

SENATE JOINT RESOLUTION U

November 27, 2001, Introduced by Senators SMITH, DE BEAUSSAERT, BYRUM, PETERS, SCOTT, CHERRY, MURPHY, MILLER, KOIVISTO, DINGELL, YOUNG and SCHWARZ and referred to the Committee on Appropriations.

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 9 of article II, to clarify the power of referendum when making appropriations.

Resolved by the Senate and House of Representatives of the state of Michigan, That the following amendment to the state constitution of 1963, to clarify the power of referendum when making appropriations, is proposed, agreed to, and submitted to the people of the state:

ARTICLE II

1
2
3
4
5
6
7

Sec. 9. The people reserve to themselves the power to propose laws and to enact and reject laws, called the initiative, and the power to approve or reject laws enacted by the legislature, called the referendum. The power of initiative extends only to laws which the legislature may enact under this constitution. The power of referendum does not extend to acts

1 making appropriations for state institutions or to meet
2 deficiencies in state funds and must be invoked in the manner
3 prescribed by law within 90 days following the final adjournment
4 of the legislative session at which the law was enacted. To
5 invoke the initiative or referendum, petitions signed by a number
6 of registered electors, not less than eight percent for initia-
7 tive and five percent for referendum of the total vote cast for
8 all candidates for governor at the last preceding general elec-
9 tion at which a governor was elected shall be required. AS USED
10 IN THIS SECTION, "ACTS MAKING APPROPRIATIONS FOR STATE
11 INSTITUTIONS" MEANS A GENERAL APPROPRIATION ACT THAT SUBSTAN-
12 TIALY FUNDS ONE OR MORE STATE DEPARTMENTS. "MEET DEFICIENCIES
13 IN STATE FUNDS" MEANS A GENERAL OR SUPPLEMENTAL APPROPRIATIONS
14 ACT THAT REDUCES EXPENDITURES IN ONE OR MORE STATE DEPARTMENTS.

15 No law as to which the power of referendum properly has been
16 invoked shall be effective thereafter unless approved by a major-
17 ity of the electors voting thereon at the next general election.

18 Any law proposed by initiative petition shall be either
19 enacted or rejected by the legislature without change or amend-
20 ment within 40 session days from the time such petition is
21 received by the legislature. If any law proposed by such peti-
22 tion shall be enacted by the legislature it shall be subject to
23 referendum, as hereinafter provided. submission to people.

24 If the law so proposed is not enacted by the legislature
25 within the 40 days, the state officer authorized by law shall
26 submit such proposed law to the people for approval or rejection
27 at the next general election. The legislature may reject any

1 measure so proposed by initiative petition and propose a
2 different measure upon the same subject by a yea and nay vote
3 upon separate roll calls, and in such event both measures shall
4 be submitted by such state officer to the electors for approval
5 or rejection at the next general election.

6 Any law submitted to the people by either initiative or ref-
7 erendum petition and approved by a majority of the votes cast
8 thereon at any election shall take effect 10 days after the date
9 of the official declaration of the vote. No law initiated or
10 adopted by the people shall be subject to the veto power of the
11 governor, and no law adopted by the people at the polls under the
12 initiative provisions of this section shall be amended or
13 repealed, except by a vote of the electors unless otherwise pro-
14 vided in the initiative measure or by three-fourths of the mem-
15 bers elected to and serving in each house of the legislature.
16 Laws approved by the people under the referendum provision of
17 this section may be amended by the legislature at any subsequent
18 session thereof. If two or more measures approved by the elec-
19 tors at the same election conflict, that receiving the highest
20 affirmative vote shall prevail.

21 The legislature shall implement the provisions of this
22 section.

23 Resolved further, That the foregoing amendment shall be sub-
24 mitted to the people of the state at the next general election in
25 the manner provided by law.