STATE OF MICHIGAN
COURT OF CLAIMS

City of Detroit Police & Fire Retiree Health Care Trust, et al.,

Plaintiffs,

v.

Department of Labor and Economic Development, et al.,

Defendants,

No. 24-000097-MM

Hon. Christopher P. Yates

MACKINAC CENTER LEGAL FOUNDATION
Derk A. Wilcox (P66177)
140 West Main Street
Midland, MI 48640
(989) 631-0900
wilcox@mackinac.org
Attorneys for proposed amicus curiae

MOTION TO FILE AN AMICUS CURIAE BRIEF

MACKINAC CENTER LEGAL FOUNDATION'S
10/24/2024 MOTION TO FILE AN AMICUS CURIAE BRIEF

Proposed amicus curiae Mackinac Center Legal Foundation moves for leave to file the attached amicus curiae brief (Exhibit A) in partial support of Plaintiffs' position on summary disposition. In support, it states:

1. The Mackinac Center Legal Foundation is not affiliated with the Parties in any way.
2. The Mackinac Center Legal Foundation is a part of the Mackinac Center for Public Policy (MCPP).

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3. The MCPP is a Michigan-based, non-partisan research and educational institute advancing policies fostering free markets, limited government, personal responsibility, and respect for private property. The Center is a 501(c)(3) organization founded in 1987.
4. This matter involves interpretation of the Michigan Constitution's limitation on special and local acts which protects local governmental autonomy and curtails the legislative process of logrolling—a process which encourages earmarks and excessive spending that does not benefit the State as a whole.
5. The Michigan Court Rules and the Court of Claim's Local Rules do not directly address the filing of amicus curiae briefs in this Court of Claims. However, the Court of Appeal's Internal Operating Procedures state: "The Court not only permits the filing of amicus briefs at the application stage but encourages it." IOP 7.305(A)(10), p 10. This Court of Claims shares many features with the higher courts of appeal, and Amicus Curiae asks that this court share the Court of Appeals Office of the Clerk's published discretion and inclination. Accordingly, this motion is filed under the general motion Local Rule 2.119.
6. While Amicus Curiae agrees and supports Plaintiffs in their position that the grant at issue was wrongly disbursed, Amicus Curiae contends that the grant was an act which violates our Constitution and is fully null and void. More specifically, as set forth in the accompanying Brief attached as Exhibit A, the subject provisions of 2023 PA 119, art 9, part 2 § 308(2), violates Const 1963, Art IV, § 29 and Const 1963, Art IV, § 30.
7. Defendants filed a motion and brief for summary disposition under MCR 2.116(C)(8) and (10) on 8/16/2024, and Plaintiffs responded on 9/27/204. Amicus Curiae seeks to have the constitutional matters discussed in its attached Brief considered by this Court in making its decision.

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8. Pursuant to Local Rule 2.119(A)(2), proposed amicus curiae sought concurrence from the parties to file this motion. Plaintiffs concurred, but the State Defendants did not.

Amicus Curiae Mackinac Center Legal Foundation respectfully requests that it be allowed to file this Motion and Brief and for this Court to rule that the subject grant is null and void for the reason that it was unconstitutional.

Respectfully Submitted

Date: October 24, 2024

MACKINAC CENTER LEGAL FOUNDATION

By: /s/ Derk A. Wilcox
Attorneys for proposed amicus curiae
140 West Main Street
Midland, MI 48640
(989) 631-0900
wilcox@mackinac.org

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Midland, MI 48640
(989) 631-0900
wilcox@mackinac.org
Attorneys for amicus curiae

AMICUS CURIAE BRIEF

BRIEF OF AMICUS CURIAE MACKINAC CENTER LEGAL FOUNDATION

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I. INTRODUCTION AND SUMMARY OF THE ARGUMENT

Michigan's Constitution has long contained provisions banning the Legislature from enacting legislation meant to benefit specific entities and localities. Legislation is meant to apply generally and not benefit only certain groups of people and places. The constitutional provisions prohibiting these "local acts" go back to the Constitution of 1908, and similar provisions in other states predate our own. The purpose is two-fold – to allow for local self-government and to end the practice of earmarking and logrolling wherein legislators would support special favors for each other's districts in exchange for reciprocal favors. A 1914 opinion of the Supreme Court succinctly describes the purpose of these provisions:

> Considering the history of legislation under the Constitution of 1850, it is apparent that there had grown up a pernicious practice on the part of the Legislature to pass local acts. The practice was bad in two very important particulars. In the first place much of the legislation thus enacted constituted a direct and unwarranted interference in purely local affairs and an invasion of the principles of local self-government. In the second place, such legislation affecting as it did certain limited localities in the state, the Senators and Representatives from unaffected districts were usually complaisant, and agreed to its enactment without the exercise of that intelligence and judgment which all legislation is entitled to receive from all the members of the Legislature. This course led to many abuses (principally in amendments to city charters), some of which found their way into the courts, and were there redressed so far as the Constitution then in force would permit.

Attorney General v Lacy, 180 Mich 329, 337-338 (1914).

The Michigan Constitution does not categorically ban special or local acts; instead, it requires these acts pass by two-thirds of the votes in both houses of the Legislature. This supermajority requirement ensures broad-based support and increases the likelihood that the legislation is considered beneficial by a wide swath of the state.

Almost from the start, legislators attempted workarounds to pass local and special acts without the requisite two-thirds votes. These attempts met with limited success. One of the primary tactics was to avoid naming a city or county but, rather, describe it in terms of its current

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population such that there was only one locality that it could be describing. The courts struck down some attempts to circumnavigate the Constitution in this manner but allowed it in other cases, reasoning that population-based general legislation might be reasonable and allowable because localities have differing needs based on their population count. Arguably, for example, cities with over 500,000 people will have different needs than cities with only 2,000—hence a law that specifies that it is applicable to the larger city can be allowed with the (largely fictional) understanding that any city could grow to that size, and the law therefore remains one of general applicability. However, even in these cases, the population classification must be related to the purpose of the law. Population distinctions cannot be conjured out of thin air just for the purpose of passing specific or local legislation.

The practice has seemingly grown out of control in recent Michigan budgets. The recent 2025 budget act is very typical in this regard:[1]

> (b) The extent to which a proposed plan will create dense, walkable, vibrant spaces.
> (c) The extent to which zoning and code restrictions have been, or will need to be, modified to support high-density residential development.
> (d) The extent to which the proposed plan supports facilities and walkways that house or present cultural arts programs, performances, and exhibitions.
> (e) The extent to which the proposed plan provides mixed-income housing.
> (f) The likelihood of successful implementation of a proposed plan and its sustainability.
> (13) The department shall award funding to the following:
> (a) $18,000,000.00 in total less the amount retained for implementation costs to 1 project in each of the following cities:
> (*i*) A city with a population greater than 500,000 according to the most recent federal decennial census.
> (*ii*) A city with a population between 198,000 and 199,000 according to the most recent federal decennial census.
> (*iii*) A city with a population between 112,000 and 113,000 according to the most recent federal decennial census.
> (*iv*) A city with a population between 123,000 and 124,000 according to the most recent federal decennial census.

FY25 General Omnibus SB 747, PA 121 of 2024, Sec 528(13)(a)(i)-(iv).[2]

[1] This is not the budget or budgetary provision at issue in this matter. Rather, it demonstrates the extreme extent to which the geographic hairsplitting has become to award special and local interests.

