

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

SENATE RESOLUTION NO.16

Senators MacGregor and Daley 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 Senate has determined that important questions of
28 law exist with respect to the constitutionality of Public Act 368
29 of 2018 and Public Act 369 of 2018; and

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

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

8 ; now, therefore, be it

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

14 1. Does Article II, Section 9 of the *Constitution of the*
15 *State of Michigan of 1963* permit the Legislature to
16 enact an initiative petition into law and then
17 subsequently amend that law during the same legislative
18 session?

19 2. Were Public Act 368 of 2018 and Public Act 369 of 2018
20 enacted in accordance with Article II, Section 9 of the
21 *Constitution of the State of Michigan of 1963*?

22 ; and be it further

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

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