

GOP-Driven Legislation: Divisive Partisan Politics

In addition to the lightning-rod legislation that makes headlines each year, the Michigan House passes hundreds of other bills per session that go unnoticed. Many of these under-the-radar laws are good indicators of how well a representative votes his/her conscience or represents the will of his/her constituents. In recent history the Michigan House has been dominated by Republicans who are heavily financed by party-affiliated PACs and corporations and wealthy families—spending and quid pro quo influence far beyond anything common citizens can afford.

The summary below includes legislation that has become the GOP mainstay in recent years. Voting in lockstep on issues, the Republican bloc in the Michigan State House of Representatives has imposed an agenda on Michigan that does not represent the views of the general population. An in-depth analysis of recent legislation reveals a lack of connection between GOP politicians and issues of deep concern to their constituents in virtually every district in the state. The GOP has become the “Anti” party (anti-environmental regulations, anti-public education, anti-affordable health care, anti-social assistance programs, anti-reproductive rights, anti-immigration, anti-gay rights, anti-gun safety and more).

It is time for Democratic hopefuls to take back the reins and implement the changes their constituents are demanding. Citizens can ask no more, and no less, of their elected Representatives than to *represent them*.

Top Policy Positions of Michigan Republicans

The campaign promises of current GOP candidates hang on a handful of self-proclaimed “accomplishments.” While Republicans claim unprecedented “progress” and real “results,” the legislation they have passed bears witness to the reverse.

Campaign materials across the GOP candidate spectrum claim the following *debatable* major accomplishments:

- **4.2% Lowest unemployment rate in 17 years**

This claim is exceedingly misleading. While the unemployment rate dropped, so did the number of employed. "It bears noting that the state had over 300,000 more employed in 2000 than it does today," according to Michael McWilliams, University of Michigan's Research Seminar in Quantitative Economics. "The labor participation rate has drifted down further since the end of last year, meaning that a substantial part of the *drop in the state's unemployment rate came from Michiganders exiting the labor force rather than finding jobs*." Moreover, the economic recovery experienced is primarily due to how the *previous* administration responded to the

recession, which put our entire country back on the road to growth. Per the Bureau of Labor & Statistics, during the Obama administration's tenure, total employment in Michigan grew from 4.18 million to 4.63 million (10.8% post-recession), and during this administration, it has grown only another .04 million (1%).

Sources:

https://www.mlive.com/business/index.ssf/2017/11/michigan_economic_forecast_naf.html
https://data.bls.gov/timeseries/LASST260000000000005?amp%253bdata_tool=XGtable&output_view=data&include_graphs=true

- ***Most school funding in Michigan history***

According to the Michigan Education Association, “K-12 schools are expected to receive a per-pupil spending boost of approximately \$120-\$240 in next year’s state budget. However, none of the budgets address the fundamental shortchanging of Michigan students as identified in the recent study by the Michigan School Finance Research Collaborative. That study showed that *Michigan is underfunding an adequate education for students by as much as \$1,959 per student*. In an election year, politicians like to be able to talk about providing increased education funding – and this would be the largest increase school districts will have seen in several years. But it doesn’t correct the systematic underfunding of schools and our broken school funding system.”

Source:

<https://www.mea.org/election-year-budget-includes-increases-but-no-long-term-school-funding-fixes/>

- ***Road improvements***

The GOP gloats about the \$175 million supplemental state funding allocation for road improvements in the 2018 state budget. This amount is a token drop in the bucket compared to what is needed. Said Macomb County Executive Mark Hackel, “This is an unbelievable situation the state has put us in for decades,” he said. “Unfortunately, this Legislature owns the problem. To say \$175 million and celebrate that as a fix is disingenuous. . . . It gives an impression they’re solving the problem, but in reality, it’s not even close. It’s almost embarrassing.” Although there was a 2015 state bill to increase infrastructure funding to \$2.5 billion, the final allocation was a mere \$175 million. In opposition, Democrats proposed a series of amendments to the 2018 Budget Bill that would have added an additional \$150 million to improve Michigan’s roads, but they were outvoted by the Republican majority.

In the 2019 state budget signed by the governor on June 21, 2018, the legislature approved an additional \$300 million for roads and bridges. Denise Donohue, director of the County Road Association of Michigan, said that the amount is not

enough. She pointed to studies showing the need for extra road funding at about \$2.5 billion a year.

Sources:

<https://www.detroitnews.com/story/news/local/michigan/2018/03/20/michigan-road-funding/33105313/>

http://www.mlive.com/news/index.ssf/2018/04/michigan_house_passes_567b_bud.html?platform=hootsuite

<https://www.freep.com/story/news/local/michigan/2018/06/12/michigan-budget-potholes-roads/691327002/>

<https://www.michigan.gov/snyder/0,4668,7-277-57577-471365--,00.html>

- ***Honest and open government***

The House passed the Legislative Open Records Act (LORA) to extend the Freedom of Information Act to legislators, who are currently exempt. While noble in intent, this action is a ‘catch-up’ move because the state of Michigan has been called out repeatedly as the only state in the U.S. that exempts the governor, lieutenant governor, and legislators from FOIA requirements. Ultimately, the state senate bill to enact the legislation was stalled in committee, where Majority Leader Meekhof vowed to bury it.

Source:

<https://miopengov.org/2017/03/23/lora-bills-earn-unanimous-approval-State-house/>

Another example of lack of openness is that Michigan is one of only two states in the U.S. where legislators are not required to disclose their personal financial interests. As a result, legislators’ potential conflicts of interest are kept hidden as they sponsor and vote on bills. Democrats’ proposals to require such disclosure have gone nowhere in the GOP-led legislature.

Source:

<https://www.freep.com/story/news/local/michigan/2017/12/06/michigan-lawmakers-finances-unknown/926253001/>

In further opposition to its “open government” claim, the same GOP-led House passed anti-democratic bill HB 4177 to end the practice of printing party logos on election ballots. Party logos that appear alongside the candidates’ names help less literate voters to identify the candidates. Party logos are also used for straight-ticket voting, whereby a voter can check one box to vote for all the candidates of a particular party on the ballot. Research shows that African-American voters are more likely than voters of other races to cast a straight-ticket ballot and are more likely to vote Democratic than Republican. In 2015 in a strictly party-line vote, the Republicans passed a law to ban straight-ticket voting, but a federal appeals court issued a preliminary injunction to block temporarily the implementation of the law. The lawsuit is still pending, but by removing the party logos from the ballot, the Republicans are one step closer to eliminating straight-ticket voting.

