

**STATE OF MICHIGAN
IN THE COURT OF CLAIMS**

**MICHIGAN SENATE and MICHIGAN
SENATE MAJORITY LEADER WINNIE
BRINKS**, in her official capacity,

Case No.
Hon.

Plaintiffs,

**URGENT STATE
CONSTITUTIONAL MATTER**

v

**MICHIGAN HOUSE OF REPRESENTATIVES,
MICHIGAN HOUSE SPEAKER MATT HALL,**
in his official capacity, and **MICHIGAN HOUSE
CLERK SCOTT STARR**, in his official capacity,

Defendants.

**PLAINTIFFS' VERIFIED COMPLAINT FOR MANDAMUS,
DECLARATORY JUDGMENT, AND PERMANENT INJUNCTION
IMMEDIATE AND EXPEDITED CONSIDERATION REQUESTED**

There is no other pending or resolved civil action arising out
of the transaction or occurrence alleged in the complaint.

/s/ Mark Brewer

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Plaintiffs Michigan Senate and Senate Majority Leader Winnie Brinks (collectively “Senate”) for their Verified Complaint for Mandamus, Declaratory Judgment, and Permanent Injunction against Defendants (collectively “House”) state as follows:

INTRODUCTION

“Every bill passed by the legislature shall be presented to the governor before it becomes law”¹

“Constitutional provisions regulating the presentation, approval, and veto of bills by the executive are mandatory, and the procedure as thus established cannot be enlarged, curtailed, changed, or qualified, by the legislative body.”²

1. This case is about enforcing the State House’s state constitutional duty to present to the Governor nine bills that passed the Legislature in 2024: House Bills 4177 and 4665–4667 of 2023, and House Bills 4900–4901, 5817–5818, and 6058 of 2024 (collectively the “nine bills”). The first sentence of Article 4, § 33 of the State Constitution (the “Presentment Clause”), Michigan Supreme Court precedent, Constitutional Convention proceedings, and legislative practice all mandate that the House perform its state constitutional duty to present these nine bills to the Governor.

JURISDICTION

2. This Court has jurisdiction over Plaintiffs’ claims in this action for mandamus, declaratory judgment, and permanent injunction under MCL 600.6419(1)(a) and (7), MCR 2.605(A)(1), and MCR 3.305(A)(1).

PARTIES

3. The Michigan Senate is one of the two legislative bodies constituting the bicameral Michigan Legislature in which the legislative power is vested. Const 1963, art 4, § 1. The Senate

¹ Const 1963, art 4, § 33.

² *Anderson v Atwood*, 273 Mich 316, 320; 262 NW 922 (1935), quoting 59 CJ, p 575.

analyzed, held committee hearings on, considered, deliberated, and passed the nine bills in 2024. It has adopted a resolution authorizing this litigation. *See* Ex 1.

4. Senate Majority Leader Winnie Brinks is the duly elected Senator for District 29 for a four-year term, 2023–2027, and the duly elected Majority Leader of the Michigan Senate for 2023–2027. She voted for the nine bills.

5. The Michigan House of Representatives is one of the two legislative bodies constituting the bicameral Michigan Legislature in which the legislative power is vested. Const 1963, art 4, § 1. The House analyzed, held committee hearings on, considered, deliberated, and passed the nine bills in 2024.

6. Michigan House Speaker Matt Hall was an elected Representative from District 42 in 2023–2025 and is the elected Representative from District 42 in 2025–2027. He voted no or failed to vote on the nine bills during the 2023–2024 legislative session. He was elected Speaker of the House on January 8, 2025. Although they were ready for presentation, Speaker Hall directed Clerk of the House Scott Starr not to present the nine bills to the Governor. *See* Eggert, *New House Speaker Pushes Elimination of Business Tax Credits to Fund Roads, Questions RenCen Plan*, Crain’s Detroit Business (January 9, 2025).

7. Michigan House Clerk Scott Starr is the duly elected House Clerk who has the ministerial duty of presenting bills passed by the Legislature and originating in the House to the Governor.

FACTUAL ALLEGATIONS

A. *Historical Bill Presentment Practice.*

8. The Presentment Clause of the Michigan Constitution states:

Every bill passed by the Legislature shall be presented to the governor before it becomes law

Const 1963, art 4, § 33. The Clause imposes a duty to present every bill passed by the Legislature

without exception.

