
INITIATIVE PETITIONS—
PROPOSED AMENDMENTS
TO THE
MICHIGAN CONSTITUTION

INITIATIVE PETITIONS
AMENDMENT TO THE CONSTITUTION

A PROPOSED AMENDMENT TO THE MICHIGAN CONSTITUTION TO PROVIDE FOR GUARANTEED SCHOOL FUNDING, TEACHER TESTING, AND SCHOOL CHOICE. THE AMENDMENT WOULD ALTER ARTICLE VIII, SECTION 2 AND CREATE A NEW ARTICLE VIII, SECTION 10.

ARTICLE VIII

Sec. 2. The legislature shall maintain and support a system of free public elementary and secondary schools as defined by law. Every school district shall provide for the education of its pupils without discrimination as to religion, creed, race, color or national origin.

No public monies or property shall be appropriated or paid or any public credit utilized, by the legislature or any other political subdivision or agency of the state directly to aid or maintain any private, denominational or other nonpublic, pre-elementary, elementary, or secondary school. The legislature may provide for the transportation of students to and from any school.

Subject to the provisions of section 4 of article 1, the legislature shall provide for regular testing of the knowledge in academic subjects of teachers in public schools and in nonpublic schools which redeem tuition vouchers under this section.

Subject to the provisions of section 10, under procedures established by law, qualified school districts and any other approving school district shall participate in an educational choice program to permit any pupil resident in the district to receive a voucher for actual elementary and secondary school tuition to attend a nonpublic elementary or secondary school.

Beginning in the 2001-2002 state fiscal year, the state shall guarantee that the total state and local per pupil revenue for school operating purposes for each local school district, as adjusted for consolidations, annexations, and boundary changes, shall not be less than in the 2000-2001 state fiscal year; provided the school district does not levy a millage rate for school district operating purposes less than it levied in 2000.

Sec. 10. The provisions of this section shall apply to section 2 of this article.

The tuition voucher established in section 2 shall be limited to the lesser of one-half the average per-pupil state and local revenue for operating purposes in public schools in the preceding fiscal year or the actual tuition paid per pupil at a nonpublic elementary or secondary school. The tuition voucher may be supplemented for pupils who require special education services.

The state treasurer shall, before the end of each calendar year, certify the average per-pupil state and local revenue for operating purposes in public schools for the fiscal year concluding in that calendar year.

A qualified school district is a district that had a four-year graduation rate of less than two thirds as reported by the department of education for the 1998-1999 school year, as certified by the superintendent of public instruction.

A school district may approve the educational choice program by vote of the elected school board or of the electors in the school district, who shall have the right to initiative. To invoke the initiative, petitions signed by a number of registered electors, not less than ten

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percent of the total number of electors casting ballots for school board at the last preceding election at which members of the school board were elected, shall be required. The legislature shall provide by law for the implementation of this section.

Provisions of existing constitution altered or abrogated by the proposal if adopted:

Article VIII, Section 2:

The legislature shall maintain and support a system of free public elementary and secondary schools as defined by law. Every school district shall provide for the education of its pupils without discrimination as to religion, creed, race, color or national origin.

No public monies or property shall be appropriated or paid or any public credit utilized, by the legislature or any other political subdivision or agency of the state directly or indirectly to aid or maintain any private, denominational or other nonpublic, pre-elementary, elementary, or secondary school. No payment, credit, tax benefit, exemption or deductions, tuition voucher, subsidy, grant or loan of public monies or property shall be provided, directly or indirectly, to support the attendance of any student or the employment of any person at any such nonpublic school or at any location or institution where instruction is offered in whole or in part to such nonpublic school students. The legislature may provide for the transportation of students to and from any school.

OFFICIAL BALLOT LANGUAGE

PROPOSAL 00-1

A PROPOSAL TO AMEND THE CONSTITUTION TO PERMIT STATE TO PROVIDE INDIRECT SUPPORT TO STUDENTS ATTENDING NONPUBLIC PRE-ELEMENTARY, ELEMENTARY AND SECONDARY SCHOOLS; ALLOW THE USE OF TUITION VOUCHERS IN CERTAIN SCHOOL DISTRICTS; AND REQUIRE ENACTMENT OF TEACHER TESTING LAWS

The proposed constitutional amendment would:

- 1.) Eliminate ban on indirect support of students attending nonpublic schools through tuition vouchers, credits, tax benefits, exemptions or deductions, subsidies, grants or loans of public monies or property.
- 2.) Allow students to use tuition vouchers to attend nonpublic schools in districts with a graduation rate under 2/3 in 1998-1999 and districts approving tuition vouchers through school board action or a public vote. Each voucher would be limited to 1/2 of state average per-pupil public school revenue.
- 3.) Require teacher testing on academic subjects in public schools and in nonpublic schools redeeming tuition vouchers.
- 4.) Adjust minimum per-pupil funding from 1994-1995 to 2000-2001 level.