[2] The entire budget can be accessed here: https://www.michigan.gov/budget/-/media/Project/Websites/budget/Fiscal/Final-Signed-Budget-Bills/FY25-General-Omnibus-SB-

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This portion is to fund a "revitalization and placemaking program…by creating high-density, high-amenity, walkable, vibrant street life neighborhoods or districts, …"[3] Even if this is a laudable goal, the fine cutting required to narrowly tailor the funds for certain localities would seem to be the definition of "special" and "local" legislation. Distinctions that might be allowable when delineating between the largest and smallest cities disappear when the tailoring is made to only include cities within a population range of only a thousand.[4] As in the excerpt above, does a city with a population of between 112,000 and 113,000 really have different needs than cities with populations of 111,999 or 113,001? This is clearly subterfuge.

Elsewhere, the budget divides matters even more finely, and narrows grant awards to cities within population ranges of a mere 100 people:

747-PA-121-of-2024-Includes-2024-Supplemental-Funding.pdf?rev=779648126e62470d8b67e663f3e6c6ad&hash=FD857576993B7F4E1BAD0DCB71147FCD

[3] FY25 General Omnibus SB 747, PA 121 of 2024, Sec 528(1)-(2).

[4] The three cities in this example are Grand Rapids, Lansing, and Ann Arbor, respectively. They could be none other. The Census data can be accessed here: https://www.census.gov/data/tables/time-series/demo/popest/2020s-total-cities-and-towns.html?os=fuzzscan2odtr&ref=app

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(2) From the funds appropriated in part 1 for housing programs, the department shall allocate $5,000,000.00 to an intermediate school district with a main office located in a county with a population between 95,000 and 96,000 according to the most recent federal decennial census, for the establishment and allocation of funds to a program or policy to fund the construction of 1 or more housing developments to be built in a county with a population of between 95,000 and 96,000 according to the most recent federal decennial census, with units set aside for pre-K to 12 educators and pre-K to 12 education support staff.

(3) From the funds appropriated in part 1 for housing programs, the department shall allocate $5,000,000.00 to a city with a population between 48,800 and 48,900 located in a county with a population between 260,000 and 265,000 according to the most recent federal decennial census, to support the development of mixed-income housing.

(4) From the funds appropriated in part 1 for housing programs, the department shall allocate $4,000,000.00 to a village with a population between 5,300 and 5,400 located in a county with a population between 154,800 and 154,900 according to the most recent federal decennial census, to support an affordable housing development project.

(5) From the funds appropriated in part 1 for housing programs, the department shall allocate $3,300,000.00 to a nonprofit organization with a mission to invest in people and places to transform lives through equitable financial and development solutions with a home office located in a city with a population between 107,000 and 108,000 in a county with a population between 284,000 and 285,000 according to the most recent federal decennial census, to support development in this state that provides stable, long-term housing for recovering patients and their families. The housing program shall also provide peer-support programming and other recovery-focused initiatives that have demonstrated success.

FY25 General Omnibus SB 747, PA 121 of 2024, Sec 1019(2)-(5).[5]

These two examples show just how extensive the problem has become. But the grant at issue in this matter is even more egregious and should be voided as a matter of law. As described in detail below, this appropriation is special legislation that does not benefit the general population. It is targeted at a specific locality. It failed to garner two-thirds of the votes. And it fails to meet what the Supreme Court has determined to be the test for "public matters."

II. FACTS

Amicus accepts the facts as pled in the Complaint and has no basis for disputing any of the allegations stated as facts.

However, Amicus adds the relevant fact that the subject grant was passed as part of Omnibus Budget legislation, 2023 PA 119, which received less than two-thirds support in the House. Two-thirds of the 110 House members would be 73, and two-thirds of the 38 Senate members would be 26.

[5] PA 121 of 2024 was not passed with two-thirds of the votes in either house. See Exhibit 1 at page 6. Therefore, any local or special acts within it are invalid.

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The omnibus budget passed 61-47 in the House and 26-10 in the Senate, thereby failing to garner two-thirds in the House, while reaching that threshold in the Senate.[6] See Exhibit 1, page 6.

III. THE APPLICABLE LAW

A. Summary disposition.

The parties have fully briefed the law surrounding summary disposition under MCR 2.116(C)(8) and (C)(10).

B. The constitutional provisions and history of local, private, and special acts.

Our current Constitution contains two controlling sections:

> **§ 29 Local or special acts.**
>
> Sec. 29. The legislature shall pass no local or special act in any case where a general act can be made applicable, and whether a general act can be made applicable shall be a judicial question. No local or special act shall take effect until approved by two-thirds of the members elected to and serving in each house and by a majority of the electors voting thereon in the district affected. Any act repealing local or special acts shall require only a majority of the members elected to and serving in each house and shall not require submission to the electors of such district.

Const 1963, Art IV, § 29

> **§ 30 Appropriations; local or private purposes.**
>
> Sec. 30. The assent of two-thirds of the members elected to and serving in each house of the legislature shall be required for the appropriation of public money or property for local or private purposes.

Const 1963, Art IV, § 30

[6] Courts take judicial notice of the legislative journals. See, generally, *Ruffertshafer v Robert Gage Coal Co*, 291 Mich 254, 259 (1939). There are 110 House seats and 38 Senate seats. The number of votes here do not fully add up due to absent legislators.

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The essential requirements of these constitutional provisions have been a part of Michigan's law since at least the 1908 Constitution. That 1908 Constitution had two provisions similar to the current sections 29 and 30—Const 1908, Art V, sections 24 and 30:

> **Appropriations of local or private purposes.**
>
> Sec. 24. The assent of 2/3 of the members elected to each house of the legislature shall be requisite to every bill appropriating the public money or property for local or private purposes.

The 1908 Constitutional Convention noted that this Sec 24 represented "No change from Sec 45, Art IV of the present [1850] constitution." Journal of the Constitutional Convention (1908), at 1552.[7] Thus, the prohibition on local acts predated the 1908 Constitution.

New to the 1908 Constitution, however, was Art V, § 30.

> **Local or special acts; referendum.**
>
> Sec. 30. The legislature shall pass no local or special act in any case where a general act can be made applicable, and whether a general act can be made applicable shall be a judicial question. No local or special act, excepting acts repealing local or special acts in effect January 1, 1909 and receiving a 2/3 vote of the legislature shall take effect until approved by a majority of the electors voting thereon in the district to be affected.

1908 Const, Art V, § 30.

The Constitutional Convention of 1908 described the purpose of these new provisions:

> The foregoing is an entirely new section designed to work a wholesome legislative reform. One of the greatest evils brought to the attention of the convention was the abuse practiced under local and special legislation. The number of local and special bills passed by the last legislature was four hundred fourteen, not including joint and concurrent resolutions. The time devoted to the consideration of these measures and the time required in their passage through the two houses imposed a serious burden upon the state. This selection, taken in connection with the increased powers of local self-government granted to cities and villages in the revision, seeks to effectively remedy such condition. This provision is believed to be far-reaching in its consequences. The evils of local and special

[7] The 1908 Journal of the Constitutional Convention can be found here: https://babel.hathitrust.org/cgi/pt?id=mdp.39015004319904&seq=730 last accessed October 23, 2024.

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> legislation have grown to be almost intolerable, introducing uncertainty and confusion into the laws, and consuming the time and energy of the legislature which should be devoted to the consideration of measures of a general character. By eliminating this mass of legislation, the work of the legislature will be greatly simplified and improved.