9. For at least 150 years under three State Constitutions—1850, 1908, and 1963—following presentment by the Legislature, Michigan governors have signed bills after the adjournment of the legislative session at which they were passed. *See, e.g., Detroit v Chapin*, 108 Mich 136, 143; 66 NW 587 (1895) (“Our attention is called to instances where the governors of this State have signed bills [after legislative adjournment], one as early as 1873, and many since.”); 1 OAG, 1982, No. 6,114, p 779, at 780 (December 22, 1982) (*Chapin* “expressly recognized that governors of this state have signed bills [after legislative adjournment] for many years.”).

10. The vast majority of bills passed during a legislative session are presented to the Governor during that session. However, the volume of bills passed in the final days of a legislative session has sometimes caused bill presentation and signing to occur during the next legislative session.

11. Examples of bills presented by the Senate to the Governor during the next legislative session following passage include but are not limited to:

- 1) Senate Bill 240 of 1998 was presented to the Governor on January 13, 1999 and signed on January 27, 1999. *See* 1998 Senate Journal 2290, 2309–2310.
- 2) Senate Bill 1102 of 1996 was presented to the Governor on January 10, 1997 and signed on January 21, 1997. *See* 1996 Senate Journal 2377, 2392.
- 3) Senate Bills 530, 979, 200, and 201 of 1982 were presented to the Governor on January 4, 1983 and signed by the Governor on January 17, 1983. *See* 1983 Senate Journal 32, 56–57.
- 4) Between January 4 and 16, 1981 the Senate presented 49 bills to the Governor. *See* 1980 Senate Journal 3767–3768.

12. Examples of bills presented by the House to the Governor during the next legislative session by the House include but are not limited to:

- 1) In January 1981, 71 bills from the 1980 session were presented to the Governor between January 7, 1981 and January 16, 1981. *See* 1980 House Journal 3767–3768.

B. *The Events Of January 8, 2025.*

13. On January 8, 2025, the Legislature convened, Representative Hall was elected Speaker, and Starr was elected Clerk.

14. Following the well-established practice of the Michigan Legislature, on January 8, 2025, the Clerk of the House presented at least 88 bills to the Governor that had been passed by the Legislature in December 2024 during the previous legislative session. *See* Michigan Legislature, *Bills: 2023–2024 Session*, <https://www.legislature.mi.gov/Bills?session=2023-2024>.

15. All nine bills had passed both houses of the Legislature in 2024 and were ready for presentation to the Governor on January 8, 2025, along with the rest of the bills. However, in defiance of Article 4, § 33, Michigan Supreme Court precedent, and long-established legislative practice, Speaker Hall ordered Clerk Starr not to present the nine bills to the Governor.

C. *The Nine Bills Passed By The Legislature In 2024 That The House Has Failed To Present To The Governor.*

16. 2023 HB 4177

- Brief Description: Enacts the History Museum Authorities Act to allow a county board of commissioners to establish a history museum authority and levy a tax of up to 0.2 mills in a county that established an authority. *See* Senate Fiscal Agency Analysis, HB 4177 (November 25, 2024).
- Process, *see* Michigan Legislature, *House Bill 4177 of 2023: History* (accessed January 28, 2025):
 - Introduced – 3/7/23
 - Reported from the House Committee on Regulatory Reform – 9/19/23
 - Two Committee Hearings, *see* House of Representatives Committee on Regulatory Reform, *Committee Meeting Minutes* (September 12, 2023); House of Representatives Committee on Regulatory Reform, *Committee Meeting Minutes* (September 19, 2023).

- Passed the House (56–53) – 6/20/24
- Reported from the Senate Committee on Finance, Insurance, and Consumer Protection – 11/26/24
 - Committee Hearing, *see* Senate Committee on Finance, Insurance, and Consumer Protection, *Committee Meeting Minutes* (November 13, 2024).
- Passed the Senate (20–18) – 12/20/24
- Returned to the House – 12/20/24
- Ordered Enrolled – 12/31/24

