

# SENATE JOINT RESOLUTION I

October 10, 2007, Introduced by Senators McMANUS, BROWN and PAPPAGEORGE and referred to the Committee on Campaign and Election Oversight.

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 11 of article I, sections 1 and 6 of article II, sections 2 and 3 of article IV, section 2 of article VIII, and section 6 of article IX and by repealing section 10 of article II, sections 4, 5, and 6 of article IV, and section 7 of article VII, to repeal constitutional provisions that have been declared unconstitutional.

Resolved by the Senate and House of Representatives of the state of Michigan, That the following amendment to the state constitution of 1963, to repeal constitutional provisions that have been declared unconstitutional, is proposed, agreed to, and

submitted to the people of the state:

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## ARTICLE I

2

Sec. 11. The person, houses, papers and possessions of every person shall be secure from unreasonable searches and seizures. No warrant to search any place or to seize any person or things shall issue without describing them, nor without probable cause,

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supported by oath or affirmation. ~~The provisions of this section~~

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~~shall not be construed to bar from evidence in any criminal~~

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~~proceeding any narcotic drug, firearm, bomb, explosive or any other~~

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~~dangerous weapon, seized by a peace officer outside the curtilage~~

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~~of any dwelling house in this state.~~

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## ARTICLE II

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Sec. 1. Every citizen of the United States who has attained the age of ~~21~~18 years, who has resided in this state six months,

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and who meets the requirements of local residence provided by law,

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shall be an elector and qualified to vote in any election except as

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otherwise provided in this constitution. The legislature shall

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define residence for voting purposes.

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Sec. 6. Whenever any question is required to be submitted by a

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political subdivision to the electors for the increase of the ad

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valorem tax rate limitation imposed by Section 6 of Article IX for

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a period of more than five years, or for the issue of bonds, ~~only~~

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~~electors in , and who have property assessed for any ad valorem~~

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~~taxes in, any part of the district or territory to be affected by~~

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~~the result of such election or electors who are the lawful husbands~~

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~~or wives of such persons shall be entitled to vote thereon. All~~

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~~electors in the district or territory affected may vote on all~~

1 ~~other questions.~~

2 ~~—— Sec. 10. No person shall be elected to office as~~  
3 ~~representative in the United States House of Representatives more~~  
4 ~~than three times during any twelve year period. No person shall be~~  
5 ~~elected to office as senator in the United States Senate more than~~  
6 ~~two times during any twenty four year period. Any person appointed~~  
7 ~~or elected to fill a vacancy in the United States House of~~  
8 ~~Representatives or the United States Senate for a period greater~~  
9 ~~than one half of a term of such office, shall be considered to have~~  
10 ~~been elected to serve one time in that office for purposes of this~~  
11 ~~section. This limitation on the number of times a person shall be~~  
12 ~~elected to office shall apply to terms of office beginning on or~~  
13 ~~after January 1, 1993.~~

14 ~~—— The people of Michigan hereby state their support for the~~  
15 ~~aforementioned term limits for members of the United States House~~  
16 ~~of Representatives and United States Senate and instruct their~~  
17 ~~public officials to use their best efforts to attain such a limit~~  
18 ~~nationwide.~~

19 ~~—— The people of Michigan declare that the provisions of this~~  
20 ~~section shall be deemed severable from the remainder of this~~  
21 ~~amendment and that their intention is that federal officials~~  
22 ~~elected from Michigan will continue voluntarily to observe the~~  
23 ~~wishes of the people as stated in this section, in the event any~~  
24 ~~provision of this section is held invalid.~~

25 ~~—— This section shall be self executing. Legislation may be~~  
26 ~~enacted to facilitate operation of this section, but no law shall~~  
27 ~~limit or restrict the application of this section. If any part of~~

1 ~~this section is held to be invalid or unconstitutional, the~~  
2 ~~remaining parts of this section shall not be affected but will~~  
3 ~~remain in full force and effect.~~

4 ARTICLE IV

5 Sec. 2. The senate shall consist of 38 members to be elected  
6 from single member districts at the same election as the governor  
7 for four-year terms concurrent with the term of office of the  
8 governor.