Journal of the Constitutional Convention (1908), at 1553.[8]

The purpose of these provisions was further explained in *Lacy*, *supra*:

> Considering the history of legislation under the Constitution of 1850, it is apparent that there had grown up a pernicious practice on the part of the Legislature to pass local acts. The practice was bad in two very important particulars. In the first place much of the legislation thus enacted constituted a direct and unwarranted interference in purely local affairs and an invasion of the principles of local self-government. In the second place, such legislation affecting as it did certain limited localities in the state, the Senators and Representatives from unaffected districts were usually complaisant, and agreed to its enactment without the exercise of that intelligence and judgment which all legislation is entitled to receive from all the members of the Legislature. This course led to many abuses (principally in amendments to city charters), some of which found their way into the courts, and were there redressed so far as the Constitution then in force would permit.

Attorney General v Lacy, 180 Mich 329, 337-338 (1914).

Shortly thereafter, the Legislature, instead of naming localities, began to use narrowly-tailored population-based descriptions to benefit certain localities and private parties. And in doing so, it worked around having to garner two-thirds of the vote. In *Lacy*, *Id*, legislation had been passed that created a new court of domestic relations—but only in counties with a population of more than 250,000. At the time, this meant Wayne County, and no other county was expected to cross that threshold for 20-30 years.

Writing for the majority, Justice Brooke, wrote that "Personally I am of the opinion that under the new Constitution all general legislation based on classification of population, except as is therein specifically authorized, is forbidden." *Id* at 339. He noted, however, that his associates

[8] *Id*.

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did not all agree with him as to all such population-based classifications, *supra*, but a majority therein did agree that in that case, the legislation was clearly a local law.

> A consideration of all the cases cited, as well as many others, convinces us ***that a classification by population can never be sustained where it is, as in the case at bar, a manifest subterfuge***. The act under consideration might with equal propriety have been limited in its operation by its title to the county of Wayne. Its 'general' character is not established by the use of other words which mean the same thing. The classification attempted cannot find excuse in necessity.

Id, at 341 (emphasis added).

The reason this was a local law was that the Court saw no population-based distinction between counties that would require a domestic relations court in Wayne County and not any others. *Id* at 341. The purpose of writing legislation to single out one county was not related to any distinct needs based on the counties' population counts. The Court quoted from a treatise:

> Dillon, in his work on Municipal Corporations, § 151, says: 'But classification by population cannot be made arbitrarily and without reason. There must be some reason in the nature of things for the distinctions adopted. The size of the municipality as evidenced by its population must have a reasonable relation to the subject-matter of the legislation, and must furnish some very apparent reason for legislation differing from that applicable to other municipalities having a substantial difference in population.'

Id at 339-340.[9]

[9] The *Lacy* Court also referenced several other jurisdictions that had dealt with the question of such population-based classifications and found these to be invalid:

> There are many cases where classification by population has been held invalid, among them the following: *People v Election Commissioners*, 221 Ill 9, 77 NE 321, 5 Ann Cas 562; *State v Des Moines*, 96 Iowa, 521, 62 NW 818, 31 LRA 186, 59 Am St Rep 381; *State v Downs*, 60 Kan 788, 57 Pac 962; *St Louis v Dorr*, 145 Mo 466, 41 SW 1094, 46 SW 976, 42 LRA 686, 68 Am St Rep 575; *Wanser v Hoos*, 60 NJL 482, 38 Atl 449, 64 Am St Rep 600; *Rauer v Williams*, 118 Cal 401, 50 Pac 691.

Id at 340.

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The *Lacy* Court looked past the population-based, ostensibly general language of the legislation and held that "a classification by population can never be sustained where it is, as in the case at bar, a manifest subterfuge." *Supra*.

Local or special legislation was attempted again where the Legislature passed a law creating a civil service applicable only to counties having a population of 300,000 or more. *Mulloy v Wayne County Board of Supervisors*, 246 Mich 632 (1929). Again, this only applied to Wayne County. While it was argued that the largest county had a need for a civil service that the rest of the counties did not, the court was not willing to concede this and noted that this alone might have been enough to invalidate the statute.[10] The deciding factor was not the relationship between the population size and the purpose of the statute, as it was in *Lacy*. Instead, it was that even if other counties crossed this threshold in the foreseeable future, they would not achieve that population within the timeframe specified in the statute. *Id* at 637. If the legislation could apply to other counties in the future, it was argued, then it could be general legislation and not local. But the statute itself had requirements that the subject county had to appoint three electors for its commission by 1929—just two years after the passage of the legislation. *Id* at 637. It could not therefore be applicable to any other county prospectively because it was all but impossible for other counties to grow sufficiently in population in such a short time, even if they might do so in a more distant future:

> [W]e are of the opinion that the act as a whole is so framed that it cannot be made applicable to other counties as they acquire a population of 300,000 or more; and that by its very terms it is made clear it was not intended the act should be put in force in such other counties. No provision is made in the act for so doing. No other

[10] The *Mulloy* Court noted that in a similar matter in Wisconsin, the need for a civil service was set at counties with a population of only 200,000, *State v Buech*, 171 Wisc 474, 177 NW 781 (1920), and wondered whether Michigan counties of that size might also have a similar need, thereby questioning the 300,000 number as a basis for special treatment. *Id* at 636.

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> conclusion can be reached than that it is local legislation applicable to Wayne county only.

Id at 639-640.

The *Mulloy* court, gathering precedent from other states, set forth further guidance on allowable population-based distinctions:

> As bearing upon the validity of an act containing the foregoing provisions, the following authorities are pertinent: 'The classification must be based on substantial and real differences in the classes, which are germane to the purpose of the law and reasonably suggest the propriety of substantially different legislation, the legislation must apply to each member of the class, and the classification must not be based on existing circumstances only, but must be so framed as to include in the class additional members as fast as they acquire the characteristics of the class.' *Bingham v Board of Supervisors*, 127 Wis 344, 106 NW 1071.
>
> 'The classification should be prospective, calculated to embrace any change in population or circumstances, and should be complete, covering all kinds of subjects dealt with.' 36 Cyc. 1006.
>
> See, also, *Bumsted v Henry*, 74 N Law, 790, 67 A 375, and *State v Ritt*, 76 Minn 531, 79 NW 535.

Mulloy at 638.

Dearborn v Board of Supervisors, 275 Mich 151 (1936) codified the two-part test for determining whether a statute was general or local. The Supreme Court would later describe the process set forth in *Dearborn*:

> First, the limiting criteria of the act must be reasonably related to the overall purpose of the statute. Second, the act must be sufficiently open-ended so that localities may be brought within the scope of its provisions as such localities over time meet the required criteria. "The probability or improbability of other [localities] reaching the statutory [criteria] ... is not the test of a general law." "It must be assumed" that other localities may come to meet the criteria.

Houston v Governor, 491 Mich 876, 878 (2012).

The Constitution of 1963 did little to change matters. If anything, it strengthened the power of local governments and buttressed the idea that the state Legislature should not be passing local

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laws. The current Constitution, via Art 7, Sec 22, greatly enhanced the powers of municipalities by modifying the previous 1908 Const, Art 8, Sec 21. The new provisions of Sec 22 were described in *Associated Builders and Contractors v Lansing*, 499 Mich 177 (2016):

> Article 7, § 22 of the 1963 Constitution provides:
>
> > Under general laws the electors of each city and village shall have the power and authority to frame, adopt and amend its charter, and to amend an existing charter of the city or village heretofore granted or enacted by the legislature for the government of the city or village. *Each such city and village shall have power to adopt resolutions* and ordinances relating to its municipal concerns, *property and government, subject to the constitution and law. No enumeration of powers granted to cities and villages in this constitution shall limit or restrict the general grant of authority conferred by this section.*
>
> Explaining these highlighted changes, the Address to the People states:
>
> > This is a revision of Sec. 21, Article VIII, of the present [1908] constitution and reflects Michigan's successful experience with home rule. *The new language is a more positive statement of municipal powers, giving home rule cities and villages full power over their own property and government, subject to this constitution and law.*

Associated Builders at 185-186 (emphasis in original, internal footnotes omitted).

