

THIS RESOLUTION IS OFFERED TO COMPLY WITH ARTICLE III, SECTION 8 OF THE CONSTITUTION OF THE STATE OF MICHIGAN OF 1963.

## HOUSE RESOLUTION NO. 25

Rep. Cole offered the following resolution:

1 A resolution to request an opinion of the Supreme Court of the  
2 state of Michigan pursuant to Article III, Section 8 of the  
3 *Constitution of the State of Michigan of 1963.*

4 Whereas, On July 30, 2018, the Department of State submitted  
5 to the Michigan Legislature a legislative initiative petition, an  
6 initiation of legislation to enact the "Earned Sick Time Act," for  
7 consideration under Article II, Section 9 of the *Constitution of*  
8 *the State of Michigan of 1963;* and

9 Whereas, On August 27, 2018, the Department of State submitted  
10 to the Michigan Legislature a legislative initiative petition, an  
11 initiation of legislation to enact the "Improved Workforce  
12 Opportunity Wage Act," for consideration under Article II, Section  
13 9 of the *Constitution of the State of Michigan of 1963;* and



1           Whereas, On September 5, 2018, the Senate and House of  
2 Representatives adopted the legislative initiative petition to  
3 enact into law the "Improved Workforce Opportunity Wage Act," which  
4 was subsequently assigned Public Act 337 of 2018, and will not take  
5 effect until March 29, 2019; and

6           Whereas, On September 5, 2018, the Senate and House of  
7 Representatives adopted the legislative initiative petition to  
8 enact into law the "Earned Sick Time Act," which was subsequently  
9 assigned Public Act 338 of 2018, and will not take effect until  
10 March 29, 2019; and

11           Whereas, On November 8, 2018, Senate Bill No. 1171 was  
12 introduced to amend the "Improved Workforce Opportunity Wage Act"  
13 created under Public Act 337 of 2018; and

14           Whereas, On November 8, 2018, Senate Bill No. 1175 was  
15 introduced to amend the "Earned Sick Time Act" created under Public  
16 Act 338 of 2018; and

17           Whereas, Senate Bill No. 1171 and Senate Bill No. 1175 of the  
18 2018 Regular Session of the Legislature were signed into law by  
19 Governor Rick Snyder on December 13, 2018, as Public Act 368 of  
20 2018 and Public Act 369 of 2018, respectively, and will not take  
21 effect until March 29, 2019; and

22           Whereas, On February 13, 2019, a request for a formal opinion  
23 was submitted to the Attorney General regarding the  
24 constitutionality of Public Act 368 of 2018 and Public Act 369 of  
25 2018, which amended legislative initiative petitions enacted by the  
26 Legislature during the same legislative session; and

27           Whereas, The House of Representatives has determined that  
28 important questions of law exist with respect to the  
29 constitutionality of Public Act 368 of 2018 and Public Act 369 of



1 2018; and

2       Whereas, Article III, Section 8 of the *Constitution of the*  
3 *State of Michigan of 1963* states:

4       Either house of the legislature or the governor may request  
5       the opinion of the supreme court on important questions of  
6       law upon solemn occasions as to the constitutionality of  
7       legislation after it has been enacted into law but before  
8       its effective date.

9 ; now, therefore, be it

10       Resolved by the House of Representatives, That the House of  
11 Representatives requests the Supreme Court of the state of Michigan  
12 issue an opinion, pursuant to Article III, Section 8 of the  
13 *Constitution of the State of Michigan of 1963*, on the following  
14 important questions of law pertaining to Public Act 368 of 2018 and  
15 Public Act 369 of 2018:

- 16       1. Does Article II, Section 9 of the *Constitution of the*  
17 *State of Michigan of 1963* permit the Legislature to enact  
18 an initiative petition into law and then subsequently  
19 amend that law during the same legislative session?  
20       2. Were Public Act 368 of 2018 and Public Act 369 of 2018  
21 enacted in accordance with Article II, Section 9 of the  
22 *Constitution of the State of Michigan of 1963*?

23 ; and be it further

24       Resolved, That the Speaker is authorized to engage counsel in  
25 furtherance of this request for an opinion from the Supreme Court  
26 of the state of Michigan and take all necessary steps incidental  
27 thereto; and be it further

28       Resolved, That copies of this resolution be transmitted to the  
29 Supreme Court of the state of Michigan.

