Background - In 2017, two citizen groups began circulating initiative petitions to enact laws that would significantly benefit Michigan workers. Michigan One Fair Wage circulated a proposal that would, among other things, increase the minimum wage to \$12 per hour for all employees by January 1, 2022, increase the subminimum wage for tipped employees to \$12 per hour by January 1, 2024, and ensure that the minimum wage tracked inflation in the future. Michigan Time To Care circulated a proposal that would, among other things, grant employees one hour of paid sick time for every 30 hours worked. The AAUWMI endorsed both proposals and many members signed the petitions and/or worked to gather signatures.

In September 2018 the Republican majority in the legislature adopted the two voter-initiated laws, in effect keeping the two measures off the November 2018 ballot. After the November election in which voters elected a Democratic Governor and reduced the Republican majority in both chambers, the same legislature in lame duck session gutted both laws by amending them significantly. On minimum wage, the majority in the Legislature delayed the increase to \$12 per hour from 2022 to 2030, meaning that, adjusted for inflation, there would be effectively no increase at all. The majority in the Legislature also eliminated the provisions that required tipped employees to receive a \$12-per-hour minimum wage and deleted the requirement that minimum wage be adjusted for inflation. On paid sick leave, the majority in the Legislature eliminated businesses with under 50 employees from the law's coverage, slashed the amount of sick time that could be used by employees, dramatically reduced the number of families that were eligible to accrue paid sick time, and eliminated many of the permissible uses of paid sick leave.

If the high court decides it is not permissible for the Legislature to adopt and then amend a voter-initiated law in the same legislative session, then it will need to fashion a remedy that perhaps will mean the current Michigan minimum wage of \$10.33 an hour will leap to \$12 an hour for all workers, tipped and non-tipped, with economic repercussions for all employers and their minimum wage employees.

Ballot Issues Status – ***Axe MI Tax***, is circulating petitions for a constitutional amendment to repeal property taxes, earmark portions of state taxes to local government services, and require a two-thirds state legislative supermajority to raise taxes in the future. Most property taxes fund local government services like police and fire protection and education.

Citizens for Local Choice is circulating petitions for an initiated statute aimed at amending the recently adopted Clean and Renewable Energy and Energy Waste Reduction Act to restore local government control of large-scale renewable energy projects like solar arrays, battery storage, and wind turbines.

Raise the Wage petitions to amend the state's minimum wage law to \$15 an hour and end subminimum wages for tipped workers, workers with disabilities, and youth drew a deadlock of 2-2 from the Board of State Canvassers last year. It filed an appeal to the Michigan Supreme Court in October and awaits further decisions from the high court about whether its case can move forward.

ADVOCACY IS AAUW MISSION

The AAUW of Michigan Virtual Lobby Corps has been meeting most months on the **third Thursday of the month at 7 p.m. by Zoom** or teleconference phone to discuss and share federal and state public policy issues of interest to AAUW and report on local branch public policy activities. Recent guest speakers have included **U.S. Representative Elissa Slotkin (D-Holly)** in November 2023, **Lauren Gibbons, Bridge Michigan Capitol Reporter** in January 2024 and a presentation on **New Voting and Election Protection Opportunities for 2024** featuring **Bailey Rechler, Legal Fellow with Promote the Vote** at the February 2024 meeting.

The Lobby Corps is open to all AAUW members (and like-minded invited friends) and meets at [this link](#) or this phone number - 312 626 6799 (toll charges apply), meeting ID: 863 4245 5027; passcode: 574916.

Help us grow our influence by urging other AAUW members to get on the Virtual Lobby Corps mailing list by letting them know of our existence and letting me know of their email address.

The AAUWMI Lobby Corps Facebook private group is where I post breaking news and relevant articles from national and state media almost daily. Please Friend our [Facebook group](#).

Meet and contact your legislators – Research, education and advocacy are the primary mission and goals of AAUW. Advocacy means taking action on our political knowledge. AAUW is non-partisan, meaning we do not endorse or support candidates for elective public office or political parties. However, we are not values-neutral nor are we passive. We advocate for or oppose legislative or ballot measures based on our values as expressed in the national AAUW and AAUWMI Public Policy Priorities (PPP).

Sign up for your legislator's newsletters and attend their in-district meetings. Contact your legislator by phone or email and let them know you are an AAUW member and what your position is on the bills discussed above.

Find your State House member [here](#).

Find your State Senator [here](#)

Want to be even more powerful? Contact the whole Committee where a bill has been referred.

Find the Committee member information [here](#).

Want to contact the whole Michigan Senate or House? See the **New AAUW directories of the 2023-24 House and Senate** with every legislator's **email address** on the AAUWMI Web site [here](#). Copy and paste all legislators' email addresses from one column into one email. Some email programs have a limit of the number of addresses in one email so you may have to send your message to two or three groups of legislators.

Your voice matters. Legislative staff picking up the call or reading the email for the legislator keep track of what the caller supports or opposes and reports to the legislator what communications are coming in.

The best free source of Michigan legislative information is at www.legislature.mi.gov .

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