9 In districting the state for the purpose of electing senators  
10 after the official publication of the total population count of  
11 each federal decennial census, each county shall ~~be assigned~~  
12 ~~apportionment factors equal to the sum of its percentage of the~~  
13 ~~state's population as shown by the last regular federal decennial~~  
14 ~~census computed to the nearest one one hundredth of one percent~~  
15 ~~multiplied by four and its percentage of the state's land area~~  
16 ~~computed to the nearest one one hundredth of one percent.~~

17 ~~— In arranging the state into senatorial districts, the~~  
18 ~~apportionment commission shall be governed by the following rules:~~

19 ~~— (1) Counties with 13 or more apportionment factors shall be~~  
20 ~~entitled as a class to senators in the proportion that the total~~  
21 ~~apportionment factors of such counties bear to the total~~  
22 ~~apportionment factors of the state computed to the nearest whole~~  
23 ~~number. After each such county has been allocated one senator, the~~  
24 ~~remaining senators to which this class of counties is entitled~~  
25 ~~shall be distributed among such counties by the method of equal~~  
26 ~~proportions applied to the apportionment factors.~~

27 ~~— (2) Counties having less than 13 apportionment factors shall~~

1 ~~be entitled as a class to senators in the proportion that the total~~  
 2 ~~apportionment factors of such counties bear to the total~~  
 3 ~~apportionment factors of the state computed to the nearest whole~~  
 4 ~~number. Such counties shall thereafter be arranged into senatorial~~  
 5 ~~districts that are compact, convenient, and contiguous by land, AND~~  
 6 ~~as rectangular in shape as possible. , and having as nearly as~~  
 7 ~~possible 13 apportionment factors, but in no event less than 10 or~~  
 8 ~~more than 16. Insofar as possible, existing senatorial districts at~~  
 9 ~~the time of reapportionment shall not be altered unless there is a~~  
 10 ~~failure to comply with the above standards.~~

11 ~~—— (3) Counties entitled to two or more senators shall be divided~~  
 12 ~~into single member districts. The population of such districts~~  
 13 ~~shall be as nearly equal as possible. but shall not be less than 75~~  
 14 ~~percent nor more than 125 percent of a number determined by~~  
 15 ~~dividing the population of the county by the number of senators to~~  
 16 ~~which it is entitled. Each such district shall follow incorporated~~  
 17 ~~city or township boundary lines to the extent possible and shall be~~  
 18 ~~compact, contiguous, and as nearly uniform in shape as possible.~~  
 19 **ISLAND AREAS ARE CONSIDERED TO BE CONTIGUOUS BY LAND TO THE COUNTY**  
 20 **OF WHICH THEY ARE A PART.**

21       Sec. 3. The house of representatives shall consist of 110  
 22 members elected for two-year terms from single member districts  
 23 apportioned on a basis of population as provided in this article.  
 24 The districts shall consist of compact and convenient territory  
 25 contiguous by land. **ISLAND AREAS ARE CONSIDERED TO BE CONTIGUOUS BY**  
 26 **LAND TO THE COUNTY OF WHICH THEY ARE A PART.**

27 ~~—— Each county which has a population of not less than seven~~

1 ~~tenths of one percent of the population of the state shall~~  
2 ~~constitute a separate representative area. Each county having less~~  
3 ~~than seven tenths of one percent of the population of the state~~  
4 ~~shall be combined with another county or counties to form a~~  
5 ~~representative area of not less than seven tenths of one percent of~~  
6 ~~the population of the state. Any county which is isolated under the~~  
7 ~~initial allocation as provided in this section shall be joined with~~  
8 ~~that contiguous representative area having the smallest percentage~~  
9 ~~of the state's population. Each such representative area shall be~~  
10 ~~entitled initially to one representative.~~

