

LEGISLATIVE SNAPSHOT

CONSTITUTIONAL REQUIREMENTS FOR BILLS AND LAWS

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Summary

[Article IV of the Michigan Constitution](#) has several provisions that apply to bills and laws and the process of their enactment. This snapshot briefly describes some of those provisions.

Bills and Their Format

- All legislation must be by [bill](#)—concurrent resolutions, for example, are not law.
- Every bill must have “The People of the State of Michigan enact” as its [style of enactment](#).
- A bill that amends an existing law must include, in full, the [sections](#) being amended so they can be re-enacted with the bill’s changes. (Also see “Amendment by Reference,” below.)

Procedures

- Every bill must be read [three times](#) in each house before its final passage. (The rules of both the House and the Senate allow these readings to be by the bill’s title only. However, each house also requires a bill on its third reading to be read in full if a motion to do so has enough support—in the House, the support of one-third of the members voting.)
- In regular legislative sessions, a bill cannot be passed by either house until it has been in the possession of that house for at least [five days](#). This is commonly known as the “Five-Day Rule.” In counting the five days, the day the bill first comes into that house’s possession is not counted. Weekends and holidays are counted. As an [example](#), a bill passed by the Senate that was first received by the House on a Tuesday could not be passed by the House until Sunday.
- In general, a bill must be approved by a [majority](#) of members elected to and serving in each house—except that the [lieutenant governor](#) can cast the deciding vote when the Senate is [tied](#).

Note that supermajority votes are constitutionally required for some legislative actions—among others, to pass a bill amending an [initiated law](#) (three-fourths of members elected and serving); to adopt and submit to voters a [joint resolution](#) to amend the constitution (two-thirds); or to override a [veto](#) of the governor (two-thirds).

Title-Object Clause

[Section 24 of Article IV](#) (known as the Title-Object Clause) says that “No law shall embrace more than one object, which shall be embraced in its title.” The object of a law is its general purpose or aim. The section also provides that “No bill shall be altered or amended on its passage through either house so as to change its original purpose as determined by its total content and not alone by its title.” The Title-Object Clause requires three things:

- A law’s object must be reflected in its title. This has generally been understood to mean that the law’s title must provide fair notice about the law’s contents—not that the title must index every last detail.
- A law cannot have more than one object. This has generally been understood to mean that a law cannot include diverse subjects with no necessary or logical connection to one another—not to prohibit varied elements that nevertheless carry out or directly relate to a primary object.
- A bill’s original purpose cannot be changed as it moves through the legislature. This has generally been understood to prohibit amendments that are not germane to the bill’s original purpose.

Amendment by Reference

[Section 25 of Article IV](#) provides that “No law shall be revised, altered or amended by reference to its title only. The section or sections of the act altered or amended shall be re-enacted and published at length.” Among other things, this has generally been understood to prohibit, for example, one act creating an exception to the provisions of another act in a way that amounts to an amendment of the second act. If the second act is not directly amended, reenacted, and republished, the exception to it created by the first act could be found to be an impermissible “amendment by reference.”

Local and Special Acts

[Section 29 of Article IV](#) prohibits enacting a local or special act if a general act can be made applicable. An act is “general” if it applies uniformly to all persons or things within its scope; it is “local” if it applies only to a particular locality or group of localities and not others; and it is “special” if it applies only to particular persons or things of a class and not all of the class. Enacting or amending a local or special act requires a two-thirds vote of members elected and serving, as well as the approval of voters in the affected district. Repeal of a local or special act requires only a majority vote of members elected and serving.

Effectiveness

An enacted bill cannot take effect until 90 days have passed after the end of the legislative session it was passed in.¹ However, the legislature can give [immediate effect](#) to a bill by a two-thirds vote of members elected and serving in each house. (A bill *with* immediate effect takes effect on the date it is assigned a public act number by the secretary of state, unless the bill provides for an effective date that is later. A bill *without* immediate effect takes effect on the ninety-first day after the day session was adjourned, unless the bill provides for an effective date that is later.)

Publication, Compilation, and Revision

[Section 35 of Article IV](#) requires the laws enacted in a legislative session to be published within 60 days after the end of that session and distributed as provided by law. [Section 36](#) prohibits a general revision of the laws,² but allows the legislature to compile them under appropriate headings and titles. (The Legislative Council and Legislative Service Bureau have the statutory responsibility for [publishing](#) and [compiling](#) Michigan’s laws under those provisions.)

In addition, [section 15 of Article IV](#) requires the Legislative Council to “periodically examine and recommend to the legislature revision of the various laws of the state.” (The [Michigan Law Revision Commission](#) in the Legislative Council has the statutory responsibility for making those [recommendations](#) to the legislature.)

Additional Information

Most of the constitutional requirements described above are incorporated into the [Standing Rules of the House of Representatives](#), which are adopted in accordance with [section 16 of Article IV](#). Those rules, the [Senate Rules](#), and the [Joint Rules of the Senate and House of Representatives](#) of course have several other rules that apply to bills and the process of their enactment into laws.

¹ The legislature [convenes](#) on the second Wednesday of January each year. During the legislative session, when a house adjourns, it specifies the day when session will resume. At the end of the session (year), both houses by concurrent resolution adjourn *sine die*, which is Latin for “without day.” When the legislature adjourns *sine die* at the end of an odd-numbered year, it reconvenes in January with all its pending business still before it. When it adjourns *sine die* at the end of an even-numbered year, it is finished as a body. The new Legislature convenes in January to start its own business anew.

² Several other states have a “revisor of statutes” or similar official who is authorized to make general revisions to new and existing laws to promote their technical consistency.