

# HOUSE JOINT RESOLUTION P

June 12, 2007, Introduced by Reps. Palmer, Ward and Sheen and referred to the Committee on Oversight and Investigations.

A joint resolution proposing an amendment to the state constitution of 1963, by amending sections 12 and 13 of article IV, by adding sections 55 and 56 to article IV and section 43 to article IX, and by repealing section 54 of article IV, to limit the legislative session, to reduce salaries and expense allowances of members of the legislature, to reduce compensation of state legislators who have absences from legislative session, to provide for reemployment of legislators on leave of absence from employment, to prohibit state-paid retirement and health care for legislators, to limit spending on the legislative budget, and to repeal term limits for legislators.

Resolved by the Senate and House of Representatives of the state of Michigan, That the following amendment to the state

constitution of 1963, to limit the legislative session, to reduce salaries and expense allowances of members of the legislature, to reduce compensation of state legislators who have absences from legislative session, to provide for reemployment of legislators on leave of absence from employment, to prohibit state-paid retirement and health care for legislators, to limit spending on the legislative budget, and to repeal term limits for legislators, is proposed, agreed to, and submitted to the people of the state:

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## ARTICLE IV

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Sec. 12. The state officers compensation commission is created

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which subject to this section shall determine the salaries and

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expense allowances of ~~the members of the legislature,~~ the governor,

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the lieutenant governor, the attorney general, the secretary of

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state, and the justices of the supreme court. The commission shall

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consist of 7 members appointed by the governor whose qualifications

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may be determined by law. Subject to the legislature's ability to

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amend the commission's determinations as provided in this section,

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the commission shall determine the salaries and expense allowances

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of ~~the members of the legislature,~~ the governor, the lieutenant

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governor, the attorney general, the secretary of state, and the

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justices of the supreme court which determinations shall be the

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salaries and expense allowances only if the legislature by

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concurrent resolution adopted by a majority of the members elected

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to and serving in each house of the legislature approve them. The

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senate and house of representatives shall alternate on which house

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of the legislature shall originate the concurrent resolution, with

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the senate originating the first concurrent resolution.

1           The concurrent resolution may amend the salary and expense  
2 determinations of the state officers compensation commission to  
3 reduce the salary and expense determinations by the same proportion  
4 for ~~members of the legislature,~~ the governor, the lieutenant  
5 governor, the attorney general, the secretary of state, and the  
6 justices of the supreme court. The legislature shall not amend the  
7 salary and expense determinations to reduce them to below the  
8 salary and expense level that ~~members of the legislature,~~ the  
9 governor, the lieutenant governor, the attorney general, the  
10 secretary of state, and the justices of the supreme court receive  
11 on the date the salary and expense determinations are made. If the  
12 salary and expense determinations are approved or amended as  
13 provided in this section, the salary and expense determinations  
14 shall become effective for the legislative session immediately  
15 following the next general election. The commission shall meet each  
16 2 years for no more than 15 session days. **EXPENSE ALLOWANCES FOR**  
17 **MEMBERS OF THE LEGISLATURE SHALL ONLY BE PAID FOR REASONABLE AND**  
18 **ACTUAL EXPENSES FOR TRANSPORTATION AND LODGING DURING THE PERIODS**  
19 **THAT THE LEGISLATURE IS IN SESSION. AN INDIVIDUAL WHO FIRST BECAME**  
20 **A MEMBER OF THE LEGISLATURE AFTER 2008 SHALL NOT RECEIVE ANY STATE-**  
21 **PAID RETIREMENT OR INSURANCE BENEFITS BASED ON HIS OR HER**  
22 **LEGISLATIVE SERVICE.** The legislature shall implement this section  
23 by law.

