

HOUSE JOINT RESOLUTION DD

November 4, 2004, Introduced by Reps. Woronchak, Pumford and Pappageorge 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, 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

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
7 initiative and five percent for referendum of the total vote cast
8 for all candidates for governor at the last preceding general
9 election at which a governor was elected shall be required. **As**
10 **used in this section, "acts making appropriations for state**
11 **institutions" means a general appropriation act that**
12 **substantially funds one or more state departments. "Meet**
13 **deficiencies in state funds" means a general or supplemental**
14 **appropriations act that reduces expenditures in one or more state**
15 **departments.**

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

20 Any law proposed by initiative petition shall be either
21 enacted or rejected by the legislature without change or
22 amendment within 40 session days from the time such petition is
23 received by the legislature. If any law proposed by such
24 petition shall be enacted by the legislature it shall be subject
25 to referendum, as hereinafter provided.

26 If the law so proposed is not enacted by the legislature
27 within the 40 days, the state officer authorized by law shall

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

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15 repealed, except by a vote of the electors unless otherwise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

23 The legislature shall implement the provisions of this
24 section.

25 Resolved further, That the foregoing amendment shall be
26 submitted to the people of the state at the next general election
27 in the manner provided by law.