

SENATE RESOLUTION NO. 26

Senator Stamas offered the following resolution:

1 A resolution to authorize the Senate Majority Leader to
2 commence legal action, on behalf of the Senate, defending the
3 enforceability and constitutionality of Public Act 2 of 2021 and
4 Public Act 3 of 2021.

5 Whereas, The power to appropriate moneys is solely vested in
6 the Legislature; and

7 Whereas, On March 9, 2021, Governor Gretchen Whitmer approved
8 Enrolled House Bill No. 4047 (Public Act 2 of 2021) and Enrolled
9 House Bill No. 4048 (Public Act 3 of 2021), appropriating
10 supplemental funds for Fiscal Year 2021, but vetoed certain line
11 items; and

12 Whereas, The appropriation of certain funds within Public Act
13 2 and Public Act 3 of 2021 are conditioned on the enactment of

1 Senate Bill No. 1 and House Bill No. 4049; and

2 Whereas, On March 9, 2021, Governor Whitmer vetoed Enrolled
3 House Bill No. 4049. Governor Whitmer has indicated that she will
4 veto Senate Bill No. 1 as well; and

5 Whereas, Any attempt by Governor Whitmer to expend moneys that
6 she vetoed without further legislative approval or expend certain
7 funds without the enactment of Senate Bill No. 1 or House Bill No.
8 4049 would be contrary to both law and Michigan's constitutional
9 system; and

10 Whereas, Members of the Michigan Senate must defend the
11 Legislature's role to appropriate moneys and as a co-equal branch
12 of government in Michigan's constitutional system; now, therefore,
13 be it

14 Resolved by the Senate, That the Senate Majority Leader, in
15 his official capacity, is authorized to commence legal action on
16 behalf of the Senate, defending the enforceability and
17 constitutionality of Public Act 2 of 2021 and Public Act 3 of 2021,
18 and to take all necessary steps incidental thereto, including, but
19 not limited to, the pursuing or defending any appeals.