



Michigan House approves Religious Freedom Restoration Act in party-line vote

Jase Bolger

Michigan House Speaker Jase Bolger, R-Marshall (*MLive File Photo*)

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LANSING, MI — Michigan's Republican-led House on Thursday approved a proposed "Religious Freedom Restoration Act," which supporters say is intended to limit government laws that may burden an individual's free exercise of religion.

The fast-tracked bill, sponsored by House Speaker Jase Bolger, was introduced last month and **advanced out of committee** earlier Thursday. It now heads the Senate for consideration.

The 59-50 party-line House vote occurred just one day after competing proposals to add gay rights protections to Michigan's anti-discrimination law stalled in committee due to a dispute over including transgender residents.

Bolger, who had indicating he would only support the narrower version of the anti-discrimination bill, said he was sad to see it fail but still felt it important to move ahead with the religious freedom proposal.

"I support individual liberty and I support religious freedom," Bolger said during committee testimony. "I have been horrified as some have claimed that a person's faith should only be practiced while hiding in their home or in their church."

Bolger emphasized that his religious liberty bill would not provide "a license to discriminate," but critics argued it would do exactly that by subjecting any number of state laws and local ordinances to legal challenge.

"Some religions have preached hate. Some religions have preached war. Some religions have preached discrimination," said state Rep. Jeff Irwin, D-Ann Arbor. "...I oppose this bill because it puts government in the role of deciding which religions are bonafide and which religions are not."

The Michigan RFRA, **modeled after a federal version** that the Supreme Court has ruled does not apply to

states, would establish a two-part balancing test for legal challenges, according to Bolger.

An individual would have to prove that a law substantially burdened their sincerely held religious belief. The government could then prove it had a compelling interest for enacting the law, and that the law achieved a policy goal using the least restrictive means possible.

Bolger said his bill would help protect Jewish butchers who were prohibited from following Kosher tenets, for example, or Christian pastors who were prohibited from feeding homeless residents due to local food safety rules.

An ACLU of Michigan attorney told MLive the RFRA could allow a landlord who was forced to rent to a single mother to sue their city on religious grounds. In a separate briefing, the ACLU said RFRAs in other states have been cited by pharmacists who refused to dispense birth control.

"I should not be forced to follow the religion of my pharmacist," said state Rep. Vicki Barnett, D-Farmington Hills.

Future Speaker Kevin Cotter, R-Mt. Pleasant, spoke in support of the religious freedom proposal, arguing that opponents were using scare stories to "incite fear." Case law suggests far-fetched suits against government laws would not survive in court, he said.

"The ability to bring a case is a right that we all enjoy," Cotter said. "But there is a difference between filing a case and winning a case."

Also Thursday, the House approved a Republican-backed "conscience protections" package, ensuring that faith based adoption agencies will not be required to perform adoptions if they have religious objections.

A Democrat-sponsored bill guaranteeing that a student who misses a day of school due to a religious holiday can still qualify for a perfect attendance award was also approved.

The Michigan Catholic Conference celebrated all three votes and praised the House for action.

"Religious liberty is neither right nor left, liberal or conservative," Tom Hickson, vice president for public policy and advocacy, said in a statement. "The free exercise of religion without threat of government interference is paramount and deserves swift consideration from the State Senate."

Senate Majority Leader Randy Richardville, R-Monroe, said that his caucus would discuss the religious freedom bill once it passed the House and consider whether to act in the upper chamber.

"It's relatively new back on the radar screen," Richardville told reporters. "I know it was part of the conversation with Elliott-Larson, now it's going without Elliott-Larson, so I really want to see what my caucus

thinks about it before I say too much."

Senate Minority Leader Gretchen Whitmer, in a Facebook post earlier Thursday, expressed frustration that the religious freedom bill was advancing despite the stalled gay rights bill, which Bolger has blamed on "leftist extremists" unwilling to support a version that would have left out language protecting transgender residents as well.

"There were religious leaders from all faiths at the Capitol yesterday calling on the legislature to end discrimination, not further sanction it," said Whitmer, D-East Lansing. "It's offensive enough that the Speaker won't allow the anti-discrimination to move forward despite a majority of the House willing to support it, but to try to justify it with religious intent is simply disgraceful."

The House and Senate are expected to hold their final session day of the year on December 18, concluding the so-called lame-duck session.

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