

HOUSE RESOLUTION NO. 41

Rep. Smit offered the following resolution:

1 A resolution to direct the Clerk of the House of
2 Representatives to only present to the Governor enrolled House
3 bills finally passed by both houses of the One Hundred Third
4 Legislature.

5 Whereas, Article IV, Section 13 of the Michigan Constitution
6 states, in part, that "The legislature shall meet at the seat of
7 government on the second Wednesday in January of each year at
8 twelve o'clock noon. Each regular session shall adjourn without
9 day, on a day determined by concurrent resolution, at twelve
10 o'clock noon"; and

11 Whereas, The second regular session of the One Hundred Second
12 Legislature adjourned for the last time on January 1, 2025; and

13 Whereas, Pursuant to the requirements of Article IV, Section
14 13 of the Michigan Constitution, the Representatives-elect to the

1 House of Representatives for the One Hundred Third Legislature
2 assembled in Representative Hall in the Capitol at Lansing on
3 Wednesday, January 8, 2025, at 12 o'clock noon for the purpose of
4 taking and subscribing to the constitutional oath of office and
5 organizing and proceeding with the business of the first regular
6 session of the One Hundred Third Legislature; and

7 Whereas, Article IV, Section 13 of the Michigan Constitution
8 also states that "Any business, bill or joint resolution pending at
9 the final adjournment of a regular session held in an odd numbered
10 year shall carry over with the same status to the next regular
11 session"; and

12 Whereas, The implication of this final sentence of Article IV,
13 Section 13 of the Michigan Constitution is that any business
14 pending at the final adjournment of a regular session held in an
15 even-numbered year does not carry over to the next regular session
16 of a new Legislature; and

17 Whereas, The business of a Legislature includes the
18 presentation to the Governor of enrolled bills that have passed
19 both houses of that Legislature; and

20 Whereas, The business of the One Hundred Second Legislature
21 pending at the final adjournment of that Legislature on January 1,
22 2025, did not carry over to the first regular session of the One
23 Hundred Third Legislature; and

24 Whereas, Until the House of Representatives for the One
25 Hundred Third Legislature was organized, under Section 4 of 1877 PA
26 67, MCL 4.44, it was the duty of the Clerk of the House of
27 Representatives for the preceding House of Representatives, being
28 the House of Representatives of the One Hundred Second Legislature,
29 to "call to order and preside over the house until a speaker, or

1 speaker pro tempore, is elected," and to "act as clerk of the house
2 until his successor is elected"; and

3 Whereas, By unanimously adopting House Resolution 3 of 2025 on
4 January 8, 2025, the House of Representatives elected Scott E.
5 Starr to the office of Clerk of the House of Representatives for
6 the One Hundred Third Legislature, ending the duties of the Clerk
7 of the House of Representatives for the One Hundred Second
8 Legislature; and

9 Whereas, Article IV, Section 16 of the Michigan Constitution
10 provides, in part, that "Each house . . . shall choose its own
11 officers and determine the rules of its proceedings"; and

12 Whereas, By adopting House Resolution 1 of 2025 on January 8,
13 2025, the House of Representatives prescribed the Standing Rules of
14 the House of Representatives for the One Hundred Third Legislature,
15 in accordance with Article IV, Section 16 of the Michigan
16 Constitution; and

17 Whereas, In the One Hundred Third Legislature, the House of
18 Representatives and the Senate have not adopted any joint rules;
19 and

20 Whereas, Rule 19 of the Standing Rules of the House of
21 Representatives for the One Hundred Third Legislature provides, in
22 part, that "When a House bill has been finally passed by the two
23 houses, the Clerk shall present to the Governor an enrolled copy
24 thereof." Because these rules were adopted for the One Hundred
25 Third Legislature, this provision of Rule 19 only applies to House
26 bills finally passed by both houses of the One Hundred Third
27 Legislature; and

28 Whereas, Nothing in the Standing Rules of the House of
29 Representatives for the One Hundred Third Legislature permits the

1 Clerk of the House of Representatives for the One Hundred Third
2 Legislature or any other officer of the House of Representatives
3 for the One Hundred Third Legislature to conduct the business of
4 the One Hundred Second Legislature or any other prior Legislature
5 by presenting to the Governor a bill that passed both houses of a
6 prior Legislature but that has not passed both houses of the One
7 Hundred Third Legislature; and

8 Whereas, After the convening of the One Hundred Third
9 Legislature, presentation to the Governor of any bills passed by
10 both houses of the One Hundred Second Legislature, or the conduct
11 of any other business relating to the One Hundred Second
12 Legislature or its bills, would not be in compliance with the
13 Standing Rules of the House of Representatives for the One Hundred
14 Third Legislature; and

15 Whereas, Given the accountability of this House of
16 Representatives to the voters who elected its members, it is
17 imperative that its rules of procedure be adopted by a majority of
18 its members and that those rules be administered in a manner that
19 reflects the will of a majority of the members of this House of
20 Representatives; now, therefore, be it

21 Resolved by the House of Representatives, That the Clerk of
22 the House of Representatives is hereby directed to only present to
23 the Governor enrolled House bills finally passed by both houses of
24 the One Hundred Third Legislature; and be it further

25 Resolved, That copies of this resolution be transmitted to the
26 Clerk of the House of Representatives, the Governor, and the
27 President of the Senate.