17. 2024 HB 5817

- Brief Description: Amends the Tax Increment Financing Act to exempt the mills captured under HB 4177, so that money collected goes to the established authority. *See* Senate Fiscal Agency Analysis, HB 5817 (November 25, 2024).
- Process, *see* Michigan Legislature, *House Bill 5817 of 2024: History* (accessed January 28, 2025):
 - Introduced – 6/13/24
 - Reported from the House Committee on Regulatory Reform – 6/18/24
 - Committee Hearing, *see* House of Representatives Committee on Regulatory Reform, *Committee Meeting Minutes* (June 18, 2024).
 - Passed the House (56–54) – 6/27/24
 - Reported from the Senate Committee on Finance, Insurance, and Consumer Protection – 11/13/24
 - Committee Hearing, *see* Senate Committee on Finance, Insurance, and Consumer Protection, *Committee Meeting Minutes* (November 13, 2024).
 - Passed the Senate (20–18) – 12/20/24
 - Returned to the House – 12/20/24
 - Ordered Enrolled – 12/31/24

18. 2024 HB 5818

- Brief Description: Amends the Brownfield Redevelopment Authority Act to exempt the mills captured under HB 4177, so that money collected goes to the established authority. *See* Senate Fiscal Agency Analysis, HB 5818 (November 25, 2024).
- Process, *see* Michigan Legislature, *House Bill 5818 of 2024: History* (accessed January 28, 2025):
 - Introduced – 6/13/24
 - Reported from the House Committee on Regulatory Reform – 6/18/24
 - Committee Hearing, *see* House of Representatives Committee on Regulatory Reform, *Committee Meeting Minutes* (June 18, 2024).
 - Passed the House (56–54) – 6/27/24
 - Reported from the Senate Committee on Finance, Insurance, and Consumer Protection – 11/26/24
 - Committee Hearing, *see* Senate Committee on Finance, Insurance, and Consumer Protection, *Committee Meeting Minutes* (November 13, 2024).
 - Passed the Senate (20–18) – 12/20/24
 - Returned to the House – 12/20/24
 - Ordered Enrolled – 12/31/24

19. 2023 HB 4665

- Brief Description: Amends the State Police Retirement Act to allow corrections officers, conservation officers, and other law enforcement officers to participate in the Michigan State Police retirement plan. *See* House Fiscal Agency Analysis, HB 4665 (December 13, 2024).
- Process, *see* Michigan Legislature, *House Bill 4665 of 2023: History* (accessed January 28, 2025):
 - Introduced – 5/25/23
 - Reported from the House Committee on Labor – 12/12/24
 - Committee Hearing, *see* House of Representatives Committee on Labor, *Committee Meeting Minutes* (December 12, 2024).

- Passed the House (56–0) – 12/13/24
- Discharged from the Senate Committee on Government Operations – 12/20/24
- Passed the Senate (25–13) – 12/20/24
- Returned to the House – 12/20/24
- Ordered Enrolled – 12/31/24

20. 2023 HB 4666

- Brief Description: Amends the State Employees’ Retirement Act to allow certain individuals who are qualified participants in the State Employees’ Retirement System to elect to join the Michigan State Police retirement plan. *See* House Fiscal Agency Analysis, HB 4666 (December 13, 2024).
- Process, *see* Michigan Legislature, *House Bill 4666 of 2023: History* (accessed January 28, 2025):
 - Introduced – 5/25/23
 - Reported from the House Committee on Labor – 12/12/24
 - Committee Hearing, *see* House of Representatives Committee on Labor, *Committee Meeting Minutes* (December 12, 2024).
 - Passed the House (56–0) – 12/13/24
 - Discharged from the Senate Committee on Government Operations – 12/20/24
 - Passed the Senate (25–13) – 12/20/24
 - Returned to the House – 12/20/24
 - Ordered Enrolled – 12/31/24

21. 2023 HB 4667

- Brief Description: Adds three sections to the State Police Retirement Act to allow eligible individuals to purchase service credit for service under the State Employees’ Retirement Act. *See* House Fiscal Agency Analysis, HB 4667 (December 13, 2024).
- Process, *see* Michigan Legislature, *House Bill 4667 of 2023: History* (accessed January 28, 2025):

- Introduced – 5/25/23
- Reported from the House Committee on Labor – 12/12/24
 - Committee Hearing, *see* House of Representatives Committee on Labor, *Committee Meeting Minutes* (December 12, 2024).
- Passed the House (56–0) – 12/13/24
- Discharged from the Senate Committee on Government Operations – 12/20/24
- Passed the Senate (25–13) – 12/20/24
- Returned to the House – 12/20/24
- Ordered Enrolled – 12/31/24

