

# HOUSE JOINT RESOLUTION III

August 24, 2010, Introduced by Reps. McMillin, Agema and Paul Scott and referred to the Committee on Labor.

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 10 of article I, sections 12 and 48 of article IV, section 23 of article V, sections 3 and 18 of article VI, section 9 of article VII, sections 5, 6, and 7 of article VIII, and section 5 of article XI and adding section 8 to article XI, to impose a three-year reduction of five percent in the pay rate for all public servants in this state.

Resolved by the Senate and House of Representatives of the state of Michigan, That the following amendment to the state constitution of 1963, to impose a three-year reduction of five percent in the pay rate for all public servants in this state, is

proposed, agreed to, and submitted to the people of the state:

1 ARTICLE I

2 Sec. 10. No bill of attainder, ex post facto law or, **EXCEPT AS**  
3 **PROVIDED IN SECTION 8 OF ARTICLE XI, NO** law impairing the  
4 obligation of contract shall be enacted.

5 ARTICLE IV

6 Sec. 12. The state officers compensation commission is created  
7 which, subject to this section **AND SECTION 8 OF ARTICLE XI**, shall  
8 determine the salaries and expense allowances of the members of the  
9 legislature, the governor, the lieutenant governor, the attorney  
10 general, the secretary of state, and the justices of the supreme  
11 court. The commission shall consist of 7 members appointed by the  
12 governor whose qualifications may be determined by law. Subject to  
13 the legislature's ability to amend the commission's determinations  
14 as provided in this section, the commission shall determine the  
15 salaries and expense allowances of the members of the legislature,  
16 the governor, the lieutenant governor, the attorney general, the  
17 secretary of state, and the justices of the supreme court which  
18 determinations shall be the salaries and expense allowances only if  
19 the legislature by concurrent resolution adopted by a majority of  
20 the members elected to and serving in each house of the legislature  
21 approve them. The senate and house of representatives shall  
22 alternate on which house of the legislature shall originate the  
23 concurrent resolution, with the senate originating the first  
24 concurrent resolution.

25 The concurrent resolution may amend the salary and expense  
26 determinations of the state officers compensation commission to

1 reduce the salary and expense determinations by the same proportion  
2 for members of the legislature, the governor, the lieutenant  
3 governor, the attorney general, the secretary of state, and the  
4 justices of the supreme court. The legislature shall not amend the  
5 salary and expense determinations to reduce them to below the  
6 salary and expense level that members of the legislature, the  
7 governor, the lieutenant governor, the attorney general, the  
8 secretary of state, and the justices of the supreme court receive  
9 on the date the salary and expense determinations are made. ~~If~~  
10 **EXCEPT AS PROVIDED IN SECTION 8 OF ARTICLE XI, IF** the salary and  
11 expense determinations are approved or amended as provided in this  
12 section, the salary and expense determinations shall become  
13 effective for the legislative session immediately following the  
14 next general election. The commission shall meet each 2 years for  
15 no more than 15 session days. The legislature shall implement this  
16 section by law.

17 Sec. 48. The legislature may enact laws providing for the  
18 resolution of disputes concerning public employees, except those in  
19 the state classified civil service. **THE LEGISLATURE SHALL NOT ENACT**  
20 **A LAW TO GRANT A RIGHT TO AN ADMINISTRATIVE HEARING AS TO A SALARY**  
21 **REDUCTION REQUIRED UNDER SECTION 8 OF ARTICLE XI.**

#### 22 ARTICLE V

23 Sec. 23. The governor, lieutenant governor, secretary of state  
24 and attorney general shall each receive the compensation provided  
25 by law in full payment for all services performed and expenses  
26 incurred during his term of office. Such compensation shall not be  
27 changed during the term of office except as **PROVIDED IN SECTION 8**

1 **OF ARTICLE XI AND AS** otherwise provided in this constitution.