24           Sec. 13. **EXCEPT WHEN THE LEGISLATURE IS CALLED TO CONVENE ON**  
25 **EXTRAORDINARY OCCASIONS, THE LEGISLATURE SHALL ONLY MEET AS**  
26 **PROVIDED IN THIS SECTION.** The legislature shall meet at the seat of  
27 government on the second Wednesday in January of each year at

1 twelve o'clock noon. Each regular session shall adjourn without  
2 day, on a day determined by concurrent resolution, at twelve  
3 o'clock noon. Any business, bill or joint resolution pending at the  
4 final adjournment of a regular session held in an odd numbered year  
5 shall carry over with the same status to the next regular session.

6 **IN 2009 AND EVERY YEAR AFTER 2009, THE LEGISLATURE SHALL ONLY MEET**  
7 **BETWEEN THE SECOND WEDNESDAY IN JANUARY AND APRIL 30 AND BETWEEN**  
8 **THE FIRST TUESDAY AFTER THE FIRST MONDAY IN SEPTEMBER AND SEPTEMBER**  
9 **30. THE LEGISLATURE SHALL NOT MEET FOR MORE THAN 120 DAYS IN ANY 2-**  
10 **YEAR TERM.**

11 ~~—— Sec. 54. No person shall be elected to the office of state~~  
12 ~~representative more than three times. No person shall be elected to~~  
13 ~~the office of state senate more than two times. Any person~~  
14 ~~appointed or elected to fill a vacancy in the house of~~  
15 ~~representatives or the state senate for a period greater than one~~  
16 ~~half of a term of such office, shall be considered to have been~~  
17 ~~elected to serve one time in that office for purposes of this~~  
18 ~~section. This limitation on the number of times a person shall be~~  
19 ~~elected to office shall apply to terms of office beginning on or~~  
20 ~~after January 1, 1993.~~

21 ~~—— This section shall be self-executing. Legislation may be~~  
22 ~~enacted to facilitate operation of this section, but no law shall~~  
23 ~~limit or restrict the application of this section. If any part of~~  
24 ~~this section is held to be invalid or unconstitutional, the~~  
25 ~~remaining parts of this section shall not be affected but will~~  
26 ~~remain in full force and effect.~~

27 **SEC. 55. A LEGISLATOR WHO DOES NOT ATTEND SESSION ON ANY DAY**

1 THAT THE LEGISLATIVE BODY IS IN SESSION SHALL NOT RECEIVE  
2 COMPENSATION FOR THAT DAY. BEGINNING IN 2009, THE SALARY OF A  
3 LEGISLATOR SHALL NOT EXCEED \$170.00 PER DAY, ADJUSTED AT THE  
4 BEGINNING OF EACH TERM BASED ON INFLATION. IF A SPECIAL SESSION OF  
5 THE LEGISLATURE IS CALLED, LEGISLATORS MAY BE PAID FOR THE  
6 ADDITIONAL DAYS AT THE RATE SPECIFIED IN THIS SECTION.

7 SEC. 56. (1) AN EMPLOYEE WHO REQUESTS A LEAVE FROM HIS OR HER  
8 EMPLOYMENT SHALL NOT BE DENIED A LEAVE OF ABSENCE BY HIS OR HER  
9 EMPLOYER FOR THE PURPOSE OF SERVING AS A MEMBER OF THE LEGISLATURE  
10 OF THIS STATE, WHILE THE LEGISLATURE IS IN SESSION. FOLLOWING THE  
11 END OF THAT SERVICE, THE EMPLOYEE SHALL, IF HE OR SHE MAKES  
12 APPLICATION TO HIS OR HER EMPLOYER FOR REEMPLOYMENT WITHIN 15 DAYS  
13 FOLLOWING SERVICE, BE REEMPLOYED IN A POSITION OF EMPLOYMENT IN THE  
14 FOLLOWING ORDER OF PRIORITY:

15 (A) FOLLOWING SERVICE OF 1 TO 90 DAYS, IN THE POSITION OF  
16 EMPLOYMENT IN WHICH THE PERSON WOULD HAVE BEEN EMPLOYED IF THE  
17 CONTINUOUS EMPLOYMENT OF THE PERSON WITH THE EMPLOYER HAD NOT BEEN  
18 INTERRUPTED BY SERVICE, THE DUTIES OF WHICH THE PERSON IS QUALIFIED  
19 TO PERFORM.

