



HOUSE OF REPRESENTATIVES

COMMITTEE ON JUDICIARY

REP. KELLY A BREEN

CHAIR

COMMITTEE MEETING MINUTES

Wednesday, March 8, 2023

10:30 AM

Room 521, House Office Building

The House Committee on Judiciary was called to order by Chair Breen.

The Chair requested attendance be called:

Present: Reps. Breen, Edwards, Tyrone Carter, Hope, Arbit, Dievendorf, Hoskins, Tsernoglou, Fink, Wendzel, Wozniak, Outman, Johnsen.

Absent: None.

Excused: None.

Representative Tsernoglou moved to adopt the meeting minutes from March 1, 2023. There being no objection, the motion prevailed by unanimous consent.

Representative Dievendorf moved to adopt the meeting minutes from March 1, 2023. There being no objection, the motion prevailed by unanimous consent.

The Chair laid HB 4003 and SB 4 before the committee:

HB 4003 (Rep. Hoskins)

A bill to amend 1976 PA 453, entitled "Elliott-Larsen civil rights act," by amending the title and sections 102, 103, 202, 203, 204, 205, 206, 207, 209, 301, 302, 302a, 402, 501, 502, 504, 505, and 506 (MCL 37.2102, 37.2103, 37.2202, 37.2203, 37.2204, 37.2205, 37.2206, 37.2207, 37.2209, 37.2301, 37.2302, 37.2302a, 37.2402, 37.2501, 37.2502, 37.2504, 37.2505, and 37.2506), the title as amended by 1992 PA 258, sections 102, 502, 504, 505, and 506 as amended by 1992 PA 124, sections 103 and 301 as amended by 1999 PA 202, section 202 as amended by 2009 PA 190, section 302a as added by 1992 PA 70, and section 402 as amended by 1993 PA 216.

SB 4 (Sen. Moss)

A bill to amend 1976 PA 453, entitled "Elliott-Larsen civil rights act," by amending the title and sections 102, 103, 202, 203, 204, 205, 206, 207, 209, 301, 302, 302a, 402, 501, 502, 504, 505, and 506 (MCL 37.2102, 37.2103, 37.2202, 37.2203, 37.2204, 37.2205, 37.2206, 37.2207, 37.2209, 37.2301, 37.2302, 37.2302a, 37.2402, 37.2501, 37.2502, 37.2504, 37.2505, and 37.2506), the title as amended by 1992 PA 258, sections 102, 502, 504, 505, and 506 as amended by 1992 PA 124, sections 103 and 301 as amended by 1999 PA 202, section 202 as amended by 2009 PA 190, section 302a as added by 1992 PA 70, and section 402 as amended by 1993 PA 216.

Representative Hoskins and Senator Moss testified in support of HB 4003 and SB 4. Questions and discussion followed.

Jay Kaplan representing the ACLU of Michigan testified in support of HB 4003 and SB 4. Questions and discussion followed.

Tom Hickson representing the Michigan Catholic Conference testified in opposition to HB 4003 and SB 4.

Wendy Block representing the MI - Chamber testified in support of SB 4.

Erin Knott representing the Equality Michigan testified in support of SB 4.

The following people submitted a card in support of HB 4003 and SB 4, but due to the time constraints were unable to speak:

Benjamin D. Orjada, representing the Young Democrats of Michigan.

The following people submitted a card in opposition to HB 4003 and SB 4, but due to the time constraints were unable to speak:

Austin Kreutz, representing the Bonltoeffen Forum.

Dawud Walid, representing the CAIR - MI.

Eileen McNeil, representing the Citizens for Traditional Values.

Julie Doll, representing the themselves.

The following people submitted a card in support of HB 4003, but due to the time constraints were unable to speak:

Akin Nzere Kwabena, representing the LGBT Detroit.

The following people submitted a card in opposition to HB 4003, but due to the time constraints were unable to speak:

Katherine Bussard, representing the themselves.

The following people submitted a card in support of SB 4, but due to the time constraints were unable to speak:

Dell Darnell, representing the themselves.

The following people submitted a card in opposition to SB 4, but due to the time constraints were unable to speak:

Bree Moeggberg, representing the her business and herself.

The following people submitted a card in support of HB 4003 and SB 4, but did not wish to speak:

Oakland County Executive David Coulter.

Beth Berglin, Initiatives & Public Policy Officer, representing the Kalamazoo Community Foundation.

Andy Johnston, representing the Grand Rapids Chamber.

Rachel Richards, representing the Michigan League for Public Policy.

Bill Flory, representing the Michigan Association for Justice.

Jennifer Smith, representing the Michigan Association of School Boards.

Yousef Rabhi, representing the Michigan Nurses Association.

Judy Karandjeff, representing the League of Women Voters.

Frank Foster, representing the Michigan Medicine.

Winston Feeheley, representing the DTE.

Brad Williams, representing the Detroit Regional chamber.

Jeff Stoutenburg, representing the Dow.

Kyle McCree, representing the Consumers Energy.