2 ARTICLE VI

3 Sec. 3. One justice of the supreme court shall be selected by  
4 the court as its chief justice as provided by rules of the court.  
5 He shall perform duties required by the court. The supreme court  
6 shall appoint an administrator of the courts and other assistants  
7 of the supreme court as may be necessary to aid in the  
8 administration of the courts of this state. The administrator shall  
9 perform administrative duties assigned by the court, **SUBJECT TO**  
10 **SECTION 8 OF ARTICLE XI.**

11 Sec. 18. Salaries of justices of the supreme court, of the  
12 judges of the court of appeals, of the circuit judges within a  
13 circuit, and of the probate judges within a county or district,  
14 shall be uniform, and may be increased but shall not be decreased  
15 during a term of office except and only to the extent of a general  
16 salary reduction in all other branches of government **OR AS PROVIDED**  
17 **IN SECTION 8 OF ARTICLE XI.**

18 ~~Each~~ **SUBJECT TO SECTION 8 OF ARTICLE XI, EACH** of the judges of  
19 the circuit court shall receive an annual salary as provided by  
20 law. In addition to the salary received from the state, each  
21 circuit judge may receive from any county in which he regularly  
22 holds court an additional salary as determined from time to time by  
23 the board of supervisors of the county, **SUBJECT TO SECTION 8 OF**  
24 **ARTICLE XI.** In any county where an additional salary is granted, it  
25 shall be paid at the same rate to all circuit judges regularly  
26 holding court therein.

27 ARTICLE VII

1       Sec. 9. Boards of supervisors shall have exclusive power to  
2       fix the compensation of county officers not otherwise provided by  
3       law, **EXCEPT AS PROVIDED IN SECTION 8 OF ARTICLE XI.**

4                                   ARTICLE VIII

5       Sec. 5. The regents of the University of Michigan and their  
6       successors in office shall constitute a body corporate known as the  
7       Regents of the University of Michigan; the trustees of Michigan  
8       State University and their successors in office shall constitute a  
9       body corporate known as the Board of Trustees of Michigan State  
10      University; the governors of Wayne State University and their  
11      successors in office shall constitute a body corporate known as the  
12      Board of Governors of Wayne State University. ~~Each~~**EXCEPT AS**  
13      **PROVIDED IN SECTION 8 OF ARTICLE XI, EACH** board shall have general  
14      supervision of its institution and the control and direction of all  
15      expenditures from the institution's funds. Each board shall, as  
16      often as necessary, elect a president of the institution under its  
17      supervision. He shall be the principal executive officer of the  
18      institution, be ex-officio a member of the board without the right  
19      to vote and preside at meetings of the board. The board of each  
20      institution shall consist of eight members who shall hold office  
21      for terms of eight years and who shall be elected as provided by  
22      law. The governor shall fill board vacancies by appointment. Each  
23      appointee shall hold office until a successor has been nominated  
24      and elected as provided by law.

25      Sec. 6. Other institutions of higher education established by  
26      law having authority to grant baccalaureate degrees shall each be  
27      governed by a board of control which shall be a body corporate. ~~The~~

1 **EXCEPT AS PROVIDED IN SECTION 8 OF ARTICLE XI, THE** board shall have  
2 general supervision of the institution and the control and  
3 direction of all expenditures from the institution's funds. It  
4 shall, as often as necessary, elect a president of the institution  
5 under its supervision. He shall be the principal executive officer  
6 of the institution and be ex-officio a member of the board without  
7 the right to vote. The board may elect one of its members or may  
8 designate the president, to preside at board meetings. Each board  
9 of control shall consist of eight members who shall hold office for  
10 terms of eight years, not more than two of which shall expire in  
11 the same year, and who shall be appointed by the governor by and  
12 with the advice and consent of the senate. Vacancies shall be  
13 filled in like manner.

14       Sec. 7. The legislature shall provide by law for the  
15 establishment and financial support of public community and junior  
16 colleges which, **EXCEPT AS PROVIDED IN SECTION 8 OF ARTICLE XI,**  
17 shall be supervised and controlled by locally elected boards. The  
18 legislature shall provide by law for a state board for public  
19 community and junior colleges which shall advise the state board of  
20 education concerning general supervision and planning for such  
21 colleges and requests for annual appropriations for their support.  
22 The board shall consist of eight members who shall hold office for  
23 terms of eight years, not more than two of which shall expire in  
24 the same year, and who shall be appointed by the state board of  
25 education. Vacancies shall be filled in like manner. The  
26 superintendent of public instruction shall be ex-officio a member  
27 of this board without the right to vote.