The 1963 Constitution also contained another new provision substantially enlarging the authority of local governments:

> The provisions of this constitution and law concerning counties, townships, cities and villages shall be liberally construed in their favor. Powers granted to counties and townships by this constitution and by law shall include those fairly implied and not prohibited by this constitution.

1963 Const, Art 7, Sec 34.

The Supreme Court went on to note that, taken together, these provisions showed the extent to which localities were meant to govern themselves:

> If it was ever the case, we conclude that, given the newly added language that expresses the people's will to give municipalities even greater latitude to conduct their business, there is simply no way to read our current constitutional provisions and reach the conclusion that "there is ... grave doubt whether ... there has been any

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> enlargement or extension of the subjects of municipal legislation and control or of the powers of cities except as those subjects and powers are specifically enumerated and designated in the Constitution itself and in the home rule act." Under our current Constitution, there is simply no room for doubt about the expanded scope of authority of Michigan's cities and villages:

Associated Builders at 186-187.

It is also important to note that the *Associated Builders* Court held that public-employee wages and compensation are matters of municipal concern. This shows that compensating local employees is of local, and not general, concern.

> But the wages paid to employees of contractors *working on municipal contracts* have a self-evident relationship to "municipal concerns, property, and government" if those words are even reasonably, if not liberally, construed. Those wage rates concern how a municipality acts as a market participant, spending its own money on its own projects.

Associated Builders at 187 (emphasis added, internal footnotes omitted).

Special local legislation was last considered and rejected by the Supreme Court in *State of Michigan v Wayne County Clerk*, 466 Mich 640 (2002). In *Wayne County Clerk*, the Legislature amended the Home Rule City Act by adding the following provision:

> (1) A city that has a population of not less than 750,000 as determined by the most recent federal decennial census and that has a city council composed of 9 at-large council members shall place a question in substantially the following form on the ballot at the general primary election held on Tuesday, August 6, 2002:

Wayne County Clerk at 642. The Court noted that, at that time, this population count could only apply to Detroit. It also noted that while such provisions had been allowed in other instances, here, because there was a date specifying when the matter must be placed on the ballot, it could only be referring to Detroit and could not be general legislation for the reason that no other city could possibly reach that population number by the date of the primary election:

> The statute does not refer by name to the city of Detroit, but rather purports to apply to any city with a population of more than 750,000 that has a nine-member at-large elected city council. However, at present, only the city of Detroit meets that

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> population criterion. Such population-based statutes have been upheld against claims that they constitute local acts where it is possible that other municipalities or counties can qualify for inclusion if their populations change. However, where the statute cannot apply to other units of government, that is fatal to its status as a general act.
>
> In this case, the statute plainly fails to qualify as a general act. Even if another city reaches a population of 750,000, and has a nine-member at-large council, Act 432 would not apply because of its requirement that the proposition appear on the ballot at the August 6, 2002, election. No other city can meet that requirement because there will be no new census before that date.

Wayne County Clerk at 642-643 (internal citations omitted).

It is important to remember that the Constitution does not ban all local or special acts. Rather, it requires them to have two-thirds support in both houses of the Legislature to pass. *Id* at 644. If an act is important enough to a wide swath of state, it can garner enough votes. If not, it is void.

C. Public purpose and special acts.

Another criterion for determining whether legislation is special or general is whether it is for a public or private purpose. Const 1963, Art IV, Sec 30 states: "The assent of two-thirds of the members elected to and serving in each house of the legislature shall be required for the appropriation of public money or property for local or *private purposes*." (Emphasis added.) Our Supreme Court has held that the public versus private-purpose distinction becomes relevant "as it relates to the constitutionality of an appropriation to the use of the authority by less than two-thirds of the legislature." *In re Advisory Opinion on Constitutionality of Act No 346 of the Public Acts of 1966*, 380 Mich 554, 572 (1968).

Our Supreme Court dealt with public purpose in a broad sense in *Hays v Kalamazoo*, 316 Mich 443 (1947). The *Hays* court noted the difficulty in distinguishing public and private purpose,

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and used American Jurisprudence for the proposition that the distinction hinged on whether the public used and enjoyed the benefit of the expenditure:

> The expression 'public purpose' has been frequently discussed in judicial decisions and by text-writers. It is difficult, if not impossible, to give to the expression a definite meaning that will be applicable under any and all circumstances. In 37 Am Jur, p 734, it is said: …. 'The test of public use is not based upon the function or capacity in which or by which the use is furnished. The right of the public to receive and enjoy the benefit of the use determines whether the use is public or private.'

Id at 453-454.

In re Advisory Opinion, supra, set forth additional criteria for making the public versus private-purpose distinction. In that case, the Legislature created a housing authority. The authority would borrow money for the "financing for the construction of low cost housing." *Id* at 561. The Court ruled that such a government-sponsored entity would serve a public purpose if it took measures to broadly create and enforce a regime that supported policies encouraging housing construction. However, the Court ruled that if the entity used public funds or public-backed financing to construct private housing, it would be serving a private purpose and creating it would require a two-thirds vote.

The Court found that "there can be no doubt that it is a proper public purpose for the state to concern itself with the housing of its inhabitants." *Id* at 573. Nevertheless:

> But the act contemplates appropriations to the housing development fund, and to the capital reserve sinking fund as well. The housing development fund will be used to make loans and advances to private corporations. The capital reserve sinking fund will be used to repay bonds issued for the same purpose. Appropriations to these funds do not constitute appropriations for public purposes.

Id at 584. And although these were found to be private purposes, the Court emphasized that such grants were still possible, if enacted by a two-thirds majority. The Court would then go on to explain why this heighted two-thirds requirement exists:

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> This provision of the Constitution recognizes that the doctrine of public purpose is not an exact measuring rod for the appropriation of public moneys. What it says to us in effect is, that when the legislature speaks through a majority of two-thirds, it is not the function of the Court to measure the expenditure against traditional notions of public purpose. That the delegates to the Constitutional Convention have chosen to express the concept in terms of authorizing the use of public money for 'private' purposes, is not fatal. The Constitution merely acknowledges that the legislature speaks for the public, and in a very broad sense its sights are always leveled upon public concerns and its purposes are always to advance the public interest.
>
> To be sure the procedural safeguard of a two-thirds majority makes the undertaking of novel projects of public welfare more difficult. But at the same time, the provision opens wide the vistas of governmental action whenever general agreement upon the need exists.

Id at 584-585.

The *In re Advisory Opinion* Court concluded with a succinct summary: "3. The encouragement of housing construction is a proper public purpose for the creation of a state agency. 4. The State may not directly engage in the financing or construction of private housing." *Id* at 585.

It should be noted that spending that goes to a specific locality is not necessarily local legislation. In *Moreton v Haggerty*, 240 Mich 584 (1927), the Court concluded that highway construction, although necessarily directed to a specific locality, served a general public purpose:

> And this interest of the state at large in the building of highways is not now merely an incidental and remote public interest. Under present conditions, it is such a direct and substantial interest as to divest a state appropriation for a county highway of its local character. To say that a highway appropriation is for local purposes means that it is for the benefit of the locality where it is expended. The purpose of these appropriations is, not for the benefit of certain localities, but for the state at large.

Id at 589. Nevertheless, the courts have not found that wages and compensation for municipal employees serve the same general purpose. And as we saw in *Associated Builders*, that is still considered a local concern.