11 ~~After the assignment of one representative to each of the~~  
12 ~~representative areas, the remaining house seats shall be~~  
13 ~~apportioned among the representative areas on the basis of~~  
14 ~~population by the method of equal proportions.~~

15 ~~Any county comprising a representative area entitled to two or~~  
16 ~~more representatives shall be divided into single member~~  
17 ~~representative districts as follows:~~

18 ~~(1) The population of such districts shall be as nearly equal~~  
19 ~~as possible but shall not be less than 75 percent nor more than 125~~  
20 ~~percent of a number determined by dividing the population of the~~  
21 ~~representative area by the number of representatives to which it is~~  
22 ~~entitled.~~

23 ~~(2) Such single member districts shall follow city and~~  
24 ~~township boundaries where applicable and shall be composed of~~  
25 ~~compact and contiguous territory as nearly square in shape as~~  
26 ~~possible.~~

27 Any representative area consisting of more than one county,

1 entitled to more than one representative, shall be divided into  
2 single member districts as equal as possible in population,  
3 adhering to county lines.

4 ~~—— Sec. 4. In counties having more than one representative or~~  
5 ~~senatorial district, the territory in the same county annexed to or~~  
6 ~~merged with a city between apportionments shall become a part of a~~  
7 ~~contiguous representative or senatorial district in the city with~~  
8 ~~which it is combined, if provided by ordinance of the city. The~~  
9 ~~district or districts with which the territory shall be combined~~  
10 ~~shall be determined by such ordinance certified to the secretary of~~  
11 ~~state. No such change in the boundaries of a representative or~~  
12 ~~senatorial district shall have the effect of removing a legislator~~  
13 ~~from office during his term.~~

14 ~~—— Sec. 5. Island areas are considered to be contiguous by land~~  
15 ~~to the county of which they are a part.~~

16 ~~—— Sec. 6. A commission on legislative apportionment is hereby~~  
17 ~~established consisting of eight electors, four of whom shall be~~  
18 ~~selected by the state organizations of each of the two political~~  
19 ~~parties whose candidates for governor received the highest vote at~~  
20 ~~the last general election at which a governor was elected preceding~~  
21 ~~each apportionment. If a candidate for governor of a third~~  
22 ~~political party has received at such election more than 25 percent~~  
23 ~~of such gubernatorial vote, the commission shall consist of 12~~  
24 ~~members, four of whom shall be selected by the state organization~~  
25 ~~of the third political party. One resident of each of the following~~  
26 ~~four regions shall be selected by each political party~~  
27 ~~organization: (1) the upper peninsula; (2) the northern part of the~~

1 ~~lower peninsula, north of a line drawn along the northern~~  
2 ~~boundaries of the counties of Bay, Midland, Isabella, Mecosta,~~  
3 ~~Newaygo and Oceana; (3) southwestern Michigan, those counties south~~  
4 ~~of region (2) and west of a line drawn along the western boundaries~~  
5 ~~of the counties of Bay, Saginaw, Shiawassee, Ingham, Jackson and~~  
6 ~~Hillsdale; (4) southeastern Michigan, the remaining counties of the~~  
7 ~~state.~~

8 ~~—— No officers or employees of the federal, state or local~~  
9 ~~governments, excepting notaries public and members of the armed~~  
10 ~~forces reserve, shall be eligible for membership on the commission.~~  
11 ~~Members of the commission shall not be eligible for election to the~~  
12 ~~legislature until two years after the apportionment in which they~~  
13 ~~participated becomes effective.~~

14 ~~—— The commission shall be appointed immediately after the~~  
15 ~~adoption of this constitution and whenever apportionment or~~  
16 ~~districting of the legislature is required by the provisions of~~  
17 ~~this constitution. Members of the commission shall hold office~~  
18 ~~until each apportionment or districting plan becomes effective.~~  
19 ~~Vacancies shall be filled in the same manner as for original~~  
20 ~~appointment.~~

