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## Perhaps an Early Legislative Sine Die Regular Session Adjournment

The scuttlebutt in Lansing is that the legislature might call for sine die adjournment of the regular session of the 102nd Legislature earlier than we have known in recent years. The motivation is to allow a law for a change in the timing of the presidential primary election to become effective before the date in the amended law. The statute, which was not granted immediate effect, moves the presidential primary from the second Tuesday in March to February 27, 2024, and to the fourth Tuesday in February in each presidential election year after 2024. If the legislative session continues until the middle or end of December, the law will not take effect until after February 27, 2024.

While “early sine die adjournment” of the regular session would represent a break from the norm in recent decades, such a move would be consistent with the common practice in Michigan before the 1970s and mirrors how most state legislatures operate today across the country.

“Sine die” is a Latin term that means “without assigning a day for a further meeting or hearing”. It is significant because it triggers counting for when enacted laws, those not granted immediate effect, take effect 90 days after the end of the regular session.

Michigan is commonly thought to have a “full-time legislature”. However, that classification is based more on practice and tradition than it is on the constitutional provisions governing the operation of the state’s lawmaking branch of government. While the 1963 Constitution allows for a full-time legislature, it definitely does not mandate that the body meet year-round. In fact, several constitutional provisions infer an expectation of a part-time legislature.

The National Conference of State Legislatures counts eight states as having full-time legislatures: Michigan, California, New York, and Pennsylvania have full-time legislatures with large staffs (professional legislatures) and Illinois, Massachusetts, Ohio, and Wisconsin have full-time legislatures but relatively smaller staffs. Fourteen other states have part-time legislatures, and the other 28 states are considered hybrid.

The Michigan Constitution does not address the length of legislative sessions. Article IV (Legislative Branch), Section 13 of the 1963 Michigan Constitution specifies the date and time at which the legislature will convene. It is silent on when adjournments should occur.

This contrasts with a state like Utah. Article VI, Section 16 of the Utah Constitution specifies that “no annual general session of the Legislature may exceed 45 calendar days...” Limiting the regular legislative session to a specified number of days is a hallmark of most part-time legislatures.

Even without a constitutional time limit, it was once common practice in Michigan to act like a part-time legislature. Until the 1970s, including several years of operating under the 1963 Constitution, the legislature wrapped up its work by summer and members would return to their districts and the other jobs they held outside of the Capitol. While constituent work, oversight responsibilities, and committee hearings would continue as needed after the adjournment of the legislative session, formal lawmaking in a regular session ceased after members left town in late summer/early fall.

Although it does not explicitly require the legislature to operate part-time, several provisions of Article IV of the Constitution are written with the assumption that a part-time legislature would wrap up its work before a new school year starts and snow starts falling.

For example, Section 28 provides for exclusive attention of the legislature during a special session on the subjects contained in the governor's proclamation or contained in a special message. When the legislature was not acting as a full-time entity, it was not uncommon for the governor to call the legislature back to Lansing to meet in extra, or special, sessions. There is little need to provide for special sessions if the legislature is expected to be in session year-round.

Similarly, Section 27 provides for the effective date of enacted bills – 90 days from the sine die end of the session at which it was passed unless given immediate effect by a two-thirds vote in each chamber. Also, Section 35 requires all laws enacted during each legislative session to be published in book form within 60 days of the final adjournment of the session. The reasoning behind these provisions, in an era before modern communications, was that the state wanted to provide sufficient time for news of the enacted laws to reach all corners of the state before taking effect. With the legislative body adjourning mid-year, there was ample time for that news to spread and the bills to take effect in the same calendar year.

Even with an expectation that laws would become effective in the same calendar year in which they were enacted, the constitutional delegates recognized that some law changes would be needed to address immediate needs. They expected immediate effect to be used in rare occasions and included a super-majority vote requirement to grant that status.

Those expectations were turned on their heads as legislative sessions were extended, and the Michigan legislature evolved into a full-time body. With sine die adjournment pushed to the end of each calendar year, 90 days after the end of session now occurred in March or early April. For laws enacted early in a legislative session, this could make the effective date more than a year after enactment. Living by the letter and spirit of the constitution would deprive legislators of the ability to prove to their constituents that they are serving their needs. Thus, it has become common practice to give immediate effect to more than 90 percent of enacted laws.

The scuttlebutt of an earlier than normal sine die adjournment of the regular legislative session reflects the political gamesmanship of the partisan politics common today. It is a sad commentary on the frequent inability (or unwillingness) of legislators to work across the aisle and find compromises on issues important to Michigan residents.

There is no reason to think that an earlier-than-normal sine die adjournment in 2023 would create new standards. But for the proposed timing of the 2024 presidential primary election and the current state of politics, there is every reason to think this legislature would have extended the current session late into the year.

## ABOUT THE AUTHOR

### Eric Lupher - President



Eric has been President of the Citizens Research Council since September of 2014. He has been with the Citizens Research Council since 1987, the first two years as a Lent Upson-Loren Miller Fellow, and since then as a Research Associate and, later, as Director of Local Affairs. Eric has researched such issues as state taxes, state revenue sharing, highway funding, unemployment insurance, economic development incentives, and stadium funding. His recent work focused on local government matters, including intergovernmental cooperation, governance issues, and municipal finance. Eric is a past president of the Governmental Research Association and also served as vice-chairman of the Governmental Accounting Standards Advisory Council (GASAC), an advisory body for the Governmental Accounting Standards Board (GASB), representing the user community on behalf of the Governmental Research Association.

Eric holds a B.A. in International Relations from James Madison College at Michigan State University and a Masters in Public Administration from Wayne State University.

Founded in 1916, the Citizens Research Council of Michigan works to improve government in Michigan. The organization provides factual, unbiased, independent information concerning significant issues of state and local government organization, policy, and finance. By delivery of this information to policymakers and citizens, the Citizens Research Council aims to ensure sound and rational public policy formation in Michigan. For more information, visit [www.crcmich.org](http://www.crcmich.org).

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