20 (B) FOLLOWING SERVICE OF 1 TO 90 DAYS, IN THE POSITION OF  
21 EMPLOYMENT IN WHICH THE PERSON WAS EMPLOYED ON THE DATE OF THE  
22 COMMENCEMENT OF SERVICE, ONLY IF THE PERSON IS NOT QUALIFIED TO  
23 PERFORM THE DUTIES OF THE POSITION REFERRED TO IN SUBDIVISION (A)  
24 AND AFTER REASONABLE EFFORTS BY THE EMPLOYER TO QUALIFY THE PERSON  
25 HAVE BEEN MADE.

26 (C) FOLLOWING SERVICE OF 91 OR MORE DAYS, IN A POSITION  
27 DESCRIBED UNDER SUBDIVISION (A) OR (B) OR IN ANY OTHER POSITION OF

1 LESSER STATUS OR PAY THAT THE PERSON IS QUALIFIED TO PERFORM, ONLY  
2 IF THE PERSON IS NOT QUALIFIED AND CANNOT BECOME QUALIFIED WITH  
3 REASONABLE EFFORTS BY THE EMPLOYER TO BE EMPLOYED AS DESCRIBED IN  
4 SUBDIVISION (B).

5 (2) A PERSON WHO IS REEMPLOYED UNDER THIS SECTION IS ENTITLED  
6 TO THE SENIORITY AND OTHER RIGHTS AND BENEFITS THAT ARE DETERMINED  
7 BY SENIORITY THAT THE PERSON HAD ON THE DATE OF THE COMMENCEMENT OF  
8 SERVICE PLUS THE ADDITIONAL SENIORITY AND RIGHTS AND BENEFITS THAT  
9 THE PERSON WOULD HAVE ATTAINED IF THE PERSON HAD BEEN CONTINUALLY  
10 EMPLOYED.

11 (3) IN ADDITION TO THE SENIORITY, RIGHTS, AND BENEFITS UNDER  
12 SUBSECTION (2), A PERSON WHO IS REEMPLOYED UNDER THIS SECTION IS  
13 ENTITLED TO RIGHTS AND BENEFITS, NOT DETERMINED BY SENIORITY, THAT  
14 ARE GENERALLY PROVIDED BY THE EMPLOYER TO EMPLOYEES WHO HAVE  
15 SIMILAR SENIORITY, STATUS, AND PAY WHO ARE ON FURLOUGH OR LEAVE OF  
16 ABSENCE UNDER A CONTRACT, AGREEMENT, POLICY, PRACTICE, OR PLAN IN  
17 EFFECT AT THE COMMENCEMENT OF SERVICE OR ESTABLISHED WHILE THE  
18 PERSON PERFORMS SERVICE.

19 (4) AN EMPLOYEE IS NOT ENTITLED TO THE BENEFITS UNDER THIS  
20 SECTION IF THE SERVICE OF THE EMPLOYEE IN THE LEGISLATURE WAS  
21 TERMINATED UNDER SECTION 16 OF ARTICLE IV OF THIS CONSTITUTION.

#### 22 ARTICLE IX

23 SEC. 43. BEGINNING WITH THE 2009-2010 STATE FISCAL YEAR, THE  
24 LEGISLATURE SHALL NOT APPROPRIATE FUNDS FOR THE LEGISLATIVE BUDGET  
25 IN ANY YEAR THAT WOULD RESULT IN THAT BUDGET EXCEEDING 0.75% OF THE  
26 GENERAL FUND/GENERAL PURPOSE BUDGET.

27 Resolved further, That the foregoing amendment shall be

- 1 submitted to the people of the state at the next general election
- 2 in the manner provided by law.