## ARTICLE XI

Sec. 5. The classified state civil service shall consist of all positions in the state service except those filled by popular election, heads of principal departments, members of boards and commissions, the principal executive officer of boards and commissions heading principal departments, employees of courts of record, employees of the legislature, employees of the state institutions of higher education, all persons in the armed forces of the state, eight exempt positions in the office of the governor, and within each principal department, when requested by the department head, two other exempt positions, one of which shall be policy-making. The civil service commission may exempt three additional positions of a policy-making nature within each principal department.

The civil service commission shall be non-salaried and shall consist of four persons, not more than two of whom shall be members of the same political party, appointed by the governor for terms of eight years, no two of which shall expire in the same year.

The administration of the commission's powers shall be vested in a state personnel director who shall be a member of the classified service and who shall be responsible to and selected by the commission after open competitive examination.

The commission shall classify all positions in the classified service according to their respective duties and responsibilities; ~~—~~**SUBJECT TO SECTION 8 OF THIS ARTICLE**, fix rates of compensation for all classes of positions; ~~—~~approve or disapprove disbursements for all personal services; ~~—~~determine by competitive examination

1 and performance exclusively on the basis of merit, efficiency and  
2 fitness the qualifications of all candidates for positions in the  
3 classified service; ~~make~~ rules and regulations covering all  
4 personnel transactions; ~~and~~ regulate all conditions of employment  
5 in the classified service.

6 State Police Troopers and Sergeants shall, through their  
7 elected representative designated by 50% of such troopers and  
8 sergeants, have the right to bargain collectively with their  
9 employer concerning conditions of their employment; ~~SUBJECT TO~~  
10 **SECTION 8 OF THIS ARTICLE**, compensation; ~~hours; working~~  
11 conditions; ~~retirement; pensions; and other aspects of~~  
12 employment except promotions, which will be determined by  
13 competitive examination and performance on the basis of merit,  
14 efficiency and fitness. ~~and they~~ **THEY** shall have the right 30  
15 days after commencement of such bargaining to submit any unresolved  
16 disputes, **EXCEPT DISPUTES ARISING UNDER SECTION 8 OF THIS ARTICLE**,  
17 to binding arbitration for the resolution thereof the same as now  
18 provided by law for Public Police and Fire Departments.

19 No person shall be appointed to or promoted in the classified  
20 service who has not been certified by the commission as qualified  
21 for such appointment or promotion. No appointments, promotions,  
22 demotions or removals in the classified service shall be made for  
23 religious, racial or partisan considerations.

24 Increases in rates of compensation authorized by the  
25 commission may be effective only at the start of a fiscal year and  
26 shall require prior notice to the governor, who shall transmit such  
27 increases to the legislature as part of his budget. The legislature



1 may, by a majority vote of the members elected to and serving in  
2 each house, waive the notice and permit increases in rates of  
3 compensation to be effective at a time other than the start of a  
4 fiscal year. Within 60 calendar days following such transmission,  
5 the legislature may, by a two-thirds vote of the members elected to  
6 and serving in each house, reject or reduce increases in rates of  
7 compensation authorized by the commission. Any reduction ordered by  
8 the legislature shall apply uniformly to all classes of employees  
9 affected by the increases and shall not adjust pay differentials  
10 already established by the civil service commission. The  
11 legislature may not reduce rates of compensation below those in  
12 effect at the time of the transmission of increases authorized by  
13 the commission. **INCREASES OR DECREASES IN COMPENSATION UNDER THIS**  
14 **PARAGRAPH ARE SUBJECT TO SECTION 8 OF THIS ARTICLE.**

15 The appointing authorities may create or abolish positions for  
16 reasons of administrative efficiency without the approval of the  
17 commission. Positions shall not be created nor abolished except for  
18 reasons of administrative efficiency. Any employee considering  
19 himself aggrieved by the abolition or creation of a position shall  
20 have a right of appeal to the commission through established  
21 grievance procedures.

22 The civil service commission shall recommend to the governor  
23 and to the legislature rates of compensation for all appointed  
24 positions within the executive department not a part of the  
25 classified service.

26 To enable the commission to exercise its powers, the  
27 legislature shall appropriate to the commission for the ensuing

1 fiscal year a sum not less than one percent of the aggregate  
2 payroll of the classified service for the preceding fiscal year, as  
3 certified by the commission. Within six months after the conclusion  
4 of each fiscal year the commission shall return to the state  
5 treasury all moneys unexpended for that fiscal year.