Brian Westrin, representing the Michigan Realtors.

Mary Pollock, representing the The American Association of University Women of Michigan.

The following people submitted a card in opposition to HB 4003 and SB 4, but did not wish to speak:

Stephanie Kreuz, representing the Heritage Action for America.

The following people submitted a card in support of HB 4003, but did not wish to speak:

John McNamera, representing the Michigan Restaurant and Lodging Association.

Sarah Woolsey, representing the themselves.

Joshua Ferguson, representing the themselves.

Jimmy Greene, representing the ABC Michigan.

The following people submitted a card in opposition to HB 4003, but did not wish to speak:

Cole Thompson, representing the themselves.

The following people submitted a card in support of SB 4, but did not wish to speak:

David Worthams, representing the Michigan Manufacturing Association.

The following people submitted a card in opposition to SB 4, but did not wish to speak:

Elizabeth Whitt, representing the Conway Township Clerk.

Representative Johnsen offered the following amendment to HB 4003:

1. Amend page 9, line 24, after "302." by inserting "**(1)**".

2. Amend page 10, following line 13, by inserting:

"(2) This section does not compel an individual to violate the individual's sincerely held religious beliefs."

Representative Johnsen moved to adopt the amendment to HB 4003. The motion did not prevail 5-8-0:

UNFAVORABLE ROLL CALL

Yeas: Reps. Fink, Wendzel, Wozniak, Outman, Johnsen.

Nays: Reps. Breen, Edwards, Tyrone Carter, Hope, Arbit, Dievendorf, Hoskins, Tsernoglou.

Pass: None.

Representative Wendzel offered the following amendment to HB 4003:

1. Amend page 5, following line 28, by inserting:

"(4) This section does not apply to an employer that is a religious corporation, association, society, or other organization, including an employer that is a religious school, college, university, educational institution, or other institution of learning, with respect to the employment of individuals of a particular religion to perform work connected with the carrying on of its activities."

Representative Wendzel moved to adopt the amendment to HB 4003. The motion did not prevail 5-8-0:

UNFAVORABLE ROLL CALL

Yeas: Reps. Fink, Wendzel, Wozniak, Outman, Johnsen.

Nays: Reps. Breen, Edwards, Tyrone Carter, Hope, Arbit, Dievendorf, Hoskins, Tsernoglou.

Pass: None.

Representative Outman offered the following amendment to HB 4003:

1. Amend page 11, line 9, after "402." by inserting **"(1)"**.

2. Amend page 12, following line 9, by inserting:

"(2) This section does not apply to an educational institution operated by a religious corporation, association, society, or other organization, or an educational institution that is a religious school, college, university, or other institution of learning, with respect to the services, activities, or programs provided by the educational institution."

Representative Outman moved to adopt the amendment to HB 4003. The motion did not prevail 5-8-0:

UNFAVORABLE ROLL CALL

Yeas: Reps. Fink, Wendzel, Wozniak, Outman, Johnsen.

Nays: Reps. Breen, Edwards, Tyrone Carter, Hope, Arbit, Dievendorf, Hoskins, Tsernoglou.

Pass: None.

Representative Fink offered the following amendment to HB 4003:

1. Amend page 16, following line 22, by inserting:

"Enacting section 2. This amendatory act does not take effect unless House Bill No. 4075 of the 102nd Legislature is enacted into law."

Representative Fink moved to adopt the amendment to HB 4003. The motion did not prevail 5-8-0:

UNFAVORABLE ROLL CALL

Yeas: Reps. Fink, Wendzel, Wozniak, Outman, Johnsen.

Nays: Reps. Breen, Edwards, Tyrone Carter, Hope, Arbit, Dievendorf, Hoskins, Tsernoglou.

Pass: None.

Representative Arbit moved to report out HB 4003 with recommendation. The motion prevailed 8-3-2:

FAVORABLE ROLL CALL

Yeas: Reps. Breen, Edwards, Tyrone Carter, Hope, Arbit, Dievendorf, Hoskins, Tsernoglou.

Nays: Reps. Fink, Outman, Johnsen.

Pass: Reps. Wendzel, Wozniak.

Representative Wozniak offered the following amendment to HB 4003:

1. Amend page 8, following line 16, by inserting:

"Sec. 208. A person subject to this article may apply to the commission for an exemption on the basis that religion, national origin, age, height, weight, ~~or sex,~~ **sexual orientation, or gender identity or expression** is a bona fide occupational qualification reasonably necessary to the normal operation of the business or enterprise. Upon sufficient showing, the commission may grant an exemption to the appropriate section of this article. An employer may have a bona fide occupational qualification on the basis of religion, national origin, ~~sex, age, or marital status,~~ **age, height, weight, marital status, sex, sexual orientation, or gender identity or expression** without obtaining prior exemption from the commission, provided that an employer ~~who~~**that** does not obtain an exemption ~~shall have~~**has** the burden of establishing that the qualification is reasonably necessary to the normal operation of the business.".