Sources:

<http://www.legislature.mi.gov/documents/2017-2018/billanalysis/House/htm/2017-HLA-4177-1203EEB0.htm>

<https://www.michiganvotes.org/RollCall.aspx?ID=750280>

<https://democracychronicles.org/party-logos/>

<https://www.reuters.com/article/us-michigan-politics-straight-ticket/federal-judge-blocks-michigan-ban-on-straight-ticket-voting-idUSKBN1KM5YI>

- ***Fiscally responsible budget***

While the GOP lauded their 2018 Omnibus Budget bill as “fiscally responsible,” House Democratic Leader Sam Singh was driven to ask the House Republicans, as they passed a budget that does not adequately address Michigan’s roads, water, schools, or local communities, “Do you not hear your own citizens? Do you not hear the people of the State of Michigan?”

Source: <https://www.facebook.com/MIHouseDems/videos/1871074326259217/?t=0>

- ***Increased skilled-trade opportunities***

The GOP also voted along party lines in passing HB 5140, which requires school districts to give proprietary schools, community colleges and skilled-trade employers access to high school students’ directory information (unless a student’s parent did not sign the form permitting the student’s information to be included in the high school directory). Given recent Facebook and social media privacy violations, highly proprietary information should be treated with extreme care rather than widely distributed to profit-making businesses.

Source: <http://www.michiganvotes.org/2017-HB-5140>

- ***Addressing the opioid epidemic***

In 2015 U.S. Attorney Barbara McQuade revealed that Michigan was the origin point of a “drug pipeline” exporting opioids and heroin to Pennsylvania, Ohio, Kentucky, Tennessee, and even West Virginia. Additionally, Michigan continues to be one of the highest-ranking states in the U.S. for prescribing opioids. In that same year 1,275 people died from opioid and heroin-related overdoses in Michigan, 884 of which were attributed to opioid overdose—the 7th highest number of opioid deaths among the nation’s 50 states. By comparison, only 963 people died in car accidents in Michigan in 2015. While this bipartisan 10-bill package was long overdue in its passage, the Michigan State Medical Society stated, “Candidly, the legislation signed into law in the days after Christmas did not include many of the improvements for which MSMS and others in the medical community were advocating and will have some unintended consequences for patients and physicians.” According to the MSMS, the Legislature felt compelled to act quickly after the Governor announced the

formation of the Michigan Prescription Drug and Opioid Abuse Task Force. The MSMS wanted to further “secure reforms and regulatory guidance to simplify reporting and implementation, clarify expectations, and enable physicians to continue providing quality and compassionate care to their patients.” Meanwhile, as of 2018, Michigan ranks 6th worst state in the U.S. in terms of the number of providers who can prescribe medication to treat opiate addiction (such as buprenorphine)—a problem that is not being addressed by the legislature as the epidemic rages on. Clearly, more needs to be done in this area before anyone can claim any kind of victory over this out-of-control epidemic.

Sources:

<https://www.msms.org/About-MSMS/News-Media/michigans-opioid-epidemic-and-recent-prescribing-legislation-8>

<https://www.bridgemi.com/quality-life/michigan-falls-short-frontline-treatment-opioid-crisis>

GOP Legislative Legacy—Detailing the Damage

In addition to the top policy positions addressed above, the following section details specific legislation that Republicans have proposed in the Michigan State House in recent years—much of it below the radar of the citizens they purportedly represent. While not all of the bills were ultimately enacted (e.g., some stalled in the State Senate or were vetoed by the Governor), the proposed legislation and the votes in the House clearly demonstrate the policy positions of the Republican majority.

EDUCATION

Budget—Insufficient Funds

HB 4313 / HB 432—HB 4313 is the House version of the K-12 school aid, community college and university budgets for the fiscal year beginning October 1, 2017. (HB 4323 authorizes the rest of the state government budget.) HB 4313 appropriates a total of \$16.324 billion, of which \$1.838 billion is federal money. Of this total, \$14.309 billion goes to K-12 public education, compared to \$14.161 billion approved last year. Another \$1.619 billion is for state universities, compared to \$1.582 billion the prior year. Community colleges get \$395 million—the same as last year.

Passed House 60 – 47 on June 22, 2017

Subtext: GOP is taking credit for the “most school funding in Michigan history.” But according to the Michigan Education Association, “K-12 schools are expected to receive a per-pupil spending boost of approximately \$120-\$240 in next year’s state budget. However, none of the budgets address the fundamental shortchanging of Michigan students as identified in the recent study by the Michigan School Finance Research Collaborative. That study showed that Michigan is underfunding an adequate education for students by as much as \$1,959 per student.”

Anti-Public / Pro-Charter Schools

SB 574—Forces school districts to share funding from local millage fees (taxes voted to support K-12 schools) with charter schools, despite the fact that Michigan already has the most for-profit, deregulated charter schools in the country with some of the least oversight. With 70% of Michigan charter schools in the bottom half of state rankings, New York Times reporter Mark Binelli observed, “Even staunch charter advocates have blanched at the Michigan model.”

Passed House 55 – 52 on January 18, 2018

Source:

<https://www.nytimes.com/2017/09/05/magazine/michigan-gambled-on-charter-schools-its-children-lost.html>

SB 249—Prohibits a school district or local government from refusing to sell property to a charter or private school, or from taking other actions designed to keep these public-school competitors from using property for a lawful educational purpose. Prohibited actions could also include imposing deed or zoning restrictions. A number of local governments and conventional school districts have adopted such restrictions in the past.

Passed House 60 – 47 on June 20, 2017

Subtext: Forces a public-school district or local government to make land reserved for public schools available for sale to charter schools or private schools. Property set aside for schools is a precious commodity limited by population growth and extant building in neighborhoods where schools must be co-located. This bill guts the school district’s ability to keep those lands for the public’s use.

SB 702—Expands the definition of “deed restriction” in SB 249 prohibiting a school district or local government from refusing to sell property to a charter or private school, or from taking other actions designed to keep these public school competitors from using property for a lawful educational purpose. This bill closes loopholes that cities and school districts have used to avoid selling public land to charter schools.