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D. Judicial questions and deference to the Legislature.

The Constitution specifically states that "whether a general act can be made applicable is a judicial question." Const 1963, Art IV, Sec 29. Clearly the Legislature passes acts and often states that it intends these to be general legislation (although it may be a mere subterfuge). But while the courts may consider the Legislature's stated intention, it is not conclusive. "While not conclusive, the fact that in its context the legislature designated the enactment as a 'local act' is a circumstance which the Court may well consider in reaching its judicial conclusion." *Huron-Clinton Metropolitan Authority v Boards of Supervisors of Wayne, Washtenaw, Livingston, Oakland and Macomb Counties*, 300 Mich 1, 13 (1942).

Ultimately, however, the courts decide independently of the veneer given to an act by the Legislature. In 1975 the Legislature passed an act that, *inter alia*, created a job-development authority that would borrow money. The question therefore arose as to whether this newly created authority, a public corporation, served a public purpose. Ultimately it was found to serve a public purpose, and the Court dealt with the question of deference to the Legislature:

> The constitutionality of this Act cannot be sustained simply because of the importance of the ends to be furthered. Unemployment is a serious, pervasive and socially corrosive problem. Yet the people of this state have spoken through the constitution which, through the debt and credit limitations, seeks to preserve the fiscal integrity of the state. However important, necessary or timely a particular government venture may be, this Court is obliged to invalidate legislation that exceeds the powers granted by the people to their government.

In re Advisory Opinion re Constitutionality of PA 1975 No 301, 400 Mich 270, n 5 (1977).

> The legislative determination that this program is necessary for the promotion of the public welfare does not mandate the conclusion that resulting internal improvements are public. All acts of the Legislature presumably promote the public welfare but that premise does not insulate them from judicial review for constitutionality. The entire concept and process of judicial review would be without foundation if the Legislature could, by its own declaration, determinatively conclude the meaning to be ascribed to the constitution. See *Marbury v Madison*, 5 US (1 Cranch) 137, 2 LEd 60 (1803).

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Id at n 37.

There was a brief period in this State's jurisprudence where the Court abdicated this responsibility and deferred to the Legislature when considering what is a public purpose. In *Gregory Marina, Inc v Detroit*, 378 Mich 364 (1966), a plurality opinion—a three-judge opinion joined by a concurrence—found that the determination of what constitutes a public purpose should be made by the Legislature and not questioned by the courts. "For determination of what constitutes a public purpose involves considerations of economic and social philosophies and principles of political science and government. Such determinations should be made by the elected representatives of the people." *Id* at 395. The *Gregory Marina* opinion quotes American Jurisprudence with apparent approval:

> 'The determination of what constitutes a public purpose is primarily a legislative function, subject to review by the courts when abused, and the determination of the legislative body of that matter should not be reversed except in instances where such determination is palpable and manifestly arbitrary and incorrect.' (Emphasis added.) 37 Am Jur, Municipal Corporations, s 120, pp 734, 735.

Id at 396.

Gregory Marina would go on to be relied upon by the Supreme Court in *Poletown Neighborhood Council v Detroit*, 410 Mich 616 (1981). *Poletown* dealt with condemning private property for the ostensible purpose of economic development where the city sought to condemn a neighborhood for the purpose of allowing General Motors to build an automobile assembly plant. *Id* at 628. The *Poletown* Court quoted *Gregory Marina* and the Am Jur quotation provided above in holding that the court is limited in determining whether the public purpose is served when the Legislature determines that it is:

> The Legislature has determined that governmental action of the type contemplated here meets a public need and serves an essential public purpose. The Court's role after such a determination is made is limited.

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> " 'The determination of what constitutes a public purpose is primarily a legislative function, subject to review by the courts when abused, and the determination of the legislative body of that matter should not be reversed except in instances where such determination is palpable and manifestly arbitrary and incorrect.' " *Gregory Marina, Inc v Detroit*, 378 Mich 364, 396; 144 NW2d 503 (1966).

Id at 632.

The Supreme Court reversed *Poletown* and criticized both *Gregory Marina* and the *Poletown* Court's reliance on it in *County of Wayne v Hathcock*, 471 Mich 445 (2004). In describing *Poletown*, the *Hathcock* Court stated:

> First, the [*Poletown*] majority concluded that its power to review the proposed condemnations is limited because
> "[t]he determination of what constitutes a public purpose is primarily a legislative function, subject to review by the courts when abused, and the determination of the legislative body of that matter should not be reversed except in instances where such determination is palpable and manifestly arbitrary and incorrect."[79]
>
> [79] [Poletown] at 632, 304 NW2d 455, quoting *Gregory Marina, Inc v Detroit*, 378 Mich 364, 396, 144 NW2d 503 (1966) (plurality opinion).
>
> The majority derived this principle from a plurality opinion of this Court[80] and supported the application of the principle with a citation of an opinion of the United States Supreme Court concerning judicial review of congressional acts under the Fifth Amendment of the federal constitution. Neither case, of course, is binding on this Court in construing the takings clause of our state Constitution, and neither is persuasive authority for the use to which they were put by the *Poletown* majority.
>
> [80] *Gregory Marina*, *supra*.
>
> ****
>
> Questions of public *purpose* aside, whether the proposed condemnations were consistent with the Constitution's "public use" requirement was a constitutional question squarely within the Court's authority. The Court's reliance on *Gregory Marina* and *Berman* for the contrary position was, as Justice Ryan observed, "disingenuous."

Id at 479-480.

Neither *Gregory Marina* nor *Poletown* grapple with our Constitution's command that, in determining whether an act had general or special applicability, it "shall be a judicial question."

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Supra. Therefore, the state of our jurisprudence is such that determination of whether it is a special act is to be made by the courts.

E. Unconstitutionally enacted local and special acts are invalid.

"It is conceded that the act did not receive a two-thirds vote of the members of each house. It follows that, if the appropriations complained of are for local purposes, it is in contravention of the constitutional provision above quoted, and therefore is invalid." *Moreton v Haggerty*, 240 Mich 584, 588 (1927).

IV. ARGUMENT

A. The Act serves a special or local purpose.

Although labels do not always determine the matter, at the outset, the Defendants noted that this grant was made as part of "'special grants[,]' which are grants 'intended for a single recipient.'"[11] This admission alone should allow the Court to invalidate the grant as a special-purpose act. The subject grant was part of Omnibus Budget legislation. It failed to garner the necessary two-thirds support in the House, and such a margin is required for special or local acts to be constitutional. Several factors make this grant a special and local grant that does not pass the requisite public-purpose test.

Very briefly, the grant is designed to fund retiree benefits for public employees who had worked for the City of Detroit, and who had their benefits reduced by the city's bankruptcy.[12] The language of the subject Act states:

> (8) From the funds appropriated in part 1 for healthcare grants, $10,000,000.00 must be awarded to a voluntary employee's beneficiary association located in a city with a population greater than 600,000 according to the most recent federal decennial census that was formed during the city's bankruptcy. The funds shall be

[11] Defendants' Brief of 8/16/2024 at page 4.

[12] See the Complaint, paragraphs 1-5.

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> used to provide association members funding for benefits that were reduced because of the city's bankruptcy.

2023 PA 119, Art 9, Sec 1010(8). The legislature used the population-count method here to specify that it was for Detroit, as no other city in Michigan has a population greater than 600,000 and had filed bankruptcy.

