

## Bruce A. Timmons

To: The Honorable Pete Lund, Chair, and Members of the House Committee on  
Government Operations

Regarding: **HJR FF** – Provide that bills take effect upon the expiration of 90 days after the date they are filed with the secretary of state and require a record roll call vote to give bills immediate effect.

Date: June 4, 2014

HJR FF would propose two changes to Article IV, Section 27.

Based upon my 45 years' experience as staff with the Michigan Legislature, I wholeheartedly support the first change – to provide that bills take effect upon the expiration of 90 days after the date they are filed with the secretary of state rather than after the Legislature adjourns sine die, which for the past 46 has typically been in late December.

When the Constitution of 1963 was drafted and adopted, the Legislature met part-time and 90 days after adjournment meant that the interval of time between enactment and effect for bills not given immediate effect was a relatively short period of time. When the Legislature became full-time in practice beginning in 1969, the default interval of time between enactment and effect under the same circumstances could exceed a year.

If the proposed change were approved by the electorate, the default 90-day provision would apply equally well regardless of how long the Legislature meets. It makes good sense.

If more time is needed for implementation of a statute, the Legislature may specify a later effective date. There would be less need for bills to be given "immediate effect". If budget bills were enacted before July 1, appropriations for schools and other vital services would take effect by October 1 without "IE" becoming an issue. There would perhaps be even less need for effective dates, although in my experience a specific date was beneficial to stakeholders affected by new legislation. However, the trend today is to provide for an effective date 90 days after enactment. That would not be necessary if HJR FF were approved. This proposed change would be a meritorious improvement to the enactment of Michigan laws.

The second change would require a record roll call to give bills "immediate effect" prior to the default period of 91 days. Most bills over the years have been given immediate effect without controversy or roll call vote, primarily because Art. IV, Sec. 27, causes such a long delay in bills taking effect without that "IE" vote. Unfortunately, for over 20 years (and it has only gotten worse under term limits) – regardless of which party controls the House – Art. IV, Sec. 18 (requiring a record roll call upon the request of one-fifth of members present), has been systematically violated, including votes for "IE" that would have been contested if Art IV, Sec. 18, had been honored. Under current practice a 2/3 vote for "IE" is a legal fiction. Absent an honest commitment to allow and honor requests for record roll calls, a constitutional requirement that a record roll call vote be required for "immediate effect" may be the only mechanism to restore integrity to this important aspect of the legislative process. Whatever the fate of this second change, the first change deserves support.

M14-hjrff-jun04-bt