Passed House 61 – 45 on January 11, 2018

Subtext: Doubles down on the pressure for public schools to sell public land to charter and private schools by tightening up the deed language in SB 249.

HB 4735—Revises a program that allows high school students to take a college course and get both college credit and high school graduation credit, with the cost paid by the state through the public school district, based on the average per-pupil state support to public schools. The bill extends this funding to a student in a county on the state line who takes a course from a college in the other state, or a charter school student whose school is located less than 20 miles from the college. It would also cap the amount paid to the college based on various factors.

Passed House 64 – 43 on October 17, 2017

Subtext: Forces public schools to cover the cost of charter school classes, in addition to classes taken at colleges close to another state’s borders in cases where the student gets credit at a charter high school for college courses.

HB 5384—Appropriates funds for a new Detroit school district. However, this bill authorizes only \$150 million for the new district and takes away the authority of the education commission to prevent low-performing schools from opening in Detroit and to ensure that schools are placed in underserved areas.

Passed House 55 – 54 on June 9, 2016

HB 4115—Education budget for 2015-2016 funds cyber schools at the same rate as conventional schools, even though their costs and performance are drastically lower.

Passed House 60 – 50 on April 29, 2015

Lower Teacher Credentials

Subtext of the following four bills: Part of a larger effort to dumb down teaching standards and avoid hiring highly skilled teachers already in the queue (and maybe already in the union).

SB 727—Revises a detail of a law that allows an individual to obtain an interim teaching certificate if, among other things, he or she is taking a training program deemed to be the equivalent of at least 12 college credit hours. The bill retains a requirement that the program have a “proven record of producing successful teachers,” but it removes a requirement that this record be proven “in one or more other states” and also removes a basic math and reading skills test.

Passed House 85 – 23 on March 22, 2018

HB 5142—Revises the law that defines who may work as a teacher. Allows an individual who holds a license or certification issued under or required by the state’s occupational licensure laws to teach in a career and technical education program without penalizing the school district in its state funding.

Passed House 74 – 36 on June 12, 2018

HB 4421—Revises the law that defines who may work as a substitute teacher. Allows an individual who holds or recently held a license issued under the state’s occupational licensure laws to be hired as a substitute to teach subjects related to this experience.

Passed House 62 – 47 on May 3, 2017

HB 4166—Repeals a law that requires intermediate school district special education programs to give preference in hiring to individuals who worked for a regular school district’s special education program, or one run by a state agency, but were laid off because it was discontinued.

Passed House 62 – 47 on April 27, 2017

Subtext: Allows districts to hire new, lower-paid teachers and ignore those who have been laid off.

Teachers’ Pensions Gutted

SB 401 / HB 4647—Overhauls the teacher retirement system. Replaces the current pension system with one requiring more cost-sharing. Limits state responsibility for the \$29.1 billion of unfunded pension fund liabilities. Leaves the teachers high and dry.

SB 40—Passed House 55 – 51 on June 20, 2017; HB 4647—Passed House 55 – 52 on June 15, 2017

Truancy Punished with Poverty

HB 4041—Punishes households with children who are persistently truant from school by withholding certain welfare payments—without consideration of the cause of truancy,

trying to remedy it, or allowing for appeal. Cutting cash assistance only worsens the problems of the poor, making it even less likely that kids will attend school.

Passed House on concurrence vote on June 2, 2015

Student Health at Risk

HB 4317—Allows high school students to replace a health education graduation requirement with a class on government health and safety regulations that apply to industry and construction, taught by the state agency in charge of enforcing those regulations.

Passed House 61 – 47 on March 30, 2017

Subtext: Allows students to avoid taking health class in which they might learn about (among other things) sexual responsibility, consent, drug abuse, etc.

SB 139—Deregulates school bake sales. Allows up to three such fundraisers per week, reversing healthy food trend in schools.

Passes House 66 – 43 on May 13, 2015

ANTI-WORKER

SB 353—Expands a law that prohibits local governments from imposing mandatory job application information requirements or restrictions on employers. Under this bill, those prohibitions now cover job interviews. Among other things, local governments cannot prevent employers from asking about a prospective employee's previous salary history during a job interview.

Passed House 62 – 46 on March 7, 2018

Subtext: This bill prevents local governments from restricting what companies can ask about in job interviews, including information about the job candidate's previous salary. This pro-business bill allows companies to negotiate an applicant's salary based on what he or she earned previously—not on the market-based pay range for the posted job, nor on the required qualifications, even if they are different from the qualifications of the applicant's previous job. For example, if you started work as an underpaid secretary but had the skills to do a marketing job, a potential employer could bargain from your prior secretarial salary rate, rather than what your skills would enable you to earn had you never been a secretary. This bill undercuts the ability of entire underpaid classes of workers, such as re-entry workers, skilled high school or college graduates, or women, to ever catch up to equal pay.

HB 5235—Prescribes deadlines by which employers must pay employees who earn wages paid on a regular monthly basis. Current law requires wages to be paid on the last day of the monthly pay period. Under this bill, employers have 9 extra days to process their payroll.

Passed House 70 – 39 on May 22, 2018

Subtext: GOP representatives made a conscious pro-business, anti-employee choice by allowing companies to legally “float” an employee’s check, i.e., keep the money in their own accounts for another 9 days before they process payroll.

HB 4052—Restricts local government regulation of employment conditions. This anti-worker pre-emption law bans cities and towns from improving on state standards for minimum wage, paid sick leave, etc.

Passed House 57 – 52 on May 20, 2015

ANTI-ENVIRONMENT

SB 652 / SB 653 / SB 654—Creates environmental rules committee, permit appeal panel, and science advisory board. Limits the Department of Environmental Quality’s (DEQ’s) ability to protect the environment and ensure Michigan’s future. One bill establishes a committee to make judgments on the reasonableness of DEQ’s rules. This 12-person committee is comprised of business members representing the solid waste industry, manufacturing, oil and gas, public utilities, etc., but only one environmental group member and one land conservancy member. The committee would have the authority to stop any DEQ action and amend any new rules with a simple majority vote. All attempts to soften this committee’s reach during voting sessions were rejected outright. These bills also establish a panel to oversee all permit appeals and a science-based group to advise the governor on environmental issues.

