

SENATE JOINT RESOLUTION W

September 25, 2002, Introduced by Senators JOHNSON, HAMMERSTROM, SIKKEMA, STEIL, STILLE, GARCIA, GOSCHKA, GAST, GOUGEON, MC MANUS, NORTH, MC COTTER, SANBORN, BENNETT, BULLARD, EMMONS and MILLER and referred to the Committee on Government Operations.

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 9 of article II and sections 1 and 2 of article XII, to require the cost of implementation and revenue source for that cost to appear in the petition for and on the ballot with a proposed constitutional amendment or initiative.

Resolved by the Senate and House of Representatives of the state of Michigan, That the following amendment to the state constitution of 1963, to require the cost of implementation and revenue source for that cost to appear in the petition for and on the ballot with a proposed constitutional amendment or initiative, is proposed, agreed to, and submitted to the people of the state:

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

ARTICLE II

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2 Sec. 9. The people reserve to themselves the power to pro-
3 pose laws and to enact and reject laws, called the initiative,
4 and the power to approve or reject laws enacted by the legisla-
5 ture, called the referendum. The power of initiative extends
6 only to laws which the legislature may enact under this
7 constitution. The power of referendum does not extend to acts
8 making appropriations for state institutions or to meet deficien-
9 cies in state funds and must be invoked in the manner prescribed
10 by law within 90 days following the final adjournment of the leg-
11 islative session at which the law was enacted. To invoke the
12 initiative or referendum, petitions signed by a number of regis-
13 tered electors, not less than eight percent for initiative and
14 five percent for referendum of the total vote cast for all candi-
15 dates for governor at the last preceding general election at
16 which a governor was elected shall be required.

17 AN INITIATIVE PETITION SHALL INCLUDE THE ESTIMATED COST TO
18 IMPLEMENT THE PROPOSED LAW IF IT WERE TO BE ENACTED AND SHALL
19 IDENTIFY EACH SOURCE OF REVENUE THAT WOULD BE USED TO PAY THAT
20 COST.

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

24 Any law proposed by initiative petition shall be either
25 enacted or rejected by the legislature without change or amend-
26 ment within 40 session days from the time such petition is
27 received by the legislature. If any law proposed by such

1 petition shall be enacted by the legislature it shall be subject
2 to referendum, as hereinafter provided.

3 If the law so proposed is not enacted by the legislature
4 within the 40 days, the state officer authorized by law shall
5 submit such proposed law to the people for approval or rejection
6 at the next general election. THE INFORMATION ON THE PETITION
7 ABOUT ESTIMATED COST OF IMPLEMENTATION AND REVENUE SOURCES SHALL
8 APPEAR AS PART OF THE BALLOT QUESTION ON THE PROPOSED LAW.

9 The legislature may reject any measure so proposed by ini-
10 tiative petition and propose a different measure upon the same
11 subject by a yea and nay vote upon separate roll calls, and in
12 such event both measures shall be submitted by such state officer
13 to the electors for approval or rejection at the next general
14 election. A LEGISLATIVE PROPOSAL FOR A DIFFERENT MEASURE SHALL
15 INCLUDE THE ESTIMATED COST TO IMPLEMENT THE PROPOSED LAW IF IT
16 WERE TO BE ENACTED AND SHALL IDENTIFY EACH SOURCE OF REVENUE THAT
17 WOULD BE USED TO PAY THAT COST. THIS INFORMATION SHALL APPEAR AS
18 PART OF THE BALLOT QUESTION ON THE LEGISLATIVE PROPOSAL.

19 Any law submitted to the people by either initiative or ref-
20 erendum petition and approved by a majority of the votes cast
21 thereon at any election shall take effect 10 days after the date
22 of the official declaration of the vote. No law initiated or
23 adopted by the people shall be subject to the veto power of the
24 governor, and no law adopted by the people at the polls under the
25 initiative provisions of this section shall be amended or
26 repealed, except by a vote of the electors unless otherwise
27 provided in the initiative measure or by three-fourths of the

1 members elected to and serving in each house of the legislature.
2 Laws approved by the people under the referendum provision of
3 this section may be amended by the legislature at any subsequent
4 session thereof. If two or more measures approved by the elec-
5 tors at the same election conflict, that receiving the highest
6 affirmative vote shall prevail.

