

Order

Michigan Supreme Court
Lansing, Michigan

July 5, 2019

Bridget M. McCormack,
Chief Justice

159160
159201

David F. Viviano,
Chief Justice Pro Tem

In re HOUSE OF REPRESENTATIVES
REQUEST FOR ADVISORY OPINION
REGARDING CONSTITUTIONALITY OF
2018 PA 368 & 369

SC: 159160

Stephen J. Markman
Brian K. Zahra
Richard H. Bernstein
Elizabeth T. Clement
Megan K. Cavanagh,
Justices

In re SENATE REQUEST FOR ADVISORY
OPINION REGARDING CONSTITUTIONALITY
OF 2018 PA 368 & 369

SC: 159201

By order of April 3, 2019, the Clerk scheduled these cases for oral argument to be held July 17, 2019. The Court respectfully directs the Attorney General to file separate supplemental briefs by 5:00 p.m. on July 10, 2019, addressing both sides of the following questions: (1) whether this Court has jurisdiction to issue an opinion under Const 1963, art 3, § 8 after the effective date of legislation, compare *In re 2005 PA 71*, 479 Mich 1, 13 (2007) (“Because the House of Representatives requested an advisory opinion well before [the effective] date, this Court indisputably has jurisdiction under art 3, § 8 to render an advisory opinion in this matter.”), with 2 Official Record, Constitutional Convention 1961, p 3368 (Const 1963, art 3, § 8 “empowers the supreme court to furnish advisory opinions . . . only as to legislative acts that are already passed and signed by the governor, *and before they become effective.*”) (emphasis added); and (2) the stare decisis effect of *In re 2005 PA 71* on this determination, compare Const 1963, art 3, § 8 (“[T]he legislature . . . may request the opinion of the supreme court . . . as to the constitutionality of legislation”), with *Advisory Opinion on Constitutionality of 1975 PA 227 (Questions 2–10)*, 396 Mich 465, 477 (1976) (“An advisory opinion is not precedentially binding upon the Court and represents only the opinions of the parties signatory.”).



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I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

July 5, 2019

Clerk