Passed House 57 – 51, 58 – 50, 59 – 49 respectively on May 22, 2018

Subtext: Sponsor Sen. Tom Casperson, whose logging industry family has a long history of conflict with environmental rule makers, said of the DEQ, “They need to be challenged” and they “are flat out lying,” while James Clift, policy director for Michigan Environmental Council, said, “Basically this is an effort by industry to be put in charge of regulating themselves.”

Source:

<https://www.michiganvotes.org/SearchVotes.aspx?CVN=10000&OV=False&StartDate=1%2F1%2F2017&Results=50&EndDate=6%2F6%2F2018&AP=False&EntityID=142208&Keywords=sb652&op=Search>
http://www.mlive.com/news/index.ssf/2018/01/michigan_deq_oversight_bills.html

SB 839—Allows mining companies to modify their facilities (e.g. shafts/tunnels) without applying for an amendment to their environmental permits.

Passed House 63 – 45 on May 15, 2018

Subtext: This bill was also sponsored by Senator Tom Casperson. Alice Yin from Associated Press writes, “Environmentalists oppose the legislation, suspecting it would give way to unlimited underground expansion, which they say could invite potential soil erosion, contaminated water or a mining site collapse.” Previously the rules accommodated visibility by the public prior to permitting. This bill jeopardizes the review process.

Source:

<https://www.seattletimes.com/business/michigan-house-votes-to-loosen-mining-permit-laws/>

SB 409—Authorizes 50-year "bottomland" leases to owners of single-family homes on Great Lakes shorelines who want to create a private, non-commercial, recreational harbor formed by a breakwater. Owners would have to pay 1 percent of the state equalized property value in an up-front lump sum payment every 25 years. The money would go into a segregated account that pays for parts of the Department of Environmental Quality's operations.

Passed House 59 – 48 on January 18, 2018

Subtext: This bill further privatizes Michigan's precious natural resources, allowing the creation of private recreational harbors along the Great Lakes shorelines.

HB 5095—Amends the Natural Resources and Environmental Protection Act. Dumbs down clean water regulations by lowering Michigan standards.

Passed House 66 – 42 on November 7, 2017

HB 4583—Takes roughly \$15 million from a fund to cover the cleanup costs of old leaking fuel tanks and transfers the money to remediate old abandoned paper mills and other properties. The fuel-tank fund has been raided before, so little will be left for its original purpose. All counties have some of these remaining 7,000 hazardous fuel tank sites, putting Michigan citizens at risk.

Passed House 61 – 46 on June 20, 2017

Source: <https://www.freep.com/story/news/local/michigan/2017/03/04/michigan-pollution-environmental-cleanup/98734330/>

HB 4215—Legalizes unattended running vehicles, thereby allowing unnecessary carbon emissions and posing safety risks.

Passed House 77 – 30 on May 2, 2017

PANDERING TO PACS AND LOBBYISTS

HB 5726—Amends the state law banning "pyramid promotional schemes" by clarifying the definition of "pyramid scheme." In a pyramid scheme, an individual pays to join the franchise and then derives compensation primarily from bringing other people into the scheme, rather than from selling products and services. Under this new law, pyramid schemes are now defined as those which would require participants to obtain unreasonable amounts of inventory that exceed what the participant could expect to resell for ultimate consumption or to consume in a reasonable time period, or both. The law also presumes that a program is *not* a pyramid scheme if it provides for an inventory repurchase program. This bill distinguishes pyramid schemes from allowable multi-level marketing programs (like Amway or Mary Kay cosmetics).

Passed House 88 – 19 on April 24, 2018

Subtext: How convenient/coincidental is it that this bill comes from a GOP-dominated legislature that has received hundreds of thousands of dollars from the foundations of the

DeVos family, who also happens to be the founder of Amway, an entity some have argued is one of the greatest pyramid schemes of all?

HB 4999—Prohibits localities from taxing foods and beverages—the “No Soda Tax” bill funded by the beverage industry. Pushes the problem of diabetes and obesity directly tied to consumption out into the future.

Passed House 101 – 7 on October 5, 2017

HB 4015—Repeals anti-ticket-scalping law. Average fans will be priced out if the big online resellers dominate the market.

Passed House 70 – 40 on March 25, 2015

VOTER SUPPRESSION / PACKING COURTS

HB 5669—Authorizes a few additional types of Voter ID, but doesn’t include commonly held municipal or county IDs, so Michigan’s voter suppression continues. (Michigan has one of the most restrictive election processes in the nation.)

Passed House 62 – 44 on March 15, 2018

Source:

<https://www.metrotimes.com/news-hits/archives/2018/01/28/why-a-new-coalition-is-calling-for-election-reform-in-michigan>

HB 4177—Removes party logos from ballots.

Passed House 63 – 46 on April 27, 2017

Subtext: Party logos that appear alongside candidates’ names help less literate voters to identify the candidates. Party logos are also used for straight-ticket voting, whereby a voter can check one box to vote for all the candidates of a particular party on the ballot. Straight-ticket voting is most popular in Flint and Detroit, where there are large concentrations of African American voters. In 2015 in a strictly party-line vote, the GOP-led legislature passed a law eliminating straight-ticket voting, but a federal appellate court issued a preliminary injunction blocking the implementation of that law. By eliminating party logos from the ballot, Republicans hope to strengthen their argument in the pending lawsuit. Evidence has shown that when a state repeals straight-ticket voting but keeps party logos on the ballot, some voters are confused and think that they can cast a straight-ticket vote by circling the logo. By eliminating the party logos, the GOP has eliminated one justification for keeping straight-ticket voting.

SB 525—Revises the number of judges in some circuit and district courts.

Passed House 63 – 43 on January 11, 2018

Subtext: Similar to gerrymandering voting districts, the party in power can manipulate judicial districts while they hold a majority position. By eliminating districts that tilt toward the other end of the political spectrum or by creating new districts in which they can make new partisan judicial appointments, the reigning political party can tip the scales in their

direction for years to come. Hence, there is a need to monitor those appointments carefully and seek balanced representation whenever possible.