6 The commission shall furnish reports of expenditures, at least  
7 annually, to the governor and the legislature and shall be subject  
8 to annual audit as provided by law.

9 No payment for personal services shall be made or authorized  
10 until the provisions of this constitution pertaining to civil  
11 service have been complied with in every particular. Violation of  
12 any of the provisions hereof may be restrained or observance  
13 compelled by injunctive or mandamus proceedings brought by any  
14 citizen of the state.

15 **SEC. 8. (1) DURING THE FISCAL CRISIS, TO PROTECT THE GENERAL**  
16 **WELFARE OF THE PUBLIC BY ENSURING CONTINUITY OF GOVERNMENTAL**  
17 **OPERATIONS, NOTWITHSTANDING ANY OTHER PROVISION IN THIS**  
18 **CONSTITUTION, LAW, ORDINANCE, CONTRACT, OR ACT OF THIS STATE OR OF**  
19 **ANY STATE OR LOCAL GOVERNMENTAL ENTITY OF THIS STATE, FOR A THREE-**  
20 **YEAR PERIOD BEGINNING OCTOBER 1, 2011, THE BASE PAY RATE OF ALL**  
21 **PUBLIC SERVANTS OF THIS STATE AND UNITS OF LOCAL GOVERNMENT,**  
22 **INCLUDING PUBLIC SCHOOLS AND INSTITUTIONS OF HIGHER EDUCATION,**  
23 **SHALL BE REDUCED BY FIVE PERCENT FROM THE BASE PAY RATE IN EFFECT**  
24 **ON JANUARY 1, 2011. PUBLIC FUNDS OF THIS STATE OR A UNIT OF LOCAL**  
25 **GOVERNMENT, INCLUDING PUBLIC SCHOOLS AND INSTITUTIONS OF HIGHER**  
26 **EDUCATION, SHALL NOT BE USED TO PAY A PUBLIC SERVANT AT A RATE**  
27 **ABOVE THE AMOUNT PERMITTED UNDER THIS SECTION.**

1           (2) IF A REDUCTION IN BASE PAY RATE THAT IS NOT DUE TO THE  
2 REQUIREMENTS OF THIS SECTION GOES INTO EFFECT FOR A UNIT OR GROUP  
3 OF PUBLIC SERVANTS AFTER JANUARY 1, 2010, THE REDUCTION REQUIRED  
4 UNDER THIS SECTION SHALL BE DECREASED FOR THAT UNIT OR GROUP BY THE  
5 AMOUNT OF THAT OTHER REDUCTION WHILE THAT REDUCTION IS IN EFFECT.

6           (3) FOR PURPOSES OF THIS SECTION, "PUBLIC SERVANT" MEANS AN  
7 INDIVIDUAL WHO RECEIVES A SALARY OR HOURLY PAY FOR SERVICES FROM  
8 THIS STATE OR ANY UNIT OF LOCAL GOVERNMENT, INCLUDING PUBLIC  
9 SCHOOLS AND INSTITUTIONS OF HIGHER EDUCATION, AND INCLUDES AN  
10 EMPLOYEE AND APPOINTED OR ELECTED OFFICER.

11           (4) THE CIVIL SERVICE COMMISSION SHALL IMPLEMENT THIS SECTION.  
12 THE CIVIL SERVICE COMMISSION SHALL USE THE APPROPRIATION REQUIRED  
13 UNDER SECTION 5 OF THIS ARTICLE FOR COSTS INCIDENT TO IMPLEMENTING  
14 THIS SECTION.

15           (5) THIS SECTION DOES NOT CREATE A RIGHT TO AN ADMINISTRATIVE  
16 HEARING TO RESOLVE A DISPUTE CONCERNING A REDUCTION IN BASE PAY  
17 RATE REQUIRED UNDER THIS SECTION. A SUIT ARISING UNDER THIS SECTION  
18 SHALL BE BROUGHT IN THE MICHIGAN STATE COURT OF APPEALS.

19           Resolved further, That the foregoing amendment shall be  
20 submitted to the people of the state at a special election to be  
21 held at the same time as the 2010 March regular election in the  
22 manner provided by law.