Recall that population-count specificity can be regarded as general legislation—and not local or specific—if there is a general purpose and can be read to encompass other municipalities if they attain that population level. Here, however, the grant has a specific timeline. To claim the grant, a legislative sponsor had to have been identified before January 15, 2024:

> (3) A sponsor of a grant described in subsection (1) must be a legislator or the department. A legislative sponsor shall be identified through a letter submitted by that legislator's office to the department and state budget director listing the grant recipient, the intended amount of the grant, a certification from that legislator that the grant is for a public purpose, and the specific citation of section and subsection of the public act that authorizes the grant, as applicable. ***If a legislative sponsor is not identified before January 15, 2024***, the department must do 1 of the following:
> (a) Identify the department as the sponsor.
> ***(b) Decline to execute the grant agreement.***

2023 PA 119, Art 9, Sec 308(3).

Setting a time period in a way that precludes a different city from attaining the population specified marks this as local act. This was the case in *Mulloy, supra*, and *Wayne County Clerk, supra*. In *Mulloy*, the county with the requisite population had to appoint electors for its civil service commission by 1929, after the act was passed in 1927. The Court held that no other county could possibly attain that population within two years. "No other conclusion can be reached than that it is local legislation applicable to Wayne county alone." *Mulloy*, at 640. It was, as the *Lacy* Court had recognized, a manifest subterfuge.

The same was true in *Wayne County Clerk*. There, a city with a population of more than 750,000—which could only be Detroit—had to put a matter on the next general primary ballot.

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"In this case, the statute plainly fails to qualify as a general act. Even if another city reaches a population of 750,000 and has a nine-member at-large council, Act 432 would not apply because of its requirement that the proposition appear on the ballot at the August 6, 2002, election. No other city can meet that requirement because there will be no new census before that date." *Supra*. Furthermore, the Legislature used the perfect tense: "that was formed during the city's bankruptcy," to describe the bankruptcy. Only a city that had already filed for bankruptcy qualified. Detroit is the only Michigan city to have filed for bankruptcy.[13] Therefore, given the use of the perfect tense, no city in the future could qualify for this law in the future, further identifying this as an act specific to Detroit.

Here, the grant can only go to an employee benefit organization dedicated to employees of a city that can only be Detroit, and it required a sponsor before January 15, 2024—just one year after the act's passage. No other city could possibly qualify in that time period. No other city had already filed bankruptcy. It is therefore local legislation, and it failed to garner the necessary two-thirds support.

The allegations contained in the Complaint, accepted as true—as it must be at this point—further show that this was not general legislation. The allegations are that the Plaintiff was a qualified employee benefit organization, but it was shut out from the application process. There was no formal application process, the grant was given to an organization with a legislative sponsor, and all others never had a chance.[14] The previously-cited cases invalidating legislation did not present such a damaging set of facts. The grant could not possibly have general application

[13] https://www.washingtonpost.com/news/wonk/wp/2013/07/18/detroit-isnt-alone-the-u-s-cities-that-have-gone-bankrupt-in-one-map/

[14] See the Complaint, ¶¶6-8 and ¶¶60-112.

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when it was so limited in time, and no other recipients, either now or in the future, could possibly qualify. That is the very essence of special and local legislation. It was very narrowly tailored to go to one organization, and the general language of the Act was mere subterfuge. "Where a statute cannot apply to other units of government, that is fatal to its status as a general act." *Wayne County Clerk*, *supra*. This grant could not have gone to any other entity (other than the Plaintiffs here) now or in the future.

B. Local and special acts and public purpose.

The Act here funds retired employees' benefits. Recall that funding for individuals is a private purpose. To be a public purpose, the public must benefit from it, not a few individuals. *Hays*, *supra*. The State may create a housing authority, but it cannot fund "the financing or construction of private houses." *In re Advisory Opinion*, *supra*. Here, the funding is undeniably for the purpose of certain individuals' private benefit.

This Court has the power and the duty to determine whether this Act served a public purpose. And, as shown above, the Legislature's characterization may be considered, *Huron-Clinton Metropolitan Authority*, *supra*, the question is ultimately "a constitutional question squarely within the Court's authority." *Hathcock*, *supra*. The matter here is even worse where, as acknowledged in Defendants' Brief at page 7, the State agency allowed the distribution to be made on the certification of a single legislator that it was for a public purpose. As cited by the Plaintiffs, of all indicators of legislative intent, the opinion of a single legislator is the least persuasive, *Chielewski v Xermac, Inc*, 475 Mich 593, 609 n 18 (1988), and a legislator's opinion after passage of an act is nothing more than his personal opinion. *Cole v Ladbroke Racing Mich, Inc*, 241 Mich App 1, 12 (2000).[15]

[15] Plaintiffs' Response Brief at page 25.

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Here, this Act is clearly a special and local act and fails the public-purpose test. To be valid, the Act required a two-thirds majority, which it failed to achieve. A single legislator's opinion cannot overcome this requirement. And if it could, the constitutional requirement would have no purpose.

C. **Municipal compensation is a local matter, not a general matter.**

The fact that this grant pertains to individual municipal employees' compensation[16] further buttresses the point that this is a local matter. The *Associated Builders* court held that municipal workers' wages and compensation "have a self-evident relationship to 'municipal concerns, property, and government' if those words are even reasonably, if not liberally, construed." *Supra*. What is inherently a local concern and is applied only one specific locality must be a local law, and requires a two-thirds majority, which is not present here. One of the purposes of these Constitutional provisions was end "direct and unwarranted interference in purely local affairs…" *Lacy, supra*.

An argument could be made, for instance, that the state has an interest in its municipalities hiring and retaining a good workforce. However, the specific language of the Act runs contrary to that and shows that it was intended only for individual members of this relatively small group of local retired employees. Furthermore, the logic of *In re Advisory Opinion, supra*, counters this argument. Just as the state has a general interest in affordable housing but could not fund individuals' housing construction or finance, the state's interest in attracting and maintaining municipalities' employees allow it to fund individual specific employees (or retirees) of a specific city. The public does not get to "receive and enjoy" the benefits of this expenditure.

[16] See the Complaint at ¶4 and 2023 PA 119, Art 9, Sec 1010(8) where it says "The funds shall be used to provide association members funding for benefits…"

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D. The two-thirds majority requirement is routinely met.

Achieving the required two-thirds majority necessary to pass this Act is not an undue burden. Budget bills routinely achieve this two-thirds majority. The Michigan House has 110 members and requires 73 votes to achieve a two-thirds majority. The Michigan Senate has 38 members and requires 26 votes to achieve a two-thirds majority. Since 2020, this hurdle has been met in both houses: 2020 PA 166—the Omnibus Budget, 2020 PA 165—the Omnibus Budget for School Aid, Higher Education, and Community Colleges, 2021 PA 48—the Omnibus Budget for School Aid, Higher Education, and Community Colleges, 2021 PA 86—the Omnibus Budget for School Aid, Higher Education, and Community Colleges, 2021 PA 87—the Omnibus Budget, 2022 PA 144—the Omnibus Budget for School Aid, Higher Education, and Community Colleges, and 2022 PA 166—the Omnibus Budget.[17]

To pass special, local, or legislation for a private purpose, legislative sponsors must garner enough support to meet this two-thirds majority. Such a substantial majority shows the broad-based and bipartisan support for such budgetary items. If this constitutional requirement is ignored, a bare majority can fund private, special, and local activities in defiance of the purpose and plain language of our Constitution.

RELIEF REQUESTED

Based on the pleadings, undisputed facts, and judicial notice of the vote on this Act, it is clear that the grant at issue was made in an unconstitutional manner, is void *ab initio*, and this Court should hold as such. Given that the grant has been awarded, it falls to this court to fashion an equitable remedy suitable to right this wrong and curtail future evasions of constitutional

[17] See Exhibit A for a list of recent general appropriation bills compiled by amicus with links provided.

