



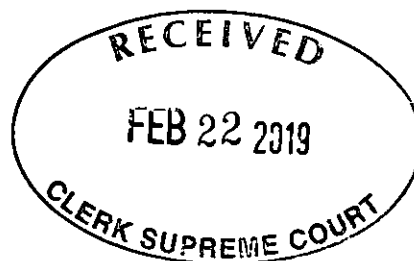
HOUSE OF REPRESENTATIVES
STATE OF MICHIGAN

GARY L. RANDALL
CLERK OF THE HOUSE

STATE CAPITOL
LANSING, MICHIGAN 48913
(517) 373-0135
FAX (517) 373-5930

February 20, 2019

Michigan Supreme Court



Re: Michigan House Resolution Number 25.

The Michigan House of Representatives has adopted the enclosed House Resolution. Per the direction of the House of Representatives, I am transmitting copies of the resolution to you.

Sincerely,

Gary L. Randall, Clerk
Michigan House of Representatives

GLR:dcs

Enclosures

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

Rep. Cole offered the following resolution:

House Resolution No. 25.

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

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

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

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

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

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

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

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

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

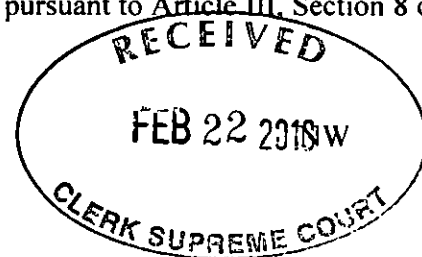
Whereas, The House of Representatives has determined that important questions of law exist with respect to the constitutionality of Public Act 368 of 2018 and Public Act 369 of 2018; and

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

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

; now, therefore, be it

Resolved by the House of Representatives, That the House of Representatives requests the Supreme Court of the state of Michigan issue an opinion, pursuant to Article III, Section 8 of



the *Constitution of the State of Michigan of 1963*, on the following important questions of law pertaining to Public Act 368 of 2018 and Public Act 369 of 2018:

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

; and be it further

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

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