

Rep. Emmons offered the following concurrent resolution:

House Concurrent Resolution No. 15.

A concurrent resolution to urge the Granholm administration to seek a review by Writ of Certiorari of the ruling of the United States Sixth Circuit Court of Appeals that effectively enjoins state welfare recipient drug-testing requirements.

Whereas, In 1999, Public Act Nos. 9 and 17 were enacted to put in place a drug-testing program for welfare recipients. These acts permit the Family Independence Agency (FIA) to require substance abuse testing as a condition for eligibility for assistance; and

Whereas, The goal of this drug testing is to help applicants and recipients for FIA assistance become independent of drugs and welfare. Employers, as proponents of testing noted, are increasingly willing to test applicants for drug use to screen out employees more likely to fail to show up, suffer accidents, fail to be productive, and otherwise cost employers far more than drug-free employees. It is clearly in the interests of the state and taxpayers to carry out policies designed to get people off of illegal drugs, into jobs, and protect dependent children of FIP applicants and recipients from abuse and neglect. The benefits to those without jobs who abuse drugs should be obvious; and

Whereas, Despite the clear benefits of this approach to ending drug and welfare dependence, and protecting families, this law has been challenged from the start. In November 1999, the FIA drug-testing program was halted by a temporary restraining order, and a preliminary injunction in September 2000 was issued by the United States District Court. The program was challenged by the ACLU, which argued that the law violates the constitutional rights of welfare recipients. Although the preliminary injunction was stayed by a three-judge panel of the U.S. Sixth Circuit Court of Appeals, a divided full court failed to come to a decision on the case in April 2003. The result is that drug testing under the 1999 legislation continues to be enjoined. The Granholm administration should seek review of this decision by the United States Supreme Court in order to support the Legislature's action to promote independent and drug-free lives; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we urge the Granholm administration to seek a review by Writ of Certiorari of the ruling of the United States Sixth Circuit Court of Appeals that effectively enjoins state welfare recipient drug-testing requirements; and be it further

Resolved, That copies of this resolution be transmitted to the Governor of the State of Michigan.