7 The legislature shall implement the provisions of this
8 section.

9 ARTICLE XII

10 Sec. 1. Amendments to this constitution may be proposed in
11 the senate or house of representatives. Proposed amendments
12 agreed to by two-thirds of the members elected to and serving in
13 each house on a vote with the names and vote of those voting
14 entered in the respective journals shall be submitted, not less
15 than 60 days thereafter, to the electors at the next general
16 election or special election as the legislature shall direct. If
17 a majority of electors voting on a proposed amendment approve the
18 same, it shall become part of the constitution and shall abrogate
19 or amend existing provisions of the constitution at the end of
20 45 days after the date of the election at which it was approved.

21 IN THE JOINT RESOLUTION PROPOSING AN AMENDMENT TO THIS CON-
22 STITUTION, THE LEGISLATURE SHALL INCLUDE THE ESTIMATED COST TO
23 IMPLEMENT THE PROPOSED AMENDMENT IF IT WERE TO BECOME PART OF
24 THIS CONSTITUTION AND SHALL IDENTIFY EACH SOURCE OF REVENUE THAT
25 WOULD BE USED TO PAY THAT COST. THIS INFORMATION SHALL APPEAR AS
26 PART OF THE BALLOT QUESTION ON THE CONSTITUTIONAL AMENDMENT.

1 Sec. 2. Amendments may be proposed to this constitution by
2 petition of the registered electors of this state. Every
3 petition shall include the full text of the proposed amendment,
4 and SHALL INCLUDE THE ESTIMATED COST TO IMPLEMENT THE PROPOSED
5 AMENDMENT IF IT WERE TO BECOME PART OF THIS CONSTITUTION AND
6 IDENTIFY EACH SOURCE OF REVENUE THAT WOULD BE USED TO PAY THAT
7 COST. EVERY PETITION SHALL be signed by registered electors of
8 the state equal in number to at least 10 percent of the total
9 vote cast for all candidates for governor at the last preceding
10 general election at which a governor was elected. Such petitions
11 shall be filed with the person authorized by law to receive the
12 same at least 120 days before the election at which the proposed
13 amendment is to be voted upon. Any such petition shall be in the
14 form, and shall be signed and circulated in such manner, as pre-
15 scribed by law. The person authorized by law to receive such
16 petition shall upon its receipt determine, as provided by law,
17 the validity and sufficiency of the signatures on the petition,
18 and make an official announcement thereof at least 60 days prior
19 to the election at which the proposed amendment is to be voted
20 upon.

21 Any amendment proposed by such petition shall be submitted,
22 not less than 120 days after it was filed, to the electors at the
23 next general election. THE INFORMATION ON THE PETITION ABOUT
24 ESTIMATED COST OF IMPLEMENTATION AND REVENUE SOURCES SHALL APPEAR
25 AS PART OF THE BALLOT QUESTION ON THE CONSTITUTIONAL AMENDMENT.
26 Such proposed amendment, existing provisions of the constitution
27 which would be altered or abrogated thereby, and the question as

1 it shall appear on the ballot shall be published in full as
2 provided by law. Copies of such publication shall be posted in
3 each polling place and furnished to news media as provided by
4 law.

5 The ballot to be used in such election shall contain a
6 statement of the purpose of the proposed amendment, expressed in
7 not more than 100 words, exclusive of caption. Such statement of
8 purpose and caption shall be prepared by the person authorized by
9 law, and shall consist of a true and impartial statement of the
10 purpose of the amendment in such language as shall create no
11 prejudice for or against the proposed amendment.

12 If the proposed amendment is approved by a majority of the
13 electors voting on the question, it shall become part of the con-
14 stitution, and shall abrogate or amend existing provisions of the
15 constitution at the end of 45 days after the date of the election
16 at which it was approved. If two or more amendments approved by
17 the electors at the same election conflict, that amendment
18 receiving the highest affirmative vote shall prevail.

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