22. 2023 HB 4900

- Brief Description: Modifies the types and value of wages, money, and property exempt from garnishment and execution (debt collection), and modifies Michigan’s garnishment and execution process. *See* Senate Fiscal Agency Analysis, HB 4900 (December 18, 2024).
- Process, *see* Michigan Legislature, *House Bill 4900 of 2023: History* (accessed January 28, 2025):
 - Introduced – 7/18/23
 - Discharged from the House Committee on Insurance and Financial Services – 12/13/24
 - Passed by the House (56–0) – 12/13/24
 - Discharged from the Senate Committee on Government Operations – 12/20/24
 - Passed by the Senate (22–16) – 12/20/24
 - Returned to the House – 12/20/24
 - Ordered Enrolled – 12/31/24

23. 2023 HB 4901

- Brief Description: Amends the bankruptcy section of the Revised Judicature Act to modify the value of types of property and expand the types of property exempt from inclusion in a debtor's estate. *See* Senate Fiscal Agency Analysis, HB 4901 (December 18, 2024).
- Process, *see* Michigan Legislature, *House Bill 4901 of 2023: History* (accessed January 28, 2024):
 - Introduced – 7/18/23
 - Discharged from the House Committee on Insurance and Financial Services – 12/13/24
 - Passed the House (56–0) – 12/13/24
 - Discharged from the Senate Committee on Government Operations – 12/20/24
 - Passed the Senate (21–17) – 12/20/24
 - Returned to the House – 12/20/24
 - Ordered Enrolled – 12/31/24

24. 2024 HB 6058

- Brief Description: Amends the Publicly Funded Health Insurance Contribution Act to mandate that public employers contribute at least 80% of the costs for employee health plans and permit employers to contribute up to the full cost. *See* Senate Fiscal Agency Analysis, HB 6058 (December 19, 2024).
- Process, *see* Michigan Legislature, *House Bill 6058 of 2024: History* (accessed January 28, 2025):
 - Introduced – 11/12/24
 - Reported from the House Committee on Labor – 12/5/24
 - Committee Hearing, *see* House of Representatives Committee on Labor, *Committee Meeting Minutes* (December 5, 2024).
 - Passed by the House (56–0) – 12/13/24
 - Discharged from the Senate Committee on Government Operations – 12/20/24

- Passed the Senate (20–18) – 12/20/24
- Returned to the House – 12/20/24
- Ordered Enrolled – 12/31/24

**THE HOUSE HAS A CLEAR LEGAL DUTY TO
PRESENT THE NINE BILLS TO THE GOVERNOR**

25. The House has a clear legal duty to present the nine bills to the Governor:

Every bill passed by the legislature *shall* be presented to the governor before it becomes law

Const 1963, art 4, § 33 (emphasis added). The Clause contains no exceptions. The Michigan Supreme Court has held that “shall” means “shall,” that presentation is mandatory, and that the Legislature cannot interfere with the constitutional mandate in any way:

“Constitutional provisions regulating the presentation, approval, and veto of bills by the executive are mandatory, and the procedure as thus established cannot be enlarged, curtailed, changed, or qualified, by the legislative body.”

Anderson v Atwood, 273 Mich 316, 320; 262 NW 922 (1935), *quoting* 59 CJ, p 575; *see also, e.g., Campaign for Fiscal Equity v Marino*, 87 NY2d 235, 238–239; 661 NE2d 1372 (1995) (withholding bills from the governor that have passed the legislature violates the New York Constitution’s Presentment Clause); *Brewer v Burns*, 222 Ariz 234, 236; 213 P3d 671 (2009) (*en banc*) (the legislature violates the Arizona Constitution’s Presentment Clause when it withholds bills that have passed from the governor).

STANDING

26. Plaintiffs incorporate the prior paragraphs as if set forth word for word.
27. Only one Plaintiff needs to have standing in order for the complaint to proceed. *See, e.g., House Speaker v State Admin Bd*, 441 Mich 547, 561; 495 NW2d 539 (1993). Both Plaintiffs have standing on several bases under Michigan Supreme Court precedent.

The Legal Standards

28. In *Lansing Sch Ed Ass'n v Lansing Bd of Ed*, 487 Mich 349; 792 NW2d 686 (2010), the Court held that “consistent with Michigan’s long-standing historical approach to standing,” judicial standing analyses are “limited” and “prudential.” *Id* at 352–353. The sole “purpose of the standing doctrine,” the Court held, “is to assess whether a litigant’s interest in the issue is sufficient to ‘ensure sincere and vigorous advocacy.’” *See id* at 335, quoting *Detroit Fire Fighters Ass'n v Detroit*, 449 Mich 629, 633; 537 NW2d 436 (1995).