ANTI-DEMOCRATIC / PRO-CITIZENS UNITED

SB 335—Revises provisions of Michigan campaign finance law to concur with the ruling of the U.S. Supreme Court in the *Citizens United* case. The *Citizens United* decision limited the power of Congress and state legislatures to restrict election-related political speech by corporations, including nonprofit groups with a political or ideological mission. The bill authorizes “independent expenditure committees” (“super-PACs”) that can advocate for a candidate or ballot initiative as long as they do not directly contribute to or coordinate with a candidate. Therefore, super-PACs can raise unlimited amounts of money to spend on their own independently-produced ads promoting their preferred candidates or attacking their opponents. Super-PACs are subject to campaign finance filings, but they do not have to disclose the identity of individuals who give to a nonprofit corporation that then contributes to the Super-PAC. There is no cap on spending or contributions, which can come from corporations and unions.

Passed House 62 – 45 on September 19, 2017

Subtext: Regurgitates the Supreme Court’s *Citizens United* ruling to allow corporations unlimited spending to influence campaigns. Allows super-PACs to take money from individuals without having to disclose their identities by funneling those contributions through a nonprofit corporation.

ANTI-STATES RIGHTS

HB 4205—Prohibits a state from adopting rules that are more stringent than federal standards, unless specifically required by state statute or if the department director determines that “the preponderance of the evidence” shows a need to do so. Republican Gov. Rick Snyder has vetoed previous versions of this proposal.

Passed House 57 – 50 on May 18, 2017

Subtext: This bill prohibits Michigan from passing regulations that are stricter than the federal government’s. For example, some states have enacted Clean Water Act provisions that are tougher than federal standards, and the current federal administration wants to force states to lower their standards to the EPA’s more lax levels. Note: This bill is an example of pre-emptive legislation generated by the libertarian American Legislative Exchange Council (ALEC). (See ALEC section below and separate ALEC research issue paper.)

ANTI-REPRODUCTIVE RIGHTS

HB 4500—Revises the state’s criminal sentencing guidelines to include an embryo and a fetus as a person and a victim when determining the number of victims among the factors on which sentences for violent crimes are assessed.

Passed House 63 – 44 on November 9, 2017

Subtext: By defining an embryo and a fetus as a person, the GOP is laying the legal groundwork for outlawing abortions under state law in the event that the Supreme Court overturns *Roe v. Wade* and states can then rule on the legality of abortion within the state jurisdiction.

SB 163—Requires the Secretary of State to develop a “Choose Life” license plate, with the profits from its sale spent on "life-affirming programs and projects."

Passed House 65 – 43 on May 25, 2017

Subtext: When will there be a commensurate “Pro-Choice” license plate option funded by the state?

HB 4787—Prohibits coercing a pregnant woman to have an abortion.

Passed House March 24, 2016

Subtext: Perpetuates the myth that women who seek abortions are coerced.

NO HEALTH INSURANCE FOR THE POOR

SB 897—Requires Medicaid recipients to work at least 80 hours per month to receive healthcare benefits. House Fiscal Agency estimates that 540,000 adults will be subject to the rules and projects that 5% to 10% of current recipients will drop out of the program and lose health insurance, forcing them to seek treatment in overcrowded and expensive emergency rooms. Michigan will need federal approval to implement the new work requirements, and the new law includes a trigger to end the Healthy Michigan program if the state is not able to obtain a waiver from the Trump administration. Affects households earning 133% of poverty level or below, which is \$33,000 per year for a family of four. Highly racist in effect, the bill impacts dense urban areas where populations are largely black, not the predominately white suburbs. Requires those exempted to file burdensome quarterly filings to repeatedly prove their exemptions.

Passed House 62 – 47 on June 6, 2018

Sources:

<https://www.detroitnews.com/story/news/local/michigan/2018/06/22/michigan-medicaid-work-requirement-law/726538002/>

<http://www.theoaklandpress.com/special-news-reports/20180504/potential-medicaid-requirements-in-michigan-pose-risk-for-thousands>

<https://www.nytimes.com/2018/05/08/opinion/michigan-medicaid-work-requirement.html>

ANTI-PRIVACY RIGHTS

HB 5140—Requires school districts to give representatives of proprietary schools, community colleges and skilled-trades employers access to student information in the high school directory, unless a parent has not signed a form permitting this information to be in the school directory.

Passed House 61 – 49 on December 13, 2017

Subtext: Given recent Facebook and social media privacy violations, highly proprietary information should be treated with extreme care rather than widely distributed to profit-making businesses.

CRIMINAL JUSTICE INEQUITY

HB 4119—Creates a new felony crime for a prisoner assaulting a prison or jail employee with “bodily materials” including spit, urine or feces, punishable by up to four years imprisonment.

Passed House 86 – 23 on January 31, 2018

Subtext: The vast majority of those incarcerated are poor minorities who cannot afford to hire adequate counsel, nor defend themselves from charges for acts performed while incarcerated. A felony for spitting? Private prison systems would be delighted to retain their inmates for four more years to increase their per capita profits.

SB 44—Adds retail fraud, dealing in stolen or embezzled property, and failing to make a court-ordered appearance to the violations for which a court may order a convicted person to reimburse the state or a local government for expenses related to the incident, including transportation costs.

Passed House 66 – 44 on December 13, 2017

Subtext: The vast majority of those incarcerated are poor and cannot afford to hire adequate counsel, nor defend themselves, much less pay for the cost of a bounty hunter for their failure to appear.

HB 4467—Reopens Baldwin, a private prison with terrible performance history, to out-of-state maximum-security prisoners.

Passed House 57 – 53 on May 7, 2015

Subtext: Private prison corporations are known to cut corners in the interest of profits, compromising the safety of all involved.

TAX CUTS

HB 4001—Would have cut the state income tax from the current 4.25% to 4.05% by January 1, 2019, and then would have reduced the rate further to 3.9 percent over the following two years, but only if legislators also maintained a \$1 billion balance in the state government rainy day fund.

Failed in the House 52 -55 on February 23, 2017

ANTI-IMMIGRANT

HB 4053—Establishes English as the official language.

Passed House 62 - 46 on February 22, 2018

Subtext: Positions Michigan as being anti-immigrant ("us versus them" stance).

ANTI-GUN SAFETY

HB 4416—Authorizes individuals to carry firearms without permits.