21 ~~—— The secretary of state shall be secretary of the commission~~  
22 ~~without vote, and in that capacity shall furnish, under the~~  
23 ~~direction of the commission, all necessary technical services. The~~  
24 ~~commission shall elect its own chairman, shall make its own rules~~  
25 ~~of procedure, and shall receive compensation provided by law. The~~  
26 ~~legislature shall appropriate funds to enable the commission to~~  
27 ~~carry out its activities.~~

~~1 Within 30 days after the adoption of this constitution, and  
2 after the official total population count of each federal decennial  
3 census of the state and its political subdivisions is available,  
4 the secretary of state shall issue a call convening the commission  
5 not less than 30 nor more than 45 days thereafter. The commission  
6 shall complete its work within 180 days after all necessary census  
7 information is available. The commission shall proceed to district  
8 and apportion the senate and house of representatives according to  
9 the provisions of this constitution. All final decisions shall  
10 require the concurrence of a majority of the members of the  
11 commission. The commission shall hold public hearings as may be  
12 provided by law.~~

~~13 Each final apportionment and districting plan shall be  
14 published as provided by law within 30 days from the date of its  
15 adoption and shall become law 60 days after publication. The  
16 secretary of state shall keep a public record of all the  
17 proceedings of the commission and shall be responsible for the  
18 publication and distribution of each plan.~~

~~19 If a majority of the commission cannot agree on a plan, each  
20 member of the commission, individually or jointly with other  
21 members, may submit a proposed plan to the supreme court. The  
22 supreme court shall determine which plan complies most accurately  
23 with the constitutional requirements and shall direct that it be  
24 adopted by the commission and published as provided in this  
25 section.~~

~~26 Upon the application of any elector filed not later than 60  
27 days after final publication of the plan, the supreme court, in the~~

1 ~~exercise of original jurisdiction, shall direct the secretary of~~  
2 ~~state or the commission to perform their duties, may review any~~  
3 ~~final plan adopted by the commission, and shall remand such plan to~~  
4 ~~the commission for further action if it fails to comply with the~~  
5 ~~requirements of this constitution.~~

6 ARTICLE VII

7 ~~Sec. 7. A board of supervisors shall be established in each~~  
8 ~~organized county consisting of one member from each organized~~  
9 ~~township and such representation from cities as provided by law.~~

10 ARTICLE VIII

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

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

1 from any school.

2 ARTICLE IX

3 Section 6. Except as otherwise provided in this constitution,  
4 the total amount of general ad valorem taxes imposed upon real and  
5 tangible personal property for all purposes in any one year shall  
6 not exceed 15 mills on each dollar of the assessed valuation of  
7 property as finally equalized. Under procedures provided by law,  
8 which shall guarantee the right of initiative, separate tax  
9 limitations for any county and for the townships and for school  
10 districts therein, the aggregate of which shall not exceed 18 mills  
11 on each dollar of such valuation, may be adopted and thereafter  
12 altered by the vote of a majority of the qualified electors of such  
13 county voting thereon, in lieu of the limitation hereinbefore  
14 established. These limitations may be increased to an aggregate of  
15 not to exceed 50 mills on each dollar of valuation, for a period of  
16 not to exceed 20 years at any one time, if approved by a majority  
17 of the electors ~~, qualified under Section 6 of Article II of this~~  
18 ~~constitution,~~ voting on the question.

19 The foregoing limitations shall not apply to taxes imposed for  
20 the payment of principal and interest on bonds approved by the  
21 electors or other evidences of indebtedness approved by the  
22 electors or for the payment of assessments or contract obligations  
23 in anticipation of which bonds are issued approved by the electors,  
24 which taxes may be imposed without limitation as to rate or amount;  
25 or, subject to the provisions of Section 25 through 34 of this  
26 article, to taxes imposed for any other purpose by any city,  
27 village, charter county, charter township, charter authority, or

1 other authority, the tax limitations of which are provided by  
2 charter or by general law.

3 In any school district which extends into two or more  
4 counties, property taxes at the highest rate available in the  
5 county which contains the greatest part of the area of the district  
6 may be imposed and collected for school purposes throughout the  
7 district.

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