Should this proposal be adopted?

Yes

No

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PROPOSED CONSTITUTIONAL AMENDMENT TO ARTICLE IV, ADDING SECTION 55 AS FOLLOWS:

SEC. 55. THE LEGISLATURE SHALL ENACT NO LAW ON OR AFTER MARCH 1, 2000, THAT INTERVENES, OR INCREASES THE SCOPE OF ITS INTERVENTION, IN THE MUNICIPAL CONCERNS, PROPERTY OR GOVERNMENT OF A CITY, VILLAGE, COUNTY, TOWNSHIP OR ANY MUNICIPAL AUTHORITY WITHOUT THE APPROVAL OF TWO-THIRDS OF THE MEMBERS ELECTED TO AND SERVING IN EACH HOUSE OF THE LEGISLATURE. IN ADDITION, NO CONDITION IMPOSED UPON RECEIPT OF ANY APPROPRIATION OF UNRESTRICTED AID CONTAINED IN A LAW ENACTED ON OR AFTER MARCH 1, 2000, THAT INTERVENES, OR INCREASES THE SCOPE OF THE LEGISLATURE'S INTERVENTION, IN THE MUNICIPAL CONCERNS, PROPERTY OR GOVERNMENT OF A CITY, VILLAGE, COUNTY, TOWNSHIP OR MUNICIPAL AUTHORITY SHALL BE EFFECTIVE UNLESS THE LAW IMPOSING THE CONDITION IS APPROVED BY TWO-THIRDS OF THE MEMBERS ELECTED TO AND SERVING IN EACH HOUSE OF THE LEGISLATURE.

MUNICIPAL CONCERNS, PROPERTY OR GOVERNMENT OF A CITY, VILLAGE, COUNTY, TOWNSHIP, OR MUNICIPAL AUTHORITY ARE ALL MATTERS OVER WHICH A CITY, VILLAGE, COUNTY, TOWNSHIP, OR MUNICIPAL AUTHORITY COULD EXERCISE ITS POWERS, UNDER THE CONSTITUTION OR LAW EFFECTIVE AS OF MARCH 1, 2000, BY ADOPTION OF APPROPRIATE CHARTER PROVISIONS, ORDINANCES, RESOLUTIONS OR CONTRACTS, WHETHER EXERCISED OR NOT. A LAW ENACTED ON OR AFTER MARCH 1, 2000, DOES NOT INTERVENE IN THE MUNICIPAL CONCERNS, PROPERTY OR GOVERNMENT OF A CITY, VILLAGE, COUNTY, TOWNSHIP, OR MUNICIPAL AUTHORITY IF THE CITY, VILLAGE, COUNTY, TOWNSHIP, OR MUNICIPAL AUTHORITY HAS THE OPTION TO APPLY THAT SPECIFIC LAW, IN THE MANNER PROVIDED BY LAW.

PROVISIONS OF EXISTING CONSTITUTION ALTERED OR ABROGATED BY SUCH PROPOSAL IF ADOPTED:

ARTICLE IV, SECTION 26

"Section 26. No bill shall be passed or become a law at any regular session of the legislature until it has been printed or reproduced and in the possession of each house for at least five days. Every bill shall be read three times in each house before the final passage thereof. No bill shall become law without the concurrence of a majority of the members elected to and serving in each house. On the final passage of bills, the votes and names of the members voting thereon shall be entered in the journal."

OFFICIAL BALLOT LANGUAGE

PROPOSAL 00-2

A PROPOSAL TO AMEND THE CONSTITUTION TO REQUIRE A SUPER MAJORITY VOTE (2/3 VOTE) OF THE STATE LEGISLATURE TO ENACT CERTAIN LAWS AFFECTING LOCAL GOVERNMENTS

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The proposed constitutional amendment would:

- 1.) Require a super majority vote (2/3 vote) of the State Legislature to enact any law which addresses a matter which a county, city, township, village or municipal authority could otherwise address under its governing powers or which places a condition on unrestricted aid extended local governments by the State. (Currently, a simple majority vote of legislature is required to enact such laws.)
- 2.) Retroactively apply the super majority vote requirement to any such law enacted on or after March 1, 2000.
- 3.) Exempt from the super majority vote requirement any such law which can be applied at the option of local governments.

Should this proposal be adopted?

Yes

No

Compiler's note: Proposal 00-2, set forth above, was submitted to, and rejected by, the voters at the November 7, 2000, general election, by a vote of 1,242,516 for, and 2,548,995 against.