Passed House 59 - 49 on June 7, 2017

Subtext: Contains NRA-laden language such as "carry concealed." Even a number of GOP NRA supporters voted against this one.

SB 34—Amends concealed carry licensing procedures. Speeds up the process for obtaining a concealed gun permit.

Passed House 76 - 34 on February 25, 2015

Subtext: More concealed guns sooner.

HB 4151—Repeals age limit for possession of an air gun. Allows minors to possess and use BB guns away from home.

Passed House on February 5, 2015

ANTI-LGBQT

HB 4188 / HB 4189 / HB 4190—This bill package allows adoption agencies to deny services for religious reasons. A child-placing agency is not required to participate in an adoption that violates its written religious or moral convictions, including the adoption of a child by a homosexual. The state is prohibited from discriminating or taking action against such an agency. Specifically, an adoption agency with such a written policy is still eligible for state licenses.

All three bills passed House 65 - 44 on March 18, 2015; another version of HB 4188 passed House 65 - 44 on June 10, 2015, to concur with the Senate version

Subtext: Allows adoption agencies to bar LGBTQ couples from adopting a child—even a partner's biological child. This policy not only hurts the welfare of children; it also goes against the fundamental values and standards of social workers who work for the agencies that deny service.

AUTO INSURANCE FAILURE

HB 5013—Attempted to lower no-fault auto insurance premiums by doing away with mandatory unlimited personal injury protection (PIP) without adequate consideration to healthcare damage caps to cover costs for victims with serious injuries.

Failed in the House 46 – 63 on November 2, 2017

Subtext: This complex issue is of great concern to constituents throughout the state. Multiple attempts to resolve it have failed thus far. Suffice it to say, candidates will need to do their homework from auto insurance, health insurance and legal damages perspectives.

STATE BUDGET—SHORTCHANGED

HB 4102—Establishes state budget for fiscal years 2015 and 2016. Omnibus budget includes no amendments proposed by Democrats (e.g., on the environment or children’s healthcare) and no provision to reinstate revenue sharing with Detroit to enable the city to meet its obligations after bankruptcy.

Passed House 59 – 51 on April 28, 2015

SB 253—Appropriates supplemental funds for the fiscal year 2017-2018 budget.

Passed House 105 – 2 on October 31, 2017

Subtext: Adding only \$56.2 million to the budget inadequately addresses Michigan’s roads, water or true education costs—just pushes those problems out further into the future.

HB 4323—Establishes state budget for fiscal years 2018 and 2019.

Passed House 60 – 47 on May 2, 2017

Subtext: Omnibus budget inadequately addresses Michigan’s roads, water and true education costs—just pushes problems out further into the future.

JOB CREATION FAILURE

SB 242—Establishes tax incentives for job creation.

Passed House 71 – 35 on July 12, 2017

Subtext: Overly simplified tax credit for highly complex issue. Needs far more work. Split GOP-DEM votes on this legislation—little consensus.

ALEC Legislation—State GOP Gets Marching Orders

Lest anyone think that things could not get any less transparent, this final section deals with legislation introduced by a non-elected, business-driven body that actively subverts the sunlight rulemaking process across the country. The American Legislative Exchange Council (ALEC) is a national organization that writes "model" legislation, which ALEC then gives to lawmakers whose campaigns have received contributions from ALEC donors. ALEC promotes very conservative pro-business causes. The vision of ALEC is to privatize almost all functions of government, with the exception of national security. For example, eliminating public education, infrastructure, Medicare, Social Security, and government-run prisons are all goals of ALEC.

As described by *The Nation* in one of the first articles to expose the secretive ALEC organization back in 2011, "ALEC's model legislation reflects long-term goals: downsizing government, removing regulations on corporations and making it harder to hold the economically and politically powerful to account." And in an updated description on August 29, 2018, by the Center for Media and Democracy, "While it masquerades as a charity, ALEC is actually a powerful corporate-funded, pay-to-play group that brings lawmakers, lobbyists, and other right-wing groups together to vote side-by-side on bills that legislators then take back and introduce in their home states, usually without any public disclosure of their source. The Center for Media and Democracy teamed up with Common Cause in 2012 to file an IRS whistleblower complaint against ALEC, charging the group with tax fraud and massively underreporting its lobbying activity." ALEC very much remains a formidable behind-the-scenes power broker, celebrating its upcoming 45th Gala on September 26, 2018, at the Trump International Hotel, in Washington, D.C.

Sources:

<https://www.thenation.com/article/alec-exposed/>

https://www.sourcewatch.org/index.php/American_Legislative_Exchange_Council

<https://www.prwatch.org/news/2018/08/13386/%E2%80%9Cnonpartisan%E2%80%9D-alec-will-celebrate-45th-gala-gop-stars-and-lobbyists-trump-hotel>

ALEC consists of both corporate members and legislative members. Although ALEC claims to be bipartisan, the vast majority of legislative members are Republicans. Most of its funding comes from corporations, trade associations, and the foundations of very wealthy individuals. Entities controlled by the Koch brothers have been major donors, but many other right-wing groups also give substantial amounts. However, ALEC does not reveal its members, either corporate or legislative.

Insight into the following ALEC-driven legislation was made possible only because of a whistleblower back in the 2011 timeframe. That leak allowed researchers to compare model ALEC language with actual legislation introduced into the Michigan legislature, thereby demonstrating external interference in state government. Michigan bills from 2011 and 2012 with such direct links to ALEC models are discussed below.

Since that time ALEC has apparently made great strides in protecting its source data and controlling membership defections. Without access to ALEC models, it is difficult to say specifically which additional Michigan laws were written by ALEC rather than by elected Michigan legislators. However, in a separate document, Local Majority researchers have identified more recent Michigan legislation that reflects ALEC ideology. Many are preemption-style bills that prevent local governments from adopting regulations that are more progressive than state-level standards (e.g., a higher minimum wage). Such suspect bills bear watching by an involved Democratic legislature committed to *truly open government*.

