

SENATE JOINT RESOLUTION S

June 5, 2018, Introduced by Senators ANANICH, BIEDA, GREGORY, CONYERS, HOPGOOD, WARREN, HERTEL and KNEZEK and referred to the Committee on Elections and Government Reform.

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 and to limit the amendment or repeal of laws proposed by initiative petition and enacted by the legislature.

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 and to limit the amendment or repeal of laws proposed by initiative petition and enacted by the legislature, 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

1 laws and to enact and reject laws, called the initiative, and the
2 power to approve or reject laws enacted by the legislature, called
3 the referendum. The power of initiative extends only to laws which
4 the legislature may enact under this constitution. **EXCEPT AS**
5 **OTHERWISE PROVIDED IN THIS SECTION, THE POWER OF REFERENDUM EXTENDS**
6 **TO ANY ACT.** The power of referendum does not extend to **GENERAL**
7 **APPROPRIATION** acts ~~making appropriations for state institutions or~~
8 ~~to meet deficiencies in state funds and must~~ **THAT PRIMARILY FUND**
9 **THE CORE FUNCTIONS OF ONE OR MORE STATE DEPARTMENTS, OR TO**
10 **APPROPRIATION ACTS THAT PRIMARILY REDUCE EXPENDITURES IN ONE OR**
11 **MORE STATE DEPARTMENTS. THE POWER OF REFERENDUM MUST** be invoked in
12 the manner prescribed by law within 90 days following the final
13 adjournment of the legislative session at which the law was
14 enacted. To invoke the initiative or referendum, petitions signed
15 by a number of registered electors, not less than eight percent for
16 initiative and five percent for referendum of the total vote cast
17 for all candidates for governor at the last preceding general
18 election at which a governor was elected shall be required.

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

22 Any law proposed by initiative petition shall be either
23 enacted or rejected by the legislature without change or amendment
24 within 40 session days from the time such petition is received by
25 the legislature. If any law proposed by such petition shall be
26 enacted by the legislature it shall be subject to referendum, as
27 hereinafter provided, **AND SHALL NOT BE AMENDED OR REPEALED BY THE**

1 LEGISLATURE AT THE SAME SESSION IN WHICH THE LAW WAS ENACTED. LAWS
2 PROPOSED BY INITIATIVE PETITION AND ENACTED BY THE LEGISLATURE MAY
3 ONLY BE AMENDED OR REPEALED BY THE CONCURRENCE OF THREE-FOURTHS OF
4 THE MEMBERS ELECTED TO AND SERVING IN EACH HOUSE OF THE LEGISLATURE
5 AT A SUBSEQUENT SESSION.

6 If the law so proposed is not enacted by the legislature
7 within the 40 days, the state officer authorized by law shall
8 submit such proposed law to the people for approval or rejection at
9 the next general election. The legislature may reject any measure
10 so proposed by initiative petition and propose a different measure
11 upon the same subject by a yea and nay vote upon separate roll
12 calls, and in such event both measures shall be submitted by such
13 state officer to the electors for approval or rejection at the next
14 general election.

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

1 that receiving the highest affirmative vote shall prevail.

2 The legislature shall implement the provisions of this
3 section.

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