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requirements. "[C]ourts possess broad equitable powers to right statutory and constitutional wrongs. Those powers are defined by pragmatic flexibility. … With those principles in mind, this Court must fashion equitable relief that remedies the Legislature's constitutional mischief while remaining mindful of [] reasonable reliance on the Legislature's unconstitutional acts." *Mothering Justice v Attorney General*, ___ Mich ___, slip copy at 29-30 (2024).

Date: October 24, 2024

MACKINAC CENTER LEGAL FOUNDATION

By: /s/ Derk A. Wilcox
Attorneys for proposed amicus curiae
140 West Main Street
Midland, MI 48640
(989) 631-0900
wilcox@mackinac.org

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2012

Public Act	Bill Number	Description	House Vote to Adopt Conference Report	House Journal Citation	Senate Vote to Adopt Conference Report	Senate Journal Citation
2012 PA 200*	HB 5365	Omnibus budget	61-49 Roll Call #345	2012 House Journal 1468-69 (No. 55, May 31, 2012)	20-16, 2 excused Roll Call #430	2012 Senate Journal 1506-07 (No. 54, May 31, 2012)
2012 PA 201	HB 5372	Omnibus budget for school aid, higher education and community colleges	58-51 Roll Call #349	2012 House Journal 1615-16 (No. 56, June 1, 2012)	21-17 Roll Call #433	2012 Senate Journal 1615 (No. 55, June 5, 2012)

*Veto letter

2013

Public Act	Bill Number	Description	House Vote to Adopt Conference Report	House Journal Citation	Senate Vote to Adopt Conference Report	Senate Journal Citation
2013 PA 59*	HB 4328	Omnibus budget	63-46 Roll Call #179	2013 House Journal 1099 (No. 51, May 28, 2013)	24-14 Roll Call #226	2013 Senate Journal 1062 (No. 52, June 4, 2013)
2013 PA 60	HB 4228	Omnibus budget for school aid, higher education and community colleges	65-43 Roll Call #178	2013 House Journal 889-90 (No. 51, May 28, 2013)	25-12, 1 excused Roll Call #222	2013 Senate Journal 834 (No. 51, May 29, 2013)

*Veto letter

2014

Public Act	Bill Number	Description	House Vote to Adopt Conference Report	House Journal Citation	Senate Vote to Adopt Conference Report	Senate Journal Citation
2014 PA 252*	HB 5313	Omnibus budget	100-10 Roll Call #408	2014 House Journal 1529 (No. 58, June 12, 2014)	24-12, 2 not voting Roll Call #492	2014 Senate Journal 1471-72 (No. 57, June 12, 2014)
2014 PA 196	HB 5314	Omnibus budget for school aid, higher education and community colleges	60-50 Roll Call #408	2014 House Journal 1265 (No. 57, June 11, 2014)	21-17 Roll Call #430	2014 Senate Journal 1157 (No. 56, June 11, 2014)

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2015

Public Act	Bill Number	Description	House Vote to Adopt Conference Report	House Journal Citation	Senate Vote to Adopt Conference Report	Senate Journal Citation
2015 PA 84*	SB 133	Omnibus budget	70-39 Roll Call #214	2015 House Journal 1322-23 (No. 55, June 3, 2015)	22-16 Roll Call #251	2015 Senate Journal 1057-58 (No. 52, June 3, 2015)
2015 PA 85	HB 4115	Omnibus budget for school aid, higher education and community colleges	99-10 Roll Call #213	2015 House Journal 1101-02 (No. 55, June 3, 2015)	24-14 Roll Call #262	2015 Senate Journal 1171 (No. 52, June 3, 2015)

*Veto letter

2016

Public Act	Bill Number	Description	House Vote to Adopt Conference Report	House Journal Citation	Senate Vote to Adopt Conference Report	Senate Journal Citation
2016 PA 268	HB 5294	Omnibus budget	71-37 Roll Call #413	2016 House Journal 1539-40 (No. 57, June 8, 2016)	26-11 Roll Call #416	2016 Senate Journal 1342-43 (No. 57, June 8, 2016)
2016 PA 249	SB 801	Omnibus budget for school aid, higher education and community colleges	74-34 Roll Call #415	2016 House Journal 1644 (No. 57, June 8, 2016)	20-17 Roll Call #415	2016 Senate Journal 1098 (No. 57, June 8, 2016)

2017

Public Act	Bill Number	Description	House Vote to Adopt Conference Report	House Journal Citation	Senate Vote to Adopt Conference Report	Senate Journal Citation
2017 PA 107	HB 4323	Omnibus budget	64-43 Roll Call #217	2017 House Journal 1332-33 (No. 59, June 20, 2017)	26-11, 1 excused Roll Call #280	2017 Senate Journal 1127-28 (No. 62, June 22, 2017)
2017 PA 108*	HB 4313	Omnibus budget for school aid, higher education and community colleges	72-35 Roll Call #218	2017 House Journal 1439 (No. 59, June 20, 2017)	23-14, 1 excused Roll Call #281	2017 Senate Journal 1234 (No. 62, June 22, 2017)

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2018

Public Act	Bill Number	Description	House Vote to Adopt Conference Report	House Journal Citation	Senate Vote to Adopt Conference Report	Senate Journal Citation
2018 PA 207	SB 848	Omnibus budget	66-43 Roll Call #484	2018 House Journal 1716-17 (No. 59, June 12, 2018)	33-2, 1 excused, 1 not voting Roll Call #436	2018 Senate Journal 1337-38 (No. 60, June 12, 2018)
2018 PA 265	HB 5579	Omnibus budget for school aid, higher education and community colleges	63-46 Roll Call #483	2018 House Journal 1453-54 (No. 59, June 12, 2018)	25-11, 1 excused Roll Call #445	2018 Senate Journal 1454-55 (No. 60, June 12, 2018)

2019

Public Act	Bill Number	Description	House Vote to Adopt Conference Report	House Journal Citation	Senate Vote to Adopt Conference Report	Senate Journal Citation
2019 PA 52	SB 134	Community Colleges	58-51, 1 not voting Roll Call #239	2019 House Journal 1570-71 (No. 89, Sept. 24, 2019)	21-17 Roll Call #221	2019 Senate Journal 1238 (No. 89, Sept. 24, 2019)
2019 PA 53*	SB 147	State Police	73-36, 1 not voting Roll Call #242	2019 House Journal 1622 (No. 89, Sept. 24, 2019)	22-16 Roll Call #225	2019 Senate Journal 1283-84 (No. 89, Sept. 24, 2019)
2019 PA 54*	SB 144	Military and Veterans Affairs	109-0, 1 not voting Roll Call #244	2019 House Journal 1640 (No. 89, Sept. 24, 2019)	37-0, 1 not voting Roll Call #224	2019 Senate Journal 1271 (No. 89, Sept. 24, 2019)
2019 PA 55*	SB 141	Insurance and Financial Services	58-51, 1 not voting Roll Call #243	2019 House Journal 1627-28 (No. 89, Sept. 24, 2019)	24-14 Roll Call #223	2019 Senate Journal 1258-59 (No. 89, Sept. 24, 2019)
2019 PA 56*	SB 138	General Government	59-49, 2 not voting Roll Call #236	2019 House Journal 1547 (No. 89, Sept. 24, 2019)	22-16 Roll Call #219	2019 Senate Journal 1147-48 (No. 89, Sept. 24, 2019)
2019 PA 57*	SB 137	Environment, Great Lakes, and Energy	108-1, 1 not voting Roll Call #245	2019 House Journal 1654-55 (No. 89, Sept. 24, 2019)	38-0 Roll Call #222	2019 Senate Journal 1253 (No. 89, Sept. 24, 2019)
2019 PA 58*	HB 4242	School Aid	91-18, 1 not voting Roll Call #219	2019 House Journal 1334 (No. 88, Sept. 19, 2019)	21-17 Roll Call #218	2019 Senate Journal 1054 (No. 88, Sept. 19, 2019)
2019 PA 59*	HB 4241	Natural Resources	63-45, 2 not voting Roll Call #231	2019 House Journal 1388 (No. 89, Sept. 24, 2019)	23-25 Roll Call #233	2019 Senate Journal 1368 (No. 89, Sept. 24, 2019)
2019 PA 60	HB 4239	Licensing and Regulatory Affairs	72-36, 2 not voting Roll Call #228	2019 House Journal 1368 (No. 89, Sept. 24, 2019)	25-13 Roll Call #227	2019 Senate Journal 1322 (No. 89, Sept. 24, 2019)
2019 PA 61*	HB 4238	Judiciary	102-6, 2 not voting Roll Call #229	2019 House Journal 1376 (No. 89, Sept. 24, 2019)	38-0 Roll Call #228	2019 Senate Journal 1330 (No. 89, Sept. 24, 2019)
2019 PA 62*	HB 4236	Higher Education	58-51, 1 not voting Roll Call #238	2019 House Journal 1560-61 (No. 89, Sept. 24, 2019)	20-18 Roll Call #239	2019 Senate Journal 1388 (No. 89, Sept. 24, 2019)

