

SENATE JOINT RESOLUTION U

February 11, 2010, Introduced by Senators PAPPAGEORGE, JANSEN, GILBERT, BIRKHOLZ, McMANUS, GEORGE and JELINEK and referred to the Committee on Reforms and Restructuring.

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

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

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

ARTICLE V

Sec. 23. The governor, lieutenant governor, secretary of state and attorney general shall each receive the compensation provided by law in full payment for all services performed and expenses incurred during his term of office. Such compensation shall not be

1 changed during the term of office except as **PROVIDED IN SECTION 8**
2 **OF ARTICLE XI AND AS** otherwise provided in this constitution.

3 ARTICLE VI

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

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

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

ARTICLE VII

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

ARTICLE VIII

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

Sec. 6. Other institutions of higher education established by law having authority to grant baccalaureate degrees shall each be

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

15 Sec. 7. The legislature shall provide by law for the
16 establishment and financial support of public community and junior
17 colleges which, **EXCEPT AS PROVIDED IN SECTION 8 OF ARTICLE XI,**
18 shall be supervised and controlled by locally elected boards. The
19 legislature shall provide by law for a state board for public
20 community and junior colleges which shall advise the state board of
21 education concerning general supervision and planning for such
22 colleges and requests for annual appropriations for their support.
23 The board shall consist of eight members who shall hold office for
24 terms of eight years, not more than two of which shall expire in
25 the same year, and who shall be appointed by the state board of
26 education. Vacancies shall be filled in like manner. The
27 superintendent of public instruction shall be ex-officio a member

1 of this board without the right to vote.

2 ARTICLE XI

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

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

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

24 The commission shall classify all positions in the classified
25 service according to their respective duties and responsibilities;
26 ~~—~~**SUBJECT TO SECTION 8 OF THIS ARTICLE**, fix rates of compensation
27 for all classes of positions; ~~—~~approve or disapprove disbursements

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

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

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

25 Increases in rates of compensation authorized by the
26 commission may be effective only at the start of a fiscal year and
27 shall require prior notice to the governor, who shall transmit such

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

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

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

27 To enable the commission to exercise its powers, the

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

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

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

16 **SEC. 8. (1) DURING THE FISCAL CRISIS, TO PROTECT THE GENERAL**
17 **WELFARE OF THE PUBLIC BY ENSURING CONTINUITY OF GOVERNMENTAL**
18 **OPERATIONS, NOTWITHSTANDING ANY OTHER PROVISION IN THIS**
19 **CONSTITUTION, LAW, ORDINANCE, CONTRACT, OR ACT OF THIS STATE OR OF**
20 **ANY STATE OR LOCAL GOVERNMENTAL ENTITY OF THIS STATE, FOR A THREE-**
21 **YEAR PERIOD BEGINNING OCTOBER 1, 2010, THE BASE PAY RATE OF ALL**
22 **PUBLIC SERVANTS OF THIS STATE AND UNITS OF LOCAL GOVERNMENT,**
23 **INCLUDING PUBLIC SCHOOLS AND INSTITUTIONS OF HIGHER EDUCATION,**
24 **SHALL BE REDUCED BY FIVE PERCENT FROM THE BASE PAY RATE IN EFFECT**
25 **ON JANUARY 1, 2010. PUBLIC FUNDS OF THIS STATE OR A UNIT OF LOCAL**
26 **GOVERNMENT, INCLUDING PUBLIC SCHOOLS AND INSTITUTIONS OF HIGHER**
27 **EDUCATION, SHALL NOT BE USED TO PAY A PUBLIC SERVANT AT A RATE**

1 ABOVE THE AMOUNT PERMITTED UNDER THIS SECTION.

2 (2) IF A REDUCTION IN BASE PAY RATE THAT IS NOT DUE TO THE
3 REQUIREMENTS OF THIS SECTION GOES INTO EFFECT FOR A UNIT OR GROUP
4 OF PUBLIC SERVANTS AFTER JANUARY 1, 2009, THE REDUCTION REQUIRED
5 UNDER THIS SECTION SHALL BE DECREASED FOR THAT UNIT OR GROUP BY THE
6 AMOUNT OF THAT OTHER REDUCTION WHILE THAT REDUCTION IS IN EFFECT.

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

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

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

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