

Michigan religious freedom bill stalls in lame-duck session

By Kathleen Gray, Detroit Free Press Lansing Bureau 7:40 p.m. EST December 17, 2014



(Photo: Detroit Free Press)

LANSING – Some powerful voices are aligned on both sides of the Religious Freedom Restoration Act, but it appears the bill that provides protections for "sincerely held religious beliefs" will die for the year.

Senate Majority Leader Randy Richardville, R-Monroe, hasn't put the issue on the agenda and said he's not inclined to include it in the final days of the lame-duck session. If it's not today, it dies for the year, but it can be reintroduced next year.

"We've got these young, fresh people who just got elected clamoring to take on difficult issues, and we took most of them off the plate the last four years," he said. "There's not much left for them to work on. But they might get a chance with this one."

Richardville's reluctance to take up the bill comes as 15 senators — 14 Republicans and one Democrat (Sen. Tupac Hunter, D-Detroit) — signed a letter to Richardville asking him to take up the matter. The bill would need 20 votes to pass.



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"We're just asking that we'd like the chance to consider the matter," said Sen. Tom Casperson, R-Escanaba. "But at this point, I'm going to respect Randy's leadership. It's a call he has to make."

Gov. Rick Snyder also doesn't seem to be very enthusiastic about the measure. He told the Free Press this week that he would have rather taken a look at the measure if it was coupled with an expansion of the Elliott Larsen Civil Rights Act to include sexual orientation.

"If they're separate, I would say I'm going to have a different degree and a different perspective on how I would review something like that than if they were part of a package," Snyder said. "To the degree the speaker was trying to address Elliott-Larsen that would have been part of a solution. It probably would have gotten a more constructive review, or positive review."



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Speaker of the House Jase Bolger, R-Marshall, introduced the Religious Freedom Restoration Act last month in conjunction with another bill that would have expanded the civil rights act to the lesbian, gay and bisexual community. The act prohibits discrimination in the areas of hiring and housing.

But Democrats declined to support that bill because it didn't include the entire LGBT community, excluding transgender individuals, and there weren't enough Republican votes to pass the measure without some votes from Democrats.

So the Elliott-Larsen bill died, but the religious freedom bill passed the House on a straight party-line vote with Republicans supporting the bill and Democrats opposing it.

Supporters say it has been federal law for 20 years as well as established law in 19 states. It's meant to protect primarily business people from civil sanctions if they refuse to provide services based on their sincerely held religious beliefs.

The one Michigan case that could apply to the RFRA law involved an Eastern Michigan University student getting a master's degree in counseling. She was expelled from the university in 2009 after asking that gay students seeking counseling be referred to someone else because of her religious beliefs on gay and lesbian lifestyles.

She sued and ultimately settled with the university for \$75,000. But a RFRA law could be cited as justification for the refusal to counsel gay and lesbian students.

Other examples from other states include the owner of a New York special event facility that was sued after refusing to host a same-sex marriage at the facility or the baker who didn't want to make the wedding cake for same-sex nuptials.

"The law is helpful to ensure that the government has to show a compelling interest to restrict people's religious liberty rights," said David Maluchnik, spokesman for the Michigan Catholic Conference, which supports the bill.

Opponents of the bill have said religious protections are already guaranteed by the U.S. and state constitutions and that the bill could end up allowing discrimination by people who are imposing their religious beliefs on others.

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