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SFA



BILL ANALYSIS

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Senate Bill 811 (as enrolled)
Sponsor: Senator Thaddeus G. McCotter
Senate Committee: Reapportionment
House Committee: Family and Civil Law

PUBLIC ACT 222 of 1999

Date Completed: 1-3-00

CONTENT

The bill creates a new act to do the following:

- Specify that the Supreme Court has original and exclusive State jurisdiction to hear and decide all cases and controversies in Michigan's one court of justice involving a congressional redistricting plan.
- Allow an elector to apply to the Court for review of an enacted congressional redistricting plan.
- Allow a political party or a member of the U.S. House of Representatives to petition the Court to prepare a redistricting plan, if a plan is not enacted.
- Require the Court to follow prescribed procedures, which include preparing a redistricting plan, providing for political parties and interveners to submit proposed plans, proposing a plan for consideration by the parties and the public, holding a hearing on the proposed plan, and ordering a plan.

Upon the application of an elector filed within 60 days after the enactment of a congressional redistricting plan, the Supreme Court, exercising original State jurisdiction, may review any congressional redistricting plan enacted by the Legislature, and modify it or remand the plan to a special master for further action if the plan fails to comply with the Congressional Redistricting Act (Public Act 221 of 1999).

Unless legislation enacting a congressional redistricting plan is approved by the deadline established in the Congressional Redistricting Act, a political party or a member of the U.S. House of Representatives, on or after November 2 immediately following that deadline, may petition or otherwise file pleadings or papers with the Supreme Court requesting that the Court prepare a congressional redistricting plan in compliance with

the guidelines in the Congressional Redistricting Act.

If an application or petition for review is filed under these provisions, the Court must do all of the following:

- Undertake the preparation of a redistricting plan for congressional districts.
- Appoint and use a special master or masters as the Court considers necessary.
- Provide, by order, for the submission of proposed redistricting plans by political parties and other interested persons who have been allowed to intervene. (Political parties must be granted intervention as of right.)
- After hearing oral argument or appointing special masters, propose one plan for consideration of the parties and the public, and make that plan available for public inspection at least 30 days before the time set for hearing.
- Prescribe the procedure and deadlines for filing objections and rebuttal to the proposed plan in advance of the hearing.
- Hold a hearing on the proposed plan by March 1 immediately after the deadline established in the Congressional Redistricting Act.
- After making any revisions to the proposed plan that the Court considers necessary, order a congressional redistricting plan by April 1 immediately after the deadline set in the Congressional Redistricting Act.

If a case or controversy involves a congressional redistricting plan but an application or petition for review is not filed as provided in the bill, the Supreme Court may, but is not obligated to, undertake all or some of the procedures described above.

The bill specifies that, if any portion of the act or the application of any portion of it to any person or circumstance is found to be invalid by a court, the invalidity will not affect the remaining portions or

applications that can be given effect without the invalid portion or application, if the remaining portions are not determined by the court to be inoperable. The provisions of the act are severable.

MCL 3.71-3.75

Legislative Analyst: S. Lowe

FISCAL IMPACT

Statutorily providing for the jurisdiction and process for the Supreme Court regarding congressional redistricting will have an indeterminate impact on State government.

Fiscal Analyst: B. Bowerman

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.