29. *Lansing Schools* held that plaintiffs can establish standing in any one of several ways: (1) “whenever there is a[n explicit] legal cause of action”; (2) “if the statutory scheme” or some other source implies a cause of action; (3) when the plaintiff *either* “has a special injury *or* right, *or* substantial interest, that will be detrimentally affected in a manner different from the citizenry at large”; or (4) “whenever a litigant meets the requirements of MCR 2.605 . . . to seek a declaratory judgment.” *Lansing Sch Ed Ass'n*, 487 Mich at 372 (emphasis added).

30. Plaintiffs have standing under a number of the *Lansing Schools* standards.

The Michigan Senate Has Standing

31. First, the Senate has a special right that will be detrimentally affected in a manner different from the citizenry at large by the House’s failure to do its duty to present the nine bills. The House’s unilateral refusal to present the nine bills to the Governor violates the constitutionally established bicameral lawmaking process under Article 4 generally, and § 33 specifically. As an integral part of the bicameral lawmaking body, the Senate has the institutional right under § 33 to have bills passed by both houses presented to the Governor. To permit the House to withhold presentation would undermine the integrity of the bicameral lawmaking process mandated by § 33 by allowing one house and one legislator to veto the work of both houses after a legislative session

has ended. The right to veto legislation is the sole constitutional prerogative of the Governor and it cannot be usurped by a legislative body or a legislator after a legislative session is over. This institutional right is unique to the Senate, not shared with the citizenry at large, and is plainly detrimentally affected by the House's conduct here.

32. The Senate also has a special injury caused by the House's failure to do its duty to present—an injury not shared by the citizenry at large. The Senate expended considerable time and resources considering, performing bill analyses, holding committee hearings, debating, and finally passing the nine bills at issue here. *See supra*, ¶¶ 19–24. No other person or organization performed or can perform these innately legislative tasks of the Senate. Thus, the Senate is uniquely injured by having spent its time and resources on these nine bills only to have them unconstitutionally blocked from presentment by the House.

33. In addition, the Senate has a substantial interest that will be detrimentally affected in a manner different from the citizenry at large by the House's failure to do its duty to present. The text of Article 4, § 33 specifically references the Legislature and the legislative process. *See Lansing Sch Ed Ass'n*, 487 Mich at 374 (text can demonstrate “a substantial and distinct interest”). While citizens can influence the legislative process, only the Senate and House can pass legislation and present it to the Governor. The Senate thus has a substantial interest in the presentation of the nine bills and is affected differently than citizens by the House's failure to present legislation that both houses have passed. The history of Article 4, § 33 reinforces the Senate's substantial and distinct interest. *See Lansing Sch Ed Ass'n*, 487 Mich at 374–375 (legislative history demonstrates a substantial and distinct interest); *see also supra*, ¶¶ 9–12.

34. The Senate also meets the requirements of MCR 2.605 to seek a declaratory judgment. MCR 2.605(A)(1) states: “In a case of actual controversy within its jurisdiction, a Michigan court

of record may declare the rights and other legal relations of an interested party seeking a declaratory judgment, whether or not other relief is or could be sought or granted.” The Michigan Supreme Court has held that “[a]n actual controversy exists when a declaratory judgment is needed to guide a party’s future conduct in order to preserve that party’s legal rights.” *League of Women Voters of Mich v Secretary of State*, 506 Mich 561, 586; 957 NW2d 731 (2020) (*en banc*). There is an actual controversy because the Senate has the constitutional right to presentment of these nine bills and all bills in the future that pass both houses of the Legislature.

The Senate Majority Leader Has Standing

35. In *House Speaker v State Admin Bd*, 441 Mich 547; 495 NW2d 539 (1993), the Court held that legislators have standing to sue if they “establish that they have been deprived of a ‘personal and legally cognizable interest peculiar to them.’” *Id* at 556. One of those interests is a “complete nullification of [her] vote, with no recourse in the legislative process.” *Id* at 557.

36. Leader Brinks’ vote to pass all nine bills has been completely nullified by the withholding of presentment by the House and she has no recourse in the legislative process because the legislative session in which she voted for the nine bills is over. Hers is not a “generalized grievance that the law is not being followed,” *id* at 556, but an injury peculiar to Leader Brinks as a legislator who voted for the bills and whose vote is nullified by the failure of the House to present the nine bills.