ANTI-HEALTHCARE

HB 4693 / SB 973—HB 4693, introduced in the Michigan House in 2011, and SB 973, introduced in the Michigan Senate in 2012, are identical pieces of legislation. These bills pose a risk to thousands of Michiganders' access to affordable healthcare. Both would allow Michigan to enter into a healthcare compact—an effort to bypass and reject the Affordable Care Act, which gave expanded access to affordable healthcare to thousands of Americans by not permitting insurers to refuse coverage to any individual based on preexisting conditions, extending the time a young adult can stay on his or her parents' plan, and implementing reforms that will help lower overall healthcare costs. See SR 120 below for ALEC association.

HB 4693 referred to House Health Policy Committee on May 26, 2011; no further action

SB 973 referred to Senate Health Policy Committee on February 16, 2012; reported favorably without amendment to the Senate on March 20, 2012; no further action

SR 120—This resolution supports the passage of SB 973 (above), using almost identical language to an ALEC model that was presented and adopted by ALEC's Health and Human Services Task Force at the August 2011 meeting in New Orleans. It is unknown if the model has been officially approved by the ALEC Board of Directors.

Referred to Senate Health Policy Committee on February 21, 2012; reported favorably without amendment to the Senate on March 20, 2012; no further action

HB 4050—Introduced as The Michigan Health Care Freedom Act, HB 4050 is an attempt to take away thousands of Michiganders' access to affordable healthcare by allowing the state of Michigan to opt out of the Affordable Care Act. ALEC pushes the same idea in its model Freedom of Choice in Health Care Act.

Referred to House Health Policy Committee on January 13, 2011; no further action

ANTI-ENVIRONMENT AND ANTI-CONSUMER PROTECTION

HB 4601—Michigan’s HB 4601 strips away the rights of Michiganders who have been exposed to deadly asbestos by limiting the liability of the faulted corporation if the company has merged or consolidated with another corporation. HB 4601 shares exact language with much of ALEC’s model Successor Asbestos-Related Liability Fairness Act, including provisions that define an “asbestos claim” and describe the types of claims not covered by the bill. HB 4601 was included in ALEC’s 2011 legal reform legislative tracking document. One of ALEC’s long-time funders and corporate leaders is Crown, which is responsible for untold amounts of asbestos exposure. This bill is little more than a corporate giveaway that would benefit Crown and other corporations at the expense of the rights of Michiganders. It also reverses traditional components of corporate and contract law by allowing a corporation to buy the assets of another corporation but not the liabilities. It allows a corporation to secure its assets from injured Americans by transferring them to another corporation, while retaining its liabilities for the asbestos products from which it profited, thereby preventing injured American workers and consumers from holding the corporate assets to account.

Signed into law by Gov. Rick Snyder on April 10, 2012

HR 19—Resolution in Opposition to EPA’s Plan to Regulate Greenhouse Gases under the Clean Air Act (HR 19) ignores dangerous health and environmental risks associated with pollution and greenhouse gases, and instead calls for the EPA to stop regulating greenhouse gases. The resolution also calls on the U.S. Congress to adopt legislation prohibiting the EPA from regulating greenhouse gas emissions. ALEC has also called on the EPA to stop regulating polluters and its corporate sponsors, such as the Koch brothers and Exxon Mobil, in its model Resolution in Opposition to EPA’s Plan to Regulate Greenhouse Gases under the Clean Air Act.

Passed House 65 – 44 on March 2, 2011

HB 4936—The Consumer Choice Motor Vehicle Insurance Act (HB 4936) would put thousands of Michiganders at risk by allowing drivers to meet the state’s insurance requirements through the purchase of cheap insurance unlikely to be sufficient to cover the medical costs from a serious accident. The bill allows a minimum of \$250,000 in coverage, which immediate medical bills can easily exceed in a major collision, potentially imposing on state taxpayers the cost of medical care for seriously injured adults and children that would otherwise have been covered by insurance under Michigan’s long-standing rules. The bill’s primary and only sponsor, Rep. Peter Lund (R-36), is a member of ALEC’s Commerce, Insurance, and Economic Development Task Force—the same task force that adopted ALEC’s model Consumer Choice Motor Vehicle Insurance Act. Besides sharing the same name, both the ALEC model and HB 4936 allow automobile insurance customers to choose the level and type of personal liability insurance, regardless of the effect on taxpayers, who ultimately bear the cost of uncovered medical expenses, or on

hospitals, who cannot collect from patients who are unable to pay their bills. However, the bills are not identical in all of their components, just in their intent and primary objective. *Referred to House Insurance Committee on September 13, 2011; reported to House with substitute and recommendation to pass on October 13, 2011; no further action*

HR 134—This bill promotes a polluter agenda by allowing Michigan to pull out of the Midwestern Greenhouse Gas Reduction Accord, a cap-and-trade program to cut greenhouse gases and carbon-dioxide emissions. HR 134 shares exact language with ALEC’s model resolution State Withdrawal from Regional Climate Initiatives. Both Michigan’s HR 134 and ALEC’s model resolution use language that denies climate change and benefit ALEC’s corporate sponsors, such as Koch Industries, Exxon Mobil, and BP. *Referred to House Energy and Technology Committee on September 27, 2011; no further action*

VOTER SUPPRESSION

HB 5221—This bill attacks the basic civil rights of the elderly, students, immigrants, the poor and minorities by requiring Michiganders to provide evidence of U.S. citizenship (via a driver’s license, a birth certificate, or an ID card issued by the Department of State) in order to register to vote. States that have implemented such rules have created a catch-22 situation for some Americans by requiring a birth certificate to obtain a photo ID, and a photo ID to obtain a copy of a birth certificate. Such legislation has suddenly disenfranchised thousands of Americans who were born here and have been voting for years. HB 5221 shares exact language with ALEC’s model Taxpayer and Citizen Protection Act, including provisions that detail the appropriate forms of identification, who must show identification based on previous registration status, and how long a locality must hold a person’s citizenship information.

Referred to House Redistricting and Elections Committee on December 13, 2011

ANTI-IMMIGRATION

HB 4305—Michigan’s HB 4305 requires local governments to enforce federal immigration law and, therefore, interferes with local law enforcement’s ability to decide how best to allocate resources and with their community relations. HB 4305 borrows language from ALEC’s model Immigration Law Enforcement Act about verifying a person’s immigration status and turning undocumented immigrants over to the federal government. ALEC’s model bill is an abbreviated version of Arizona’s controversial SB 1070, parts of which were recently struck down by the U.S. Supreme Court.