Representative Wozniak moved to adopt the amendment to HB 4003. The motion did not prevail 5-8-0:

UNFAVORABLE ROLL CALL

Yeas: Reps. Fink, Wendzel, Wozniak, Outman, Johnsen.

Nays: Reps. Breen, Edwards, Tyrone Carter, Hope, Arbit, Dievendorf, Hoskins, Tsernoglou.

Pass: None.

Representative Johnsen offered the following amendment to SB 4:

1. Amend page 9, line 24, after "302." by inserting "**(1)**".

2. Amend page 10, following line 13, by inserting:

"(2) This section does not compel an individual to violate the individual's sincerely held religious beliefs."

Representative Johnsen moved to adopt the amendment to SB 4. The motion did not prevail

5-8-0:

UNFAVORABLE ROLL CALL

Yeas: Reps. Fink, Wendzel, Wozniak, Outman, Johnsen.

Nays: Reps. Breen, Edwards, Tyrone Carter, Hope, Arbit, Dievendorf, Hoskins, Tsernoglou.

Pass: None.

Representative Wendzel offered the following amendment to SB 4:

1. Amend page 5, following line 28, by inserting:

"(4) This section does not apply to an employer that is a religious corporation, association, society, or other organization, including an employer that is a religious school, college, university, educational institution, or other institution of learning, with respect to the employment of individuals of a particular religion to perform work connected with the carrying on of its activities."

Representative Wendzel moved to adopt the amendment to SB 4. The motion did not prevail 5-8-0:

UNFAVORABLE ROLL CALL

Yeas: Reps. Fink, Wendzel, Wozniak, Outman, Johnsen.

Nays: Reps. Breen, Edwards, Tyrone Carter, Hope, Arbit, Dievendorf, Hoskins, Tsernoglou.

Pass: None.

Representative Outman offered the following amendment to SB 4:

1. Amend page 11, line 9, after "402." by inserting "(1)".

2. Amend page 12, following line 9, by inserting:

"(2) This section does not apply to an educational institution operated by a religious corporation, association, society, or other organization, or an educational institution that is a religious school, college, university, or other institution of learning, with respect to the services, activities, or programs provided by the educational institution."

Representative Outman moved to adopt the amendment to SB 4. The motion did not prevail 5-8-0:

UNFAVORABLE ROLL CALL

Yeas: Reps. Fink, Wendzel, Wozniak, Outman, Johnsen.

Nays: Reps. Breen, Edwards, Tyrone Carter, Hope, Arbit, Dievendorf, Hoskins, Tsernoglou.

Pass: None.

Representative Fink offered the following amendment to SB 4:

1. Amend page 16, following line 22, by inserting:

"Enacting section 2. This amendatory act does not take effect unless House Bill No. 4075 of the 102nd Legislature is enacted into law."

Representative Fink moved to adopt the amendment to SB 4. The motion did not prevail 5-8-0:

UNFAVORABLE ROLL CALL

Yeas: Reps. Fink, Wendzel, Wozniak, Outman, Johnsen.

Nays: Reps. Breen, Edwards, Tyrone Carter, Hope, Arbit, Dievendorf, Hoskins, Tsernoglou.

Pass: None.

Representative Wozniak offered the following amendment to SB 4:

1. Amend page 8, following line 16, by inserting:

"Sec. 208. A person subject to this article may apply to the commission for an exemption on the basis that religion, national origin, age, height, weight, ~~or sex~~, **sexual orientation, or gender identity or expression** is a bona fide occupational qualification reasonably necessary to the normal operation of the business or enterprise. Upon sufficient showing, the commission may grant an exemption to the appropriate section of this article. An employer may have a bona fide occupational qualification on the basis of religion, national origin, ~~sex, age, or marital status, height and weight~~ **age, height, weight, marital status, sex, sexual orientation, or gender identity or expression** without obtaining prior exemption from the commission, provided that an employer ~~who~~ **that** does not obtain an exemption ~~shall have~~ **has** the burden of establishing that the qualification is reasonably necessary to the normal operation of the business.".

Representative Wozniak moved to adopt the amendment to SB 4. The motion did not prevail 5-8-0:

UNFAVORABLE ROLL CALL

Yeas: Reps. Fink, Wendzel, Wozniak, Outman, Johnsen.

Nays: Reps. Breen, Edwards, Tyrone Carter, Hope, Arbit, Dievendorf, Hoskins, Tsernoglou.

Pass: None.

Representative Dievendorf moved to report out SB 4 with recommendation. The motion prevailed 8-3-2:

FAVORABLE ROLL CALL

Yeas: Reps. Breen, Edwards, Tyrone Carter, Hope, Arbit, Dievendorf, Hoskins, Tsernoglou.

Nays: Reps. Fink, Outman, Johnsen.

Pass: Reps. Wendzel, Wozniak.

There being no further business before the committee, Chair Breen adjourned the meeting at 11:56 AM.

Representative Kelly Breen, Chair

Melissa Sweet
Committee Clerk
msweet@house.mi.gov

Date Adopted: March 15,
2023