

SENATE JOINT RESOLUTION B

January 19, 2011, Introduced by Senator PAPPAGEORGE and referred to the Committee on Reforms, Restructuring and Reinventing.

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 9 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:

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ARTICLE I

Sec. 10. No bill of attainder, ex post facto law or, **EXCEPT AS PROVIDED IN SECTION 9 OF ARTICLE XI, NO** law impairing the obligation of contract shall be enacted.

ARTICLE IV

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

The concurrent resolution may amend the salary and expense 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 9 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 9 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 9**

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 9 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 9 OF ARTICLE XI.**

18 ~~Each~~ **SUBJECT TO SECTION 9 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 9 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 **EXCEPT AS PROVIDED IN SECTION 9 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 9 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

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

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

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

23 The commission shall classify all positions in the classified
24 service according to their respective duties and responsibilities;
25 ~~—~~**SUBJECT TO SECTION 9 OF THIS ARTICLE,** fix rates of compensation
26 for all classes of positions; ~~—~~approve or disapprove disbursements
27 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 9 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 9 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 9 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. 9. (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, 2012, 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, 2012. 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, 2011, 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 2012 August regular election in the
22 manner provided by law.