Referred to House Judiciary Committee on February 22, 2011; no further action

HB 4024 / HB 4026—These two immigration bills are very similar to ALEC’s model Fair and Legal Employment Act in that they require state contractors and employment agencies to verify employees’ immigration status through the federal E-Verify system.

Conservatives such as Rep. Steve Chabot [R-Ohio] called an earlier version of E-Verify “1-800-Big-Brother” because system errors caused some citizens and documented workers to lose job offers from employers who knew them personally only because a faceless bureaucrat in Washington determined that their name was the same or similar to someone else’s.

Both bills referred to House Commerce Committee on January 13, 2011; no further action

ANTI-LABOR

SB 938—Prohibition on Compensation Deductions Act (SB 938) prohibits public employers from deducting or collecting union dues. The general intent of SB 938 is similar to ALEC’s model Prohibition on Compensation Deductions Act, which also prohibits public employers from deducting union dues for public workers. Not surprisingly, the bill was co-sponsored by ALEC’s former Michigan Chairman, Senator Tonya Schuitmaker.

Referred to Senate Reforms, Restructuring and Reinventing Committee on February 14, 2012; no further action

HB 4224—This bill would lower wage standards in Michigan by repealing Michigan’s prevailing wage law. ALEC’s model Prevailing Wage Repeal Act does the same thing. Prevailing wage laws are intended to achieve high-quality work on public projects by ensuring that high-quality contractors bid for government projects. Prevailing wage laws prohibit awarding government contracts to contractors who submit the lowest bid unless the contractor pays “prevailing wages,” which are based on union pay scales in a particular part of a geographic region. ALEC opposes prevailing wage, living wage, minimum wage, and other laws that provide protection for workers who have little power to negotiate for wages. *Referred to House Oversight, Reform, and Ethics Committee on February 10, 2011; no further action*

Legislative update: After years of anti-labor efforts to repeal Michigan’s prevailing wage law, the GOP-led legislature just succeeded by passing Legislative Initiative Petition 2 on June 6, 2018.

CONSTITUTIONAL CONVENTION AND AMENDMENTS

SCR 14—Michigan’s SCR 14 is a dangerous attack on traditional American federalism. It petitions the U.S. Congress to submit to the states for ratification a constitutional amendment that would establish a new process for amending the U.S. Constitution in the future. If ratified, Congress would be compelled to call a constitutional convention to consider a specific amendment proposed by at least two-thirds of the nation’s state legislatures, i.e., whenever 33 or more states (regardless of their population size) propose an identical single-issue constitutional amendment. At the convention the states would vote on that specific amendment. Passage would require approval by three-fourths of the states (38 states). Originally promoted by the Tea Party, this new process would allow state

legislatures to call for the repeal of any federal law with which they disagree—a dangerous situation when the controlling party has gerrymandered the state legislative districts so that the state legislature no longer reflects the opinions of the majority of the state’s population. For example, states that are dominated by energy corporations could use this procedure to repeal longstanding national environmental regulations that protect America’s clean water and air.

Referred to Senate Government Operations Committee on April 12, 2011; no further action

Sources:

<https://www.michiganvotes.org/Legislation.aspx?ID=131319>

<http://www.legislature.mi.gov/documents/2011-2012/concurrentresolutionintroduced/Senate/htm/2011-SICR-0014.htm>

<https://www.nytimes.com/2010/12/20/us/politics/20states.html?scp=1&sq=amendment%20repeal&st=cse>

SCR 26 / SR 115—SCR 26 and SR 115 both call on the U.S. Congress to pass a balanced-budget amendment to the U.S. constitution. Critics say that such an amendment would limit the government’s ability to respond to emergencies and eliminate flexibility in hard times. ALEC’s model Balanced Budget Amendment Resolution also calls on Congress to pass a balanced-budget amendment. ALEC member Goeff Hansen pushed both resolutions in order to cut government spending, yet Hansen had no problem using taxpayer money to pay ALEC membership dues four times between 2005 and 2009.

Both resolutions referred to Senate Government Operations Committee on February 8, 2012; both reported favorably without amendment to Senate on February 22, 2012; substitute for SR 115 offered on March 20, 2012; no further action

ANTI-SAFETY NET PROGRAMS

HB 4409—This right-wing bill targets the poor and Michigan’s basic safety net programs. Both Michigan’s HB 4409 and ALEC’s model Time Limits on TANF Benefits set a 48-month time limit on benefits for state welfare recipients. It is not surprising that Rep. Ken Horn (R-94), the bill’s primary sponsor, is an active ALEC member, and co-sponsors Rep. Kenneth Kurt (R-58) and Rep. Matt Lori (R-59) sit on ALEC’s Health and Human Services Task Force—the same task force that created the ALEC model legislation.

Signed into law by Gov. Rick Snyder on September 6, 2011

PRIVATIZATION

HB 4453—This bill is a step towards privatizing government services by prohibiting government entities from competing against private companies. In addition to potential layoffs of public workers in Michigan, the bill also creates penalties for government entities that do not outsource traditional public services. Such legislation forces more tax dollars to be spent on funding private corporations at public expense. HB 4453 is similar to ALEC’s

model Competitive Contracting of Public Services Act, and two of the three co-sponsors are active members of ALEC.

Referred to House Oversight, Reform, and Ethics Committee on March 16, 2011; no further action

PARENTAL RIGHTS

HCR 11—This resolution supports the Parental Rights Amendment, which would allow parental decisions to supersede government regulations regarding the education and care of children, such as the requirement for vaccinations prior to enrollment in public school.

Passed House 71 – 39 on June 12, 2012; referred to Senate Government Operations Committee on June 13, 2012; no further action

Legislative update: Opponents of the Parental Rights Amendment (which has been reintroduced and tabled for many years) argue that the amendment and its broad language would actually legitimize corporal punishment and allow parents to abuse and neglect their children. Conversely, Democrats put the child’s rights above the parents’ rights. In March 2018, Michigan Democrats sponsored Senate Joint Resolution Q to establish “the best interests of the child” as the standard for determining whether parental rights should be terminated in child custody proceedings, juvenile justice cases and cases of child abuse and neglect.

Source:

<https://www.mackinac.org/constitutional-amendments-on-parents-rights-state-university-boards-more>