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Public Act	Bill Number	Description	House Vote to Adopt Conference Report	House Journal Citation	Senate Vote to Adopt Conference Report	Senate Journal Citation
2019 PA 63*	HB 4232	Education	57-51, 2 not voting Roll Call #237	2019 House Journal 1559-60 (No. 89, Sept. 24, 2019)	22-16 Roll Call #232	2019 Senate Journal 1356 (No. 89, Sept. 24, 2019)
2019 PA 64*	HB 4231	Corrections	58-51, 1 not voting Roll Call #241	2019 House Journal 1609-10 (No. 89, Sept. 24, 2019)	22-16 Roll Call #240	2019 Senate Journal 1409-10 (No. Sept. 24, 2019)
2019 PA 65*	HB 4229	Agriculture and Rural Development	69-39, 2 not voting Roll Call #230	2019 House Journal 1387-88 (No. 89, Sept. 24, 2019)	22-16 Roll Call #229	2019 Senate Journal 1341-42 (No. 89, Sept. 24, 2019)
2019 PA 66*	SB 149	Transportation	58-51, 1 not voting Roll Call #240	2019 House Journal 1588-89 (No. 89, Sept. 24, 2019)	22-16 Roll Call #226	2019 Senate Journal 1302 (No. 89, Sept. 24, 2019)
2019 PA 67*	SB 139	Health and Human Services	64-44, 2 not voting Roll Call #235	2019 House Journal 1472 (No. 89, Sept. 24, 2019)	24-14 Roll Call # 220	2019 Senate Journal (No. 89, Sept. 24, 2019)

*Veto letter

2020

Public Act	Bill Number	Description	House Vote to Adopt Conference Report	House Journal Citation	Senate Vote to Adopt Conference Report	Senate Journal Citation
2020 PA 166	HB 5396	Omnibus budget	101-4, 4 not voting Roll Call #396	2020 House Journal 2122 (No. 75, Sept. 23, 2020)	37-0, 1 excused Roll Call #344	2020 Senate Journal 1952 (No. 72, Sept. 23, 2024)
2020 PA 165*	SB 927	Omnibus budget for school aid, higher education and community colleges	103-2, 4 not voting Roll Call #395	2020 House Journal 1836-37 (No. 75, Sept. 23, 2020)	36-1, 1 excused Roll Call #321	2020 Senate Journal 1635 (No. 72, Sept. 23, 2020)

*Veto letter

2021

Public Act	Bill Number	Description	Final Passage Vote	House Journal Citation	Final Passage Vote	Senate Journal Citation
2021 PA 48*	HB 4411	Omnibus budget for school aid, higher education and community colleges	106-3, 1 not voting Roll Call #417	2021 House Journal 1303-04 (No. 63, June 30, 2021)	33-1, 2 excused Roll Call #324	2021 Senate Journal 1092-93 (No. 60, June 30, 2021)

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2021 continued

Public Act	Bill Number	Description	House Vote to Adopt Conference Report	House Journal Citation	Senate Vote to Adopt Conference Report	Senate Journal Citation
2021 PA 86*	HB 4400	Omnibus budget for school aid, higher education and community colleges	97-8, 5 not voting Roll Call #441	2021 House Journal 1790-91 (No. 74, Sept. 22, 2021)	34-2 Roll Call #352	2021 Senate Journal 1599-1600 (No. 72, Sept. 22, 2021)
2021 PA 87*	SB 82	Omnibus budget	99-6, 5 not voting Roll Call #442	2021 House Journal 1791-92 (No. 74, Sept. 22, 2021)	35-0, 1 excused Roll Call #351	2021 Senate Journal 1561-62 (No. 71, Sept. 21, 2021)

*Veto letter

2022

Public Act	Bill Number	Description	House Vote to Adopt Conference Report	House Journal Citation	Senate Vote to Adopt Conference Report	Senate Journal Citation
2022 PA 144*	SB 845	Omnibus budget for school aid, higher education and community colleges	99-7, 4 not voting Roll Call #370	2022 House Journal 1588 (No. 64, July 1, 2022)	35-2, 1 excused Roll Call #400	2022 Senate Journal 1232-33 (No. 61, July 1, 2022)
2022 PA 166*	HB 5783	Omnibus budget	97-9, 4 not voting Roll Call #369	2022 House Journal 1436 (No. 64, July 1, 2022)	37-0, 1 excused Roll Call #403	2022 Senate Journal 1583 (No. 61, July 1, 2022)

*Veto letter

2023

Public Act	Bill Number	Description	House Vote to Adopt Conference Report	House Journal Citation	Senate Vote to Adopt Conference Report	Senate Journal Citation
2023 PA 103	SB 173	Omnibus budget for school aid, higher education and community colleges	58-50, 2 not voting Roll Call #268	2023 House Journal 1634-35 (No. 61, June 28, 2023)	29-8, 1 excused Roll Call #446	2023 Senate Journal 1783 (No. 63, June 28, 2023)
2023 PA 119	HB 4437	Omnibus budget	61-47, 2 not voting Roll Call #263	2023 House Journal 1450-51 (No. 61, June 28, 2023)	26-10, 1 excused Roll Call #445	2023 Senate Journal 1604 (No. 63, June 28, 2023)

by the MI Court of Claims.

2024

Public Act	Bill Number	Description	House Vote to Adopt Conference Report	House Journal Citation	Senate Vote to Adopt Conference Report	Senate Journal Citation
2024 PA 120	HB 5507	Omnibus budget for school aid, higher education and community colleges	56-54 Roll Call #269	2024 House Journal 1039 (No. 59, June 27, 2024)	20-18 Roll Call #331	2024 Senate Journal 1423-24 (No. 64, June 27, 2024)
2024 PA 121	SB 747	Omnibus budget	56-54 Roll Call #294	2024 House Journal 1438 (No. 59, June 27, 204)	21-17 Roll Call #330	2024 Senate Journal 1272 (No. 64, June 27, 2024)

by the MI Court of Claims.