



Considering a Part-Time
Legislature for Michigan

Considering a Part-Time Legislature for Michigan

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Jordon Newton, Research Associate
jnewton@crcmich.org

The Proposed Amendment

Proposed Changes to the Constitution

- The amendment would alter and abrogate provisions of Article IV, Sections 12 & 13.
- The proposal would mandate that:
 - The legislature adjourn by the 15th of April each year.
 - Legislative salaries are based on teacher pay.
 - Pensions and retirement healthcare may not be provided to legislators.
- The petition does not:
 - Address legislative staffing issues.
 - Determine rules for other legislative activities during the year.
 - Change current constitutional provisions for special sessions.

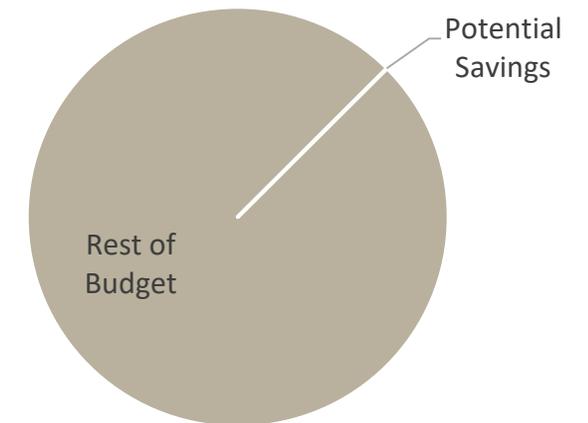
Limits to Session Length

- The April 15th deadline leaves a maximum of 14 weeks for the legislative session.
- However, it is not clear the extent to which legislators will have to perform other legislative tasks year round, including:
 - Drafting and reviewing legislation
 - Committee meetings
 - Oversight
 - Constituent outreach
 - Case work
 - Fundraising

Salaries

- The petition would direct the State Officers Compensation Commission to determine legislator salaries by comparing teacher salaries and the number of days in classroom to the number of days in session.
- Currently legislators earn \$71,685 annually.
- Based on 2015-16 average teacher salary, this would result in \$344 per session day, or a maximum of \$23,718 per regular session.
- In total, this saves \$7 million in the \$10 billion General Fund budget.

General Fund Budget



Ban on Retirement Benefits

- While the petition would put a constitutional ban on legislative pensions and retiree healthcare benefits, legislators no longer receive either pensions or OPEB:
 - The state employee pension system was closed in 1997.
 - Retirement benefits for the legislature were ended in 2011.
- Realistically, this will have no impact on Michigan's finances or legislative compensation.

Legislative Session History

Legislative Session History

- The history of Michigan's legislature can be divided into four periods:
 - 1835-1850 – Annual part-time
 - 1851-1950 – Biennial part-time
 - 1951-1964 – Annual part-time
 - 1965-Present – Annual full-time

1835-1850 – Admitted into the Union

- Michigan's early legislators were elected annually, leading to annual meetings of the legislature.
- Sessions were short; once the legislature was set up, sessions, which began at the beginning of January, usually ended before April.
- This most closely resembles the legislative calendar that would occur under the Part-Time Legislature initiative.

1851-1950 – Biennial Sessions

- The 1850 Constitution moved legislators to a two-year term in office.
- This changed the legislative calendar as only one regular session was held during each legislature.
- Early sessions were short – ended in February or March.
- Sessions after the 1908 Constitution lasted longer
 - Most ended in May or later.
- Special sessions became a regular occurrence in the 30's and 40's.

1951-1964 – Beginnings of Modernization

- In 1951, a legislatively initiated constitutional amendment changed legislative provisions from biennial sessions to annual sessions.
 - The vote was held to allow the legislature to better respond in the changing world.
 - Budgeting two years in advance was also a concern.
- Sessions adjourned by early July in most years.
- The state still required frequent special sessions
 - They occurred in all but one legislature during this period.

1965-Present – The Modern Legislature

- Since 1965, regular session has only adjourned prior to December in one legislature (1967-68).
- While session days increased initially, moving from 90 to more than 125 annually, they have declined to less than 100 in recent years.
- Currently the legislature has control over session length; the only restriction is that each year's session begins the second Wednesday of the year.

Considerations

Effects on Legislative Staff

- One open question is the affect on legislative staff. The petition would leave this up to the legislature.
- Staff could decrease:
 - Fewer session days mean staff could be part time.
- Staff could increase:
 - Increased burden on staff to research outside of session.
 - Larger casework burden falls to staff as legislators are working jobs when not in session.

Veto Power

- The constitution gives the governor 14 days to determine if he/she will veto a piece of legislation.
- “Pocket Veto” - If the governor does not sign legislation and session ends, then the legislation is considered vetoed.
- If the legislature is mandated to adjourn by the 15th of April, any legislation not passed by the legislature by April 1st can be vetoed without the ability of the legislature to override.

Current Constitutional Provisions Designed for a Part-Time Legislature

- Special Sessions
- Initiatives
- Referendum
- Immediate Effect

Special Sessions

- The constitution outlines rules for special sessions; under a full time system special sessions are obsolete.
- A part-time system would reintroduce the opportunity for special sessions into Michigan's system.
 - Only the governor may call a special session.
 - A session can only be called for "extraordinary occasions".
 - Can only pass legislation on the item convened for or items listed in a separate message from the governor.

Initiatives

- Initiatives that receive enough signatures must be considered by the legislature within 40 days to be approved by the legislature.
 - If the initiative is approved and there are more than 40 days until the next session begins, it cannot be passed by the legislature.
 - The strict 180 day window for signatures complicates it further.
 - Petitioners can schedule signature collections to line up with the legislative session
 - The governor could call a special session to vote on an initiative.

Referendum

- Clock for petitioning for referendum on enacted laws begins upon enactment and ends 90 days after adjournment of the legislative session.
- The majority of laws passed under a part-time system would have fewer days for petitioners to gather signatures to call for a referendum.

Immediate Effect

- Constitution states that laws do not take effect until 90 days after the end of the legislative session, unless the legislature, by a super-majority vote, grants immediate effect.
 - Part Time Legislature – mid summer of year enacted
 - Full Time Legislature – March of year following enactment
- Over the past 50 years
 - 90% of all enacted legislation has been given immediate effect
 - Only 10% has taken effect 90 days following the expiration of the legislative session.
- https://crcmich.org/use_of_immediate_effect_in_michigan/

Immediate Effect and Referendums

- Laws given immediate effect could get recalled via a referendum after it has been in effect.
 - This can create legal confusion and problems, as seen with the 2012 Emergency Manager law.
- If a part-time legislature reduces the incentive to use immediate effect, it could reduce the frequency of these issues.

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