

Legislative Analysis



TWO-THIRDS VOTE REQUIRED FOR BILL PASSAGE DURING LAME DUCK PERIOD

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Joint Resolution A as reported from committee
Sponsor: Rep. Jason Wentworth
Committee: Elections and Ethics
Complete to 2-23-21

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Joint Resolution A would amend section 26 of Article IV of the State Constitution of 1963 to set more stringent requirements for bills passed during the “lame duck” period of a legislative session.

Currently, Article IV, which provides the rules for the legislative branch of state government, sets certain requirements for bills:

- That a bill “lay over,” or be in the possession of each house, for at least five days.
- That a bill be read three times in each house.
- That a bill receive a majority vote in both houses in order to pass.

For a bill to become law, the governor must then sign it or the legislature must be able to override a gubernatorial veto with a two-thirds vote of members in each house.

HJR A would retain all of those rules, but would additionally provide that during the period between a November general election and the end of a session—a period commonly referred to as “lame duck”—a bill could not become law without the approval of two-thirds of the members in each house.

To amend the constitution, a joint resolution must be adopted by a two-thirds majority of each house of the legislature and then approved by the electorate at the next general election after the adoption of the resolution. General elections are held in November of even-numbered years. (Joint resolutions are not considered by the governor.) To take effect for the 2024 lame duck period, the measure would need to be approved by the electorate at the November 2022 general election.

FISCAL IMPACT:

The joint resolution would have no discernible fiscal impact on state or local government.

POSITIONS:

The following entities indicated support for the resolution (2-16-21):
Michigan League of Conservation Voters
Oakland Schools

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.