COUNT I – MANDAMUS: THE HOUSE OF REPRESENTATIVES SHOULD BE ORDERED TO PRESENT THE NINE BILLS TO THE GOVERNOR

37. Plaintiffs incorporate the prior paragraphs as if set forth word for word.

38. A writ of mandamus is issued by a court to compel public bodies and officers to perform a clear legal duty, including public bodies created by the State Constitution. *See, e.g., Jones v Dep’t of Corrections*, 468 Mich 646, 658; 664 NW2d 717 (2003); *Citizens for Protection of Marriage v*

Bd of State Canvassers, 263 Mich App 487; 688 NW2d 538 (2004) (*per curiam*) (granting mandamus against the Board of State Canvassers); *Pillon v Attorney General*, 345 Mich 536; 77 NW2d 257 (1956) (granting mandamus against the Secretary of State).

39. To be entitled to a writ of mandamus, a plaintiff must show that: “(1) the plaintiff has a clear, legal right to performance of the specific duty sought, (2) the defendant has a clear legal duty to perform, (3) the act is ministerial, and (4) no other adequate legal or equitable remedy exists that might achieve the same result.” *Rental Props Owners Ass’n of Kent Co v Kent Co Treasurer*, 308 Mich App 498, 518; 866 NW2d 817 (2014) (*per curiam*), *lv den* 498 Mich 853; 865 NW2d 19 (2015).

40. Based on the facts, authorities, and analysis set forth in ¶¶ 8–36, Plaintiffs are entitled to a writ of mandamus because (1) Plaintiffs have a clear legal right under Article 4, § 33 to have the House present the nine bills to the Governor; (2) Defendants have a clear legal duty under Article 4, § 33 to present the nine bills to the Governor; (3) the act of presentation is ministerial; and (4) Plaintiffs have no other legal or equitable remedy that might achieve the same result.

COUNT II – DECLARATORY JUDGMENT: THE HOUSE OF REPRESENTATIVES HAS A CONSTITUTIONAL DUTY TO PRESENT THE NINE BILLS TO THE GOVERNOR AND THE SENATE HAS A CONSTITUTIONAL RIGHT TO PRESENTMENT

41. Plaintiffs incorporate the prior paragraphs as if set forth word for word.

42. “In a case of actual controversy within its jurisdiction, a Michigan court of record may declare the rights and other legal relations of an interested party seeking a declaratory judgment, whether or not other relief is or could be sought or granted.” The Michigan Supreme Court has held that “[a]n actual controversy exists when a declaratory judgment is needed to guide a party’s future conduct in order to preserve that party’s legal rights.” *League of Women Voters of Mich v Secretary of State*, 506 Mich 561, 586; 957 NW2d 731 (2020) (*en banc*).

43. There is an actual controversy because Plaintiffs have a constitutional right under Article 4, § 33 to the presentment of these nine bills and Defendants have a constitutional duty under Article 4, § 33 to present them and all bills in the future that pass both houses of the Legislature.

44. Plaintiffs are entitled to a declaratory judgment that Plaintiffs have a constitutional right to presentment of these nine bills and Defendants have has a constitutional duty to present them and all bills in the future that pass both houses of the Legislature.

COUNT III – PERMANENT INJUNCTION: THE HOUSE OF REPRESENTATIVES SHOULD BE PERMANENTLY ENJOINED FROM FAILING TO PRESENT THE NINE BILLS TO THE GOVERNOR

45. Plaintiffs incorporate the prior paragraphs as if set forth word for word.

46. Plaintiffs are entitled to a declaratory judgment that Defendants have a constitutional right to presentment of these nine bills and Defendants have a constitutional duty to present them and all bills in the future that pass both houses of the Legislature.

47. Other relief may be granted based on a declaratory judgment. MCR 2.605(F).

48. Plaintiffs are entitled to a permanent injunction enjoining Defendants from failing to present the nine bills to the Governor because they meet all of the criteria for a permanent injunction. *See, e.g., Kernen v Homestead Dev Co*, 232 Mich App 503, 514–515; 591 NW2d 369 (1998).

THIS IS AN URGENT MATTER REQUIRING IMMEDIATE AND EXPEDITED CONSIDERATION

49. Plaintiffs incorporate the prior paragraphs as if set forth word for word.

50. Actions for declaratory judgment can be expedited. MCR 2.605(D).

51. Unless given immediate effect, laws take effect 90 days after the Legislature adjourns. Const 1963, art 4, § 27. None of the nine bills were given immediate effect, so if signed by the Governor, they will take effect on April 2, 2025, which is fast approaching.

52. The Governor has up to 14 days after presentation to consider bills. *Id* § 33.

53. Appeals are expected in this matter. To resolve those appeals and allow the Governor her constitutionally mandated period of 14 days to consider a bill after presentation but before the April 2, 2025, effective date of the bills she signs, this matter requires immediate and expedited consideration.

54. Since January 9, 2025, Speaker Hall has been reviewing the legal issues he asserts prevent presentment. *See Eggert, New House Speaker Pushes Elimination of Business Tax Credits to Fund Roads, Questions RenCen Plan* (reporting that Speaker Hall’s “team is conducting a legal review of [the] nine bills”). In addition, the Senate adopted the resolution authorizing this litigation on January 22, 2025, *see Verified Compl, Ex 1*, so the House has known that this complaint was coming. With nearly four weeks of legal review already done and more than a week’s notice of its anticipated filing, the House should be able to respond quickly to this complaint that presents solely legal issues.

PRAYER FOR RELIEF

For the reasons stated, Plaintiffs respectfully pray for this relief from the Court:

1. Immediate and expedited consideration of this Verified Complaint;
2. Grant the Complaint for Mandamus and order Defendants to immediately present the nine bills to the Governor;
3. A declaratory judgment that Defendants have a constitutional duty to present the nine bills to the Governor and that Plaintiffs have the constitutional right to such presentment;
4. A permanent injunction enjoining Defendants from failing to immediately present the nine bills to the Governor; and
5. Such other relief as the Court considers necessary or appropriate.

Respectfully submitted,

/s/ Mark Brewer

GOODMAN ACKER, P.C.

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Dated: February 3, 2025



VERIFICATION

STATE OF MICHIGAN)

)ss

COUNTY OF INGHAM)

I declare under the penalties of perjury that this Verified Complaint has been examined by me and that its contents are true to the best of my knowledge, information, and belief.

Clinton Bin

Subscribed and sworn to before me
This 30 day of January, 2025.

Kelsey Roy

Notary Public
County of Kalamazoo, State of Michigan
My Commission Expires:

KELSEY ROY
NOTARY PUBLIC, STATE OF MI
COUNTY OF KALAMAZOO
MY COMMISSION EXPIRES Feb 10, 2028
ACTING IN COUNTY OF Ingham

EXHIBIT 1

SENATE RESOLUTION NO. 3

Senators Brinks, Polehanki, Shink, Irwin, McMorrow, Camilleri, Singh, Cherry, Klinefelt, Moss, Chang, Santana, McCann, Hertel, Cavanagh, Geiss, Bayer, Wojno and Anthony offered the following resolution:

1 A resolution to authorize the Senate Majority Leader to
2 commence legal action, on behalf of the Senate, to compel the House
3 of Representatives to fulfill its constitutional duty to present to
4 the Governor the nine remaining bills passed by both houses during
5 the One Hundred Second Legislature.

6 Whereas, Article IV, Section 33 of the Michigan Constitution
7 requires that every bill passed by the Legislature be presented to
8 the Governor; and

9 Whereas, On December 20, 2024, the Senate passed House Bills
10 4177 and 4665-4667 of 2023, and House Bills 4900-4901, 5817-5818,
11 and 6058 of 2024, then returned them to the House for presentation

1 to the Governor; and

2 Whereas, Despite its constitutional duty, the House of
3 Representatives has failed to present those bills to the Governor
4 and has advised, through the Speaker of the House, that it will
5 continue holding the bills; and

6 Whereas, The Constitution does not permit the House's
7 unilateral decision to delay presenting those bills to the
8 Governor; and

9 Whereas, The Senate must act to ensure that the House fulfills
10 its constitutional duty to present to the Governor all bills that
11 passed both houses during the One Hundred Second Legislature; now,
12 therefore, be it

13 Resolved by the Senate, That the Senate Majority Leader, in
14 her official capacity, is authorized to commence legal action, on
15 behalf of the Senate, to compel the House of Representatives to
16 immediately present to the Governor House Bills 4177 and 4665-4667
17 of 2023, and House Bills 4900-4901, 5817-5818, and 6058 of 2024,
18 and to take all necessary steps incidental thereto, including, but
19 not